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UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
ONE HUNDRED ELEVENTH CONGRESS
OF THE UNITED STATES OF AMERICA

2009

AND

PROCLAMATIONS

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IN THREE PARTS

PART 1

PUBLIC LAWS 111–1 THROUGH 111–11

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PUBLIC LAWS

ENACTED DURING

FIRST SESSION OF THE ONE HUNDRED ELEVENTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 6, 2009, adjourned sine die on Thursday, December 24, 2009. Until noon Tuesday, January 20, 2009, GEORGE W. BUSH, *President;* RICHARD CHENEY, *Vice President;* NANCY PELOSI, *Speaker of the House of Representatives; from Tuesday, January 20, 2009,* BARACK H. OBAMA, *President;* JOSEPH R. BIDEN, JR., *Vice President;* NANCY PELOSI, *Speaker of the House of Representatives.*

Public Law 111–1
111th Congress

Joint Resolution

Ensuring that the compensation and other emoluments attached to the office of Secretary of the Interior are those which were in effect on January 1, 2005.

Jan. 16, 2009
[S.J. Res. 3]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

5 USC 5312 note.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) THREE JUDGE PANEL.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) APPEAL.—

(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal

Deadline.

shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(c) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

Approved January 16, 2009.

LEGISLATIVE HISTORY—S.J. Res. 3:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Jan. 6, considered and passed Senate.
Jan. 7, considered and passed House.

Public Law 111–2
111th Congress

An Act

To amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

Jan. 29, 2009
[S. 181]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Lilly Ledbetter Fair Pay Act of 2009.
42 USC 2000a note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lilly Ledbetter Fair Pay Act of 2009".

42 USC 2000e–5 note.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Supreme Court in Ledbetter v. Goodyear Tire & Rubber Co., 550 U.S. 618 (2007), significantly impairs statutory protections against discrimination in compensation that Congress established and that have been bedrock principles of American law for decades. The Ledbetter decision undermines those statutory protections by unduly restricting the time period in which victims of discrimination can challenge and recover for discriminatory compensation decisions or other practices, contrary to the intent of Congress.

(2) The limitation imposed by the Court on the filing of discriminatory compensation claims ignores the reality of wage discrimination and is at odds with the robust application of the civil rights laws that Congress intended.

(3) With regard to any charge of discrimination under any law, nothing in this Act is intended to preclude or limit an aggrieved person's right to introduce evidence of an unlawful employment practice that has occurred outside the time for filing a charge of discrimination.

(4) Nothing in this Act is intended to change current law treatment of when pension distributions are considered paid.

SEC. 3. DISCRIMINATION IN COMPENSATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN.

Section 706(e) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5(e)) is amended by adding at the end the following:

"(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or

when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

"(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment practices with regard to discrimination in compensation that occurred outside the time for filing a charge.".

SEC. 4. DISCRIMINATION IN COMPENSATION BECAUSE OF AGE.

Section 7(d) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 626(d)) is amended—

(1) in the first sentence—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(B) by striking "(d)" and inserting "(d)(1)";

(2) in the third sentence, by striking "Upon" and inserting the following:

"(2) Upon"; and

(3) by adding at the end the following:

"(3) For purposes of this section, an unlawful practice occurs, with respect to discrimination in compensation in violation of this Act, when a discriminatory compensation decision or other practice is adopted, when a person becomes subject to a discriminatory compensation decision or other practice, or when a person is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.".

SEC. 5. APPLICATION TO OTHER LAWS.

42 USC 2000e–5 note.

(a) AMERICANS WITH DISABILITIES ACT OF 1990.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under title I and section 503 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq., 12203), pursuant to section 107(a) of such Act (42 U.S.C. 12117(a)), which adopts the powers, remedies, and procedures set forth in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–5).

42 USC 2000e–5 note.

(b) REHABILITATION ACT OF 1973.—The amendments made by section 3 shall apply to claims of discrimination in compensation brought under sections 501 and 504 of the Rehabilitation Act of 1973 (29 U.S.C. 791, 794), pursuant to—

(1) sections 501(g) and 504(d) of such Act (29 U.S.C. 791(g), 794(d)), respectively, which adopt the standards applied under title I of the Americans with Disabilities Act of 1990 for determining whether a violation has occurred in a complaint alleging employment discrimination; and

(2) paragraphs (1) and (2) of section 505(a) of such Act (29 U.S.C. 794a(a)) (as amended by subsection (c)).

(c) CONFORMING AMENDMENTS.—

(1) REHABILITATION ACT OF 1973.—Section 505(a) of the Rehabilitation Act of 1973 (29 U.S.C. 794a(a)) is amended—

(A) in paragraph (1), by inserting after "(42 U.S.C. 2000e–5 (f) through (k))" the following: "(and the application of section 706(e)(3) (42 U.S.C. 2000e–5(e)(3)) to claims of discrimination in compensation)"; and

(B) in paragraph (2), by inserting after "1964" the following: "(42 U.S.C. 2000d et seq.) (and in subsection (e)(3) of section 706 of such Act (42 U.S.C. 2000e–5), applied to claims of discrimination in compensation)".

(2) CIVIL RIGHTS ACT OF 1964.—Section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) is amended by adding at the end the following:

"(f) Section 706(e)(3) shall apply to complaints of discrimination in compensation under this section.".

(3) AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967.—Section 15(f) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 633a(f)) is amended by striking "of section" and inserting "of sections 7(d)(3) and".

SEC. 6. EFFECTIVE DATE.

42 USC 2000e–5 note.

This Act, and the amendments made by this Act, take effect as if enacted on May 28, 2007 and apply to all claims of discrimination in compensation under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), title I and section 503 of the Americans with Disabilities Act of 1990, and sections 501 and 504 of the Rehabilitation Act of 1973, that are pending on or after that date.

Approved January 29, 2009.

LEGISLATIVE HISTORY—S. 181 (H.R. 11):

CONGRESSIONAL RECORD, Vol. 155 (2009):
Jan. 15, 21, 22, considered and passed Senate.
Jan. 27, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Jan. 29, Presidential remarks.

Public Law 111–3
111th Congress

An Act

Feb. 4, 2009
[H.R. 2]

To amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Children's Health Insurance Program Reauthorization Act of 2009.
42 USC 1305 note.

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program Reauthorization Act of 2009".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

42 USC 1396 note.

(c) REFERENCES TO CHIP; MEDICAID; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.
Sec. 2. Purpose.
Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

TITLE I—FINANCING

Subtitle A—Funding

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for States and territories for fiscal years 2009 through 2013.
Sec. 103. Child Enrollment Contingency Fund.
Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
Sec. 105. Two-year initial availability of CHIP allotments.
Sec. 106. Redistribution of unused allotments.
Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.
Sec. 108. One-time appropriation.
Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.

Sec. 112. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 114. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 115. State authority under Medicaid.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 212. Reducing administrative barriers to enrollment.
Sec. 213. Model of Interstate coordinated enrollment and coverage process.
Sec. 214. Permitting States to ensure coverage without a 5-year delay of certain children and pregnant women under the Medicaid program and CHIP.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 301. Additional State option for providing premium assistance.
Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
Sec. 403. Application of certain managed care quality safeguards to CHIP.

TITLE V—IMPROVING ACCESS TO BENEFITS

Sec. 501. Dental benefits.
Sec. 502. Mental health parity in CHIP plans.
Sec. 503. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
Sec. 504. Premium grace period.
Sec. 505. Clarification of coverage of services provided through school-based health centers.
Sec. 506. Medicaid and CHIP Payment and Access Commission.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

Sec. 601. Payment error rate measurement ("PERM").
Sec. 602. Improving data collection.
Sec. 603. Updated Federal evaluation of CHIP.
Sec. 604. Access to records for IG and GAO audits and evaluations.
Sec. 605. No Federal funding for illegal aliens; disallowance for unauthorized expenditures.

Subtitle B—Miscellaneous Health Provisions

Sec. 611. Deficit Reduction Act technical corrections.
Sec. 612. References to title XXI.
Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.
Sec. 614. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.

Sec. 615. Clarification treatment of regional medical center.
Sec. 616. Extension of Medicaid DSH allotments for Tennessee and Hawaii.
Sec. 617. GAO report on Medicaid managed care payment rates.

Subtitle C—Other Provisions

Sec. 621. Outreach regarding health insurance options available to children.
Sec. 622. Sense of the Senate regarding access to affordable and meaningful health insurance coverage.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Treasury study concerning magnitude of tobacco smuggling in the United States.
Sec. 704. Time for payment of corporate estimated taxes.

42 USC 1396 note.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

42 USC 1396 note.

SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) through (d), this Act (and the amendments made by this Act) shall take effect on April 1, 2009, and shall apply to child health assistance and medical assistance provided on or after that date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) COORDINATION OF CHIP FUNDING FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11), 2104(k), or 2104(l) of the Social Security Act, as amended by section 201 of Public Law 110–173, to provide allotments to States under CHIP for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before April 1, 2009 are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

TITLE I—FINANCING

Subtitle A—Funding

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by amending paragraph (11), by striking "each of fiscal years 2008 and 2009" and inserting "fiscal year 2008"; and

(3) by adding at the end the following new paragraphs:

"(12) for fiscal year 2009, $10,562,000,000;

"(13) for fiscal year 2010, $12,520,000,000;

"(14) for fiscal year 2011, $13,459,000,000;

"(15) for fiscal year 2012, $14,982,000,000; and

"(16) for fiscal year 2013, for purposes of making 2 semi-annual allotments—

"(A) $2,850,000,000 for the period beginning on October 1, 2012, and ending on March 31, 2013, and

"(B) $2,850,000,000 for the period beginning on April 1, 2013, and ending on September 30, 2013.".

SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2009 THROUGH 2013.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking "subsection (d)" and inserting "subsections (d) and (m)";

(2) in subsection (c)(1), by striking "subsection (d)" and inserting "subsections (d) and (m)(4)"; and

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

"(m) ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2013.—

"(1) FOR FISCAL YEAR 2009.—

"(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2009 from the amount made available under subsection (a)(12), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

"(i) The total Federal payments to the State under this title for fiscal year 2008, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009.

"(ii) The amount allotted to the State for fiscal year 2008 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009.

Certification. Deadline.

"(iii) The projected total Federal payments to the State under this title for fiscal year 2009, as determined on the basis of the February 2009 projections certified by the State to the Secretary by not later than March 31, 2009.

Applicability.

"(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2009 from the amount made available under subsection (a)(12) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1999 through 2008, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009, except that subparagraph (B) thereof shall be applied by substituting 'the United States' for 'the State'.

"(C) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit a revised projection described in subparagraph (A)(iii) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

"(2) FOR FISCAL YEARS 2010 THROUGH 2012.—

"(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (13) through (15) of subsection (a) for each of fiscal years 2010 through 2012, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

"(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2010.—For fiscal year 2010, the allotment of the State is equal to the sum of—

"(I) the amount of the State allotment under paragraph (1) for fiscal year 2009; and

"(II) the amount of any payments made to the State under subsection (k), (l), or (n) for fiscal year 2009,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

"(ii) REBASING IN FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2010 (including payments made to the State under subsection (n) for fiscal year 2010 as well as amounts redistributed to the State in fiscal year 2010), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

"(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2012.—For fiscal year 2012, the allotment of the State is equal to the sum of—

"(I) the amount of the State allotment under clause (ii) for fiscal year 2011; and

"(II) the amount of any payments made to the State under subsection (n) for fiscal year 2011, multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

"(3) FOR FISCAL YEAR 2013.—

"(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (16) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

"(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (16) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

"(i) the amount of the allotment to such State under subparagraph (A); to

"(ii) the total of the amount of all of the allotments made available under such subparagraph.

"(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2012 (including payments made to the State under subsection (n) for fiscal year 2012 as well as amounts redistributed to the State in fiscal year 2012), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2013.

"(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

"(i) the sum of—

"(I) the amount made available under subsection (a)(16)(A); and

"(II) the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2009; to

"(ii) the sum of the—

"(I) amount described in clause (i); and

"(II) the amount made available under subsection (a)(16)(B).

"(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2013, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

"(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

"(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

"(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

"(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

"(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2010 and ending with fiscal year 2013); and

"(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

Certification.
Deadline.

"(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

"(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year,

subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2010 or fiscal year 2012.

"(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2013.—Each semi-annual allotment made under

paragraph (3) for a period in fiscal year 2013 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.".

SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

"(n) CHILD ENROLLMENT CONTINGENCY FUND.—

"(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'Child Enrollment Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

"(2) DEPOSITS INTO FUND.—

"(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

"(i) for fiscal year 2009, an amount equal to 20 percent of the amount made available under paragraph (12) of subsection (a) for the fiscal year; and

"(ii) for each of fiscal years 2010 through 2012 (and for each of the semi-annual allotment periods for fiscal year 2013), such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

"(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2010 through 2012 (and for each of the semi-annual allotment periods for fiscal year 2013), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

"(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

"(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

"(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

"(A) IN GENERAL.—If a State's expenditures under this title in fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, or a semi-annual allotment period for fiscal year 2013, exceed the total amount of allotments available under this section to the State in the fiscal year or period (determined without regard to any redistribution

it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

"(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

"(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

"(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

"(i) for fiscal year 2009 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2008 increased by the population growth for children in that State for the year ending on June 30, 2007 (as estimated by the Bureau of the Census) plus 1 percentage point; or

"(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (m)(5)(B) for the State for the prior fiscal year.

"(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

"(i) for fiscal year 2009 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2008, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2009; or

"(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National

Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

"(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

"(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section. Applicability.

"(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

"(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth's or territory's eligibility for, and amount of payment, under this paragraph.".

SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

"(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

"(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2013), the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year. Deadline.

"(B) AMOUNT FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

"(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first

tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year, multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

"(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year, multiplied by 62.5 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

"(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

"(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State plan under title XIX, respectively; exceeds

"(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under title XIX, respectively;

but not to exceed 10 percent of the baseline number of enrollees described in subclause (II).

"(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

"(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under title XIX as described in clause (i)(I); exceeds

"(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

"(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under title XIX—

"(I) for fiscal year 2009 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX during fiscal year 2007 increased by the population growth for children in that State from 2007 to 2008 (as estimated by the Bureau of the Census) plus 4 percentage points, and further increased

by the population growth for children in that State from 2008 to 2009 (as estimated by the Bureau of the Census) plus 4 percentage points;

"(II) for each of fiscal years 2010, 2011, and 2012, is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the respective fiscal year begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 3.5 percentage points;

"(III) for each of fiscal years 2013, 2014, and 2015, is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the respective fiscal year begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 3 percentage points; and

"(IV) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the fiscal year involved begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 2 percentage points.

"(D) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (B), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

"(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

"(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated $3,225,000,000 for fiscal year 2009 for making payments under this paragraph, to be available until expended.

"(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts shall also

be available, without fiscal year limitation, for making payments under this paragraph:

"(I) UNOBLIGATED NATIONAL ALLOTMENT.—

"(aa) FISCAL YEARS 2009 THROUGH 2012.—As of December 31 of fiscal year 2009, and as of December 31 of each succeeding fiscal year through fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

"(bb) FIRST HALF OF FISCAL YEAR 2013.—As of December 31 of fiscal year 2013, the portion, if any, of the sum of the amounts appropriated under subsection (a)(16)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2009 for the period beginning on October 1, 2012, and ending on March 31, 2013, that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(cc) SECOND HALF OF FISCAL YEAR 2013.—As of June 30 of fiscal year 2013, the portion, if any, of the amount appropriated under subsection (a)(16)(B) for the period beginning on April 1, 2013, and ending on September 30, 2013, that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

"(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2010 through 2013, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006, 2007, and 2008 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

"(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2010 through 2013, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(n).

"(IV) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—As of October 1, 2011, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2011.

"(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for

a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

"(F) QUALIFYING CHILDREN DEFINED.—

"(i) IN GENERAL.—For purposes of this subsection, subject to clauses (ii) and (iii), the term 'qualifying children' means children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2008, for enrollment under title XIX, taking into account criteria applied as of such date under title XIX pursuant to a waiver under section 1115.

"(ii) LIMITATION.—A child described in clause (i) who is provided medical assistance during a presumptive eligibility period under section 1920A shall be considered to be a 'qualifying child' only if the child is determined to be eligible for medical assistance under title XIX.

"(iii) EXCLUSION.—Such term does not include any children for whom the State has made an election to provide medical assistance under paragraph (4) of section 1903(v).

"(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (G) of section 2104(n)(3) shall apply with respect to payment under this paragraph in the same manner as such provisions apply to payment under such section.

"(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER FISCAL YEAR 2008.—In the case of a State that provides coverage under section 115 of the Children's Health Insurance Program Reauthorization Act of 2009 for any fiscal year after fiscal year 2008—

"(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

"(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX for such third fiscal year.

"(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 5 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

"(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months

for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

"(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

"(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

"(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

"(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

"(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

"(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

"(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

"(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

"(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a pre-printed form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

"(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other

sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

"(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

"(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.

"(H) PREMIUM ASSISTANCE SUBSIDIES.—The State is implementing the option of providing premium assistance subsidies under section 2105(c)(10) or section 1906A.".

SEC. 105. TWO-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

"(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

"(A) for each of fiscal years 1998 through 2008, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

"(B) for fiscal year 2009 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

"(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.".

SEC. 106. REDISTRIBUTION OF UNUSED ALLOTMENTS.

(a) BEGINNING WITH FISCAL YEAR 2007.—

(1) IN GENERAL.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary";

(B) by striking "States that have fully expended the amount of their allotments under this section." and inserting "States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).''; and

(C) by adding at the end the following new paragraph:

"(2) SHORTFALL STATES DESCRIBED.—

"(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

"(i) the amount of the State's allotments for any preceding fiscal years that remains available for

expenditure and that will not be expended by the end of the immediately preceding fiscal year;

"(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (n); and

"(iii) the amount of the State's allotment for the fiscal year.

"(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

Deadline.

"(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.".

42 USC 1397dd note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to redistribution of allotments made for fiscal year 2007 and subsequent fiscal years.

(b) REDISTRIBUTION OF UNUSED ALLOTMENTS FOR FISCAL YEAR 2006.—Section 2104(k) (42 U.S.C. 1397dd(k)) is amended—

(1) in the subsection heading, by striking "THE FIRST 2 QUARTERS OF";

(2) in paragraph (1), by striking "the first 2 quarters of"; and

(3) in paragraph (6)—

(A) by striking "the first 2 quarters of"; and

(B) by striking "March 31" and inserting "September 30".

SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

(a) IN GENERAL.—Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), as amended by section 201(b)(1) of Public Law 110–173—

(A) by inserting "subject to paragraph (4)," after "Notwithstanding any other provision of law,"; and

(B) by striking "2008, or 2009" and inserting "or 2008"; and

(2) by adding at the end the following new paragraph:

"(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2013.—

"(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2009 through 2013 (insofar as the allotment is available to the State under subsections (e) and (m) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had

been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.".

(b) REPEAL OF LIMITATION ON AVAILABILITY OF FISCAL YEAR 2009 ALLOTMENTS.—Paragraph (2) of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is repealed.

42 USC 1397ee note.

SEC. 108. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $11,706,000,000 to accompany the allotment made for the period beginning on October 1, 2012, and ending on March 31, 2013, under section 2104(a)(16)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(16)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2013 in the same manner as allotments are provided under subsection (a)(16)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(16)(A).

SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

"(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2009, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.".

Subtitle B—Focus on Low-Income Children and Pregnant Women

SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

42 USC 1397*ll* note.

"SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

"(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

"(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

"(1) MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.—The State has established an income eligibility level—

"(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2008; and

"(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

"(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

"(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

"(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

"(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits

for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

"(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

"(7) NO WAITING LIST FOR CHILDREN.—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

"(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

"(d) DEFINITIONS.—For purposes of this section:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) with respect to an individual during the period described in paragraph (2)(A).

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means an individual—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

"(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also

serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

"(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

"(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

"(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

"(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2008).

"(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

"(3) NO INFERENCE.—Nothing in this subsection shall be construed—

"(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

"(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).".

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting "OR PREGNANCY-RELATED ASSISTANCE" after "PREVENTIVE SERVICES"; and

(B) by inserting before the period at the end the following: "or for pregnancy-related assistance".

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking ", and" at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.".

SEC. 112. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS. 42 USC 1397kk.

"(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH 2009.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2009, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

"(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraph (2) shall apply for purposes of any period beginning on or after January 1, 2010, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title. Applicability.

"(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF 2009.—

"(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after December 31, 2009.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before January 1, 2010, notwithstanding the requirements of subsections (e) and (f) of section 1115, a State may submit, not later than September 30, 2009, a request to the Secretary for an extension of the waiver. The Secretary shall approve a request for an extension of an applicable existing waiver submitted pursuant to this subparagraph, but only through December 31, 2009. Deadline.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during the period beginning on the date of the enactment of this subsection and ending on December 31, 2009.

"(3) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

"(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than September 30, Deadline.

2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

"(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of December 31, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by September 30, 2009, the application shall be deemed approved.

"(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

"(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (2)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for 2010 over 2009, as most recently published by the Secretary; and

"(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the year involved over the preceding calendar year, as most recently published by the Secretary.

"(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

"(1) TWO-YEAR PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2011.—

"(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

"(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2009 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

Applicability. Effective date.

"(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2011, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

"(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2011, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2011.

"(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during the third and fourth quarters of fiscal year 2009 and during fiscal years 2010 and 2011.

"(2) RULES FOR FISCAL YEARS 2012 THROUGH 2013.—

"(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2012 or 2013, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

"(B) TERMS AND CONDITIONS.—

"(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2013, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(16) and any reduction in the allotment for either such period under section 2104(m)(4) shall be allocated on a pro rata basis to such set aside. Certification. Deadline.

"(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

"(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2012 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2012 is equal to—

"(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets

the outreach or coverage benchmarks described in any of subparagraph (A), (B), or (C) of paragraph (3) for fiscal year 2011; or

"(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

"(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2013.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2013 is equal to—

"(I) the REMAP percentage if—

"(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2012; and

"(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for fiscal year 2012; or

"(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

"(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

"(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009.

"(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

"(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

"(i) was awarded a grant under section 2113 for fiscal year 2011;

"(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

"(iii) has submitted a specific plan for outreach for such fiscal year.

"(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States

in terms of the State's percentage of low-income children without health insurance.

"(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

"(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

"(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

"(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

"(i) a parent of a targeted low-income child;

"(ii) a nonpregnant childless adult; or

"(iii) individuals described in both clauses (i) and (ii); and

"(B) was in effect during fiscal year 2009.

"(2) DEFINITIONS.—

"(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

"(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).".

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking ", the Secretary" and inserting ": "(1) The Secretary";

(ii) in the first sentence, by inserting "or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child" before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

"(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009 that would waive or modify the requirements of section 2111.".

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking "Nothing" and inserting "Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2009, nothing". 42 USC 1397gg note.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) [reserved]".

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).".

SEC. 114. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

"(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

"(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2009, the Federal medical assistance percentage

(as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

"(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as— 42 USC 1397ee note.

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the methodologies used by the State to determine income or assets under such plan.

SEC. 115. STATE AUTHORITY UNDER MEDICAID. 42 USC 1396d note.

Notwithstanding any other provision of law, including the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section, at State option, the Secretary shall provide the State with the Federal medical assistance percentage determined for the State for Medicaid with respect to expenditures described in section 1905(u)(2)(A) of such Act or otherwise made to provide medical assistance under Medicaid to a child who could be covered by the State under CHIP.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 111, is amended by adding at the end the following:

"SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT. 42 USC 1397mm.

"(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

"(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2009 through 2013 to conduct outreach and enrollment

efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

"(b) PRIORITY FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

"(A) propose to target geographic areas with high rates of—

"(i) eligible but unenrolled children, including such children who reside in rural areas; or

"(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

"(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

"(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

"(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

"(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

"(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

"(4) an assurance that the eligible entity shall—

"(A) conduct an assessment of the effectiveness of such activities against the performance measures;

"(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

"(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

"(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

"(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

"(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

"(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO MATCH REQUIRED FOR ANY ELIGIBLE ENTITY AWARDED A GRANT.—

"(1) STATE MAINTENANCE OF EFFORT.—In the case of a State that is awarded a grant under this section, the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded.

"(2) NO MATCHING REQUIREMENT.—No eligible entity awarded a grant under subsection (a) shall be required to provide any matching funds as a condition for receiving the grant.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

"(A) A State with an approved child health plan under this title.

"(B) A local government.

"(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

"(D) A Federal health safety net organization.

"(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

"(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

"(G) An elementary or secondary school.

"(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

"(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

"(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

"(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

"(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program

established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

"(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

"(A) by serving as a liaison between communities and health care agencies;

"(B) by providing guidance and social assistance to community residents;

"(C) by enhancing community residents' ability to effectively communicate with health care providers;

"(D) by providing culturally and linguistically appropriate health or nutrition education;

"(E) by advocating for individual and community health or nutrition needs; and

"(F) by providing referral and followup services.

"(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2009 through 2013, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

"(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

"(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

"(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

"(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

"(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

"(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

"(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.".

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting "(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)" after "enhanced FMAP"; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking "and" at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

"(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and".

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

"(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus".

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(i) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting "(through community health workers and others)" after "Outreach".

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting "(such as through community health workers and others)" after "including practices".

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

"SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

"(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

"(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering

into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

"(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

"(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

"(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

"(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

"(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE xix.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).".

SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

"(13) EXPRESS LANE OPTION.—

"(A) IN GENERAL.—

"(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency

(as defined in subparagraph (F)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B) and 1137(d) or any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

"(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

"(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

"(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

"(IV) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(9), as applicable for verifications of citizenship or nationality status.

"(V) CODING.—The State meets the requirements of subparagraph (E).

"(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

"(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

"(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

"(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

"(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

"(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by

a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

"(ii) ESTABLISHING A SCREENING THRESHOLD.—

"(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

"(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

"(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

"(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

"(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

"(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

"(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

"(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

"(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

"(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous. Procedures.

"(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

"(D) OPTION FOR AUTOMATIC ENROLLMENT.—

"(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation in writing, by telephone, orally, through electronic signature, or through any other means specified by the Secretary or by signature on an Express Lane agency application, if the requirement of clause (ii) is met.

"(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

"(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

"(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

"(I) assign such codes as the Secretary shall require to the children who are enrolled in the State

Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's election under this paragraph;

Deadline. Statistics.

"(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

Submission.

"(III) submit the error rate determined under subclause (II) to the Secretary;

"(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

"(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

"(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

"(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

"(iv) ERROR RATE DEFINED.—In this subparagraph, the term 'error rate' means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and

except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

"(F) EXPRESS LANE AGENCY.—

"(i) IN GENERAL.—In this paragraph, the term 'Express Lane agency' means a public agency that—

"(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

"(II) is identified in the State Medicaid plan or the State CHIP plan; and

"(III) notifies the child's family—

"(aa) of the information which shall be disclosed in accordance with this paragraph;

"(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

"(cc) that the family may elect to not have the information disclosed for such purposes; and

"(IV) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

"(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

"(I) A public agency that determines eligibility for assistance under any of the following:

"(aa) The temporary assistance for needy families program funded under part A of title IV.

"(bb) A State program funded under part D of title IV.

"(cc) The State Medicaid plan.

"(dd) The State CHIP plan.

"(ee) The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

"(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

"(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

"(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

"(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

"(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

"(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

"(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

"(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

"(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

"(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

"(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

"(v) ADDITIONAL DEFINITIONS.—In this paragraph:

"(I) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.

"(II) STATE CHIP AGENCY.—The term 'State CHIP agency' means the State agency responsible for administering the State CHIP plan.

"(III) STATE CHIP PLAN.—The term 'State CHIP plan' means the State child health plan established under title XXI and includes any waiver of such plan.

"(IV) STATE MEDICAID AGENCY.—The term 'State Medicaid agency' means the State agency responsible for administering the State Medicaid plan.

"(V) STATE MEDICAID PLAN.—The term 'State Medicaid plan' means the State plan established under title XIX and includes any waiver of such plan.

"(G) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

"(H) STATE OPTION TO RELY ON STATE INCOME TAX DATA OR RETURN.—At the option of the State, a finding from an Express Lane agency may include gross income or adjusted gross income shown by State income tax records or returns.

"(I) APPLICATION.—This paragraph shall not apply with respect to eligibility determinations made after September 30, 2013.".

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).".

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include— Grants. Contracts.

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans; Statistics.

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings. Recommendations.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection $5,000,000 for the period of fiscal years 2009 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

"(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.".

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX is amended by adding at the end the following new section:

42 USC 1396w–2 note.

"SEC. 1942. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

"(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

"(2) Such data or information are used solely for the purposes of—

"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

"(B) verifying the eligibility of individuals for medical assistance under the State plan.

"(3) An interagency or other agreement, consistent with standards developed by the Secretary—

"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

"(c) PENALTIES FOR IMPROPER DISCLOSURE.—

"(1) CIVIL MONEY PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to $10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

Applicability.

"(2) CRIMINAL PENALTY.—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall

be fined not more than $10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

"(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).".

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

"(F) Section 1942 (relating to authorization to receive data directly relevant to eligibility determinations).".

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

(e) AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following: 42 USC 1396w–2 note. Contracts.

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) EFFECTIVE DATE.—The amendments made by this section are effective on the date of the enactment of this Act. 42 USC 1396a note.

Subtitle B—Reducing Barriers to Enrollment

SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) ALTERNATIVE STATE PROCESS FOR VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

"(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

"(i) section 1903(x); or

"(ii) subsection (ee);"; and

(ii) by adding at the end the following new subsection:

"(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

Submission.

"(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the program established under paragraph (2).

"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number, or the declaration of citizenship or nationality, of the individual is inconsistent with information in the records maintained by the Commissioner—

"(i) the State makes a reasonable effort to identify and address the causes of such inconsistency, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number submitted or declaration of citizenship or nationality and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and

"(ii) in the case such inconsistency is not resolved under clause (i), the State—

Notification.

"(I) notifies the individual of such fact;

Time period.

"(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or resolve the inconsistency with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and

Deadline.

"(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such inconsistency is not resolved.

Submission. Deadline.

"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits at least monthly to the Commissioner of Social Security for comparison of the name

and social security number, of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2) and who declares to be a United States citizen or national, with information in records maintained by the Commissioner.

"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—

"(i) to provide, through an on-line system or otherwise, for the electronic submission of, and response to, the information submitted under subparagraph (A) for an individual enrolled in the State plan under this title who declares to be citizen or national on at least a monthly basis; or

"(ii) to provide for a determination of the consistency of the information submitted with the information maintained in the records of the Commissioner through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i).

"(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the inconsistent submissions bears to the total submissions made for comparison for such month. For purposes of this subparagraph, a name, social security number, or declaration of citizenship or nationality of an individual shall be treated as inconsistent and included in the determination of such percentage only if—

"(i) the information submitted by the individual is not consistent with information in records maintained by the Commissioner of Social Security;

"(ii) the inconsistency is not resolved by the State;

"(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Commissioner of Social Security or provide satisfactory documentation of citizenship status and did not successfully resolve such inconsistency; and

"(iv) payment has been made for an item or service furnished to the individual under this title.

"(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

"(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

Plans.
Procedures.

"(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the

State plan for the fiscal year for providing medical assistance to individuals who provided inconsistent information as the number of individuals with inconsistent information in excess of 3 percent of such total submitted bears to the total number of individuals with inconsistent information.

Waiver authority.

"(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

"(D) Subparagraphs (A) and (B) shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year that provides for the submission on a real-time basis of the information described in such paragraph.

"(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.".

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking "plus" at the end of subparagraph (E) and inserting "and", and

(ii) by adding at the end the following new subparagraph:

"(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

"(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus".

42 USC 1396a note.

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking "subsection (x)" and inserting "section 1902(a)(46)(B)"; and

(B) in subsection (x)(1), by striking "subsection (i)(22)" and inserting "section 1902(a)(46)(B)(i)".

(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Commissioner of Social Security $5,000,000 to remain available until expended to carry out the Commissioner's responsibilities under section 1902(ee) of the Social Security Act, as added by subsection (a).

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

"(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

"(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.". Regulations.

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

"(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.".

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking "or" at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

"(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or"; and

(ii) by adding at the end the following new paragraph:

"(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment

of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.".

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.".

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new paragraph:

"(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

"(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

"(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.".

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

"(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).".

42 USC 1396a note.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on January 1, 2010.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2009, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis. Time period.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act. Time period.

SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers. Plans. Procedures.

"(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal

forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.".

42 USC 1396 note.

SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

Deadline.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

SEC. 214. PERMITTING STATES TO ENSURE COVERAGE WITHOUT A 5-YEAR DELAY OF CERTAIN CHILDREN AND PREGNANT WOMEN UNDER THE MEDICAID PROGRAM AND CHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to children and pregnant women who are lawfully residing in the United States (including battered individuals described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

"(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

"(C) As part of the State's ongoing eligibility redetermination requirements and procedures for an individual provided medical assistance as a result of an election by the State under subparagraph (A), a State shall verify that the individual continues to lawfully reside in the United States using the documentation presented to the State by the individual on initial enrollment. If the State cannot successfully verify that the individual is lawfully residing in the United States in this manner, it shall require that the individual provide the State with further documentation or other evidence to verify that the individual is lawfully residing in the United States.". Verification.

(b) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 203(a)(2) and 203(d)(2), is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively and by inserting after subparagraph (D) the following new subparagraph:

"(E) Paragraph (4) of section 1903(v) (relating to optional coverage of categories of lawfully residing immigrant children or pregnant women), but only if the State has elected to apply such paragraph with respect to such category of children or pregnant women under title XIX.".

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 211(c), is amended by adding at the end the following:

"(10) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

"(A) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

"(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(i) IN GENERAL.—Subject to clause (ii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(III) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(ii) EXCEPTION.—Such term does not include coverage consisting of—

"(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(C) PREMIUM ASSISTANCE SUBSIDY.—

"(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

"(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

"(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

"(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance

described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

"(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

"(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

"(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

"(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

"(II) cost-sharing protection consistent with section 2103(e).

"(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

"(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

"(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child. Procedures.

"(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

"(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

"(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

"(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

"(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

"(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

"(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

"(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009.

"(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

"(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

"(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

Procedures.

"(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

"(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

"(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).

"(N) COORDINATION WITH MEDICAID.—In the case of a targeted low-income child who receives child health assistance through a State plan under title XIX and who voluntarily elects to receive a premium assistance subsidy under this section, the provisions of section 1906A shall apply and shall supersede any other provisions of this paragraph that are inconsistent with such section.". Applicability.

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking "relative to" and all that follows through the comma and inserting "relative to

"(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

"(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.".

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act. 42 USC 1397ee note.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

"PREMIUM ASSISTANCE OPTION FOR CHILDREN

"SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to 42 USC 1396e–1.

all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

"(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

"(1) IN GENERAL.—Subject to paragraph (2)), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

"(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

"(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

"(C) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

"(2) EXCEPTION.—Such term does not include coverage consisting of—

"(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

"(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

"(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

"(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term 'premium assistance subsidy' means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual's family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

"(d) VOLUNTARY PARTICIPATION.—

"(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

"(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual's parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

Procedures.

"(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to

disenroll the individual from the qualified employer-sponsored coverage.

"(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual's parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual's (or parent's) eligibility for medical assistance under the State plan, except insofar as section 1902(a)(25) provides that payments for such assistance shall first be made under such coverage.".

(c) GAO STUDY AND REPORT.—Not later than January 1, 2010, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

"(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraph (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.".

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 211(c)(2), is amended by adding at the end the following new clause:

"(iii) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraph (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to

employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).".

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

26 USC 9801.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

Deadlines.

"(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

Notification.

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium

assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

Deadlines.

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

Notification.

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

Deadline.

"(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model

notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

"(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b).

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.".

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting ", the remedies"; and

(ii) by inserting before the period the following: ", and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside".

29 USC 1181 note.

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

Deadline. Establishment.

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the

Notification. Deadline. 29 USC 1181 note.

Applicability.

first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.".

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

Deadlines.

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

Notification.

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide

supplemental benefits required under paragraph (10)(E) of such section or other authority.".

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

42 USC 13206–9a.

"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

"(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

Deadline. Publication.

"(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

Publication.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability and effectiveness of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and

"(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health

care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI. Deadline. Procedures.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2011, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2011, the Secretary shall establish a pediatric quality measures program to— Deadline.

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing children, including children with disabilities and children with chronic conditions;

"(F) national organizations representing consumers and purchasers of children's health care;

"(G) national organizations and individuals with expertise in pediatric health quality measurement; and

"(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and

"(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2013, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4). Deadlines. Publication.

"(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

"(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

"(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

"(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

"(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

"(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u–4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u–7, 1397cc).

Deadlines.

"(2) PUBLICATION.—Not later than September 30, 2010, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

"(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

Time period.
Grants.

"(1) IN GENERAL.—During the period of fiscal years 2009 through 2013, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

"(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

"(B) promote the use of health information technology in care delivery for children under such titles;

"(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

"(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

"(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

"(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

"(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

"(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

"(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

"(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

"(A) identify, through self-assessment, behavioral risk factors for obesity among children;

"(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

"(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

"(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

"(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

"(A) A city, county, or Indian tribe.

"(B) A local or tribal educational agency.

"(C) An accredited university, college, or community college.

"(D) A Federally-qualified health center.

"(E) A local health department.

"(F) A health care provider.

"(G) A community-based organization.

"(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

"(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

"(A) carry out community-based activities related to reducing childhood obesity, including by—

"(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

"(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

"(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

"(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

"(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

"(I) after hours physical activity programs; and

"(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decision-making skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

"(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

"(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

"(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

"(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

"(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

"(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

"(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

"(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

"(D) provide, through qualified health professionals, training and supervision for community health workers to—

"(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

"(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

"(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

"(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

"(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

"(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

"(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

"(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

"(E) located in communities that are medically underserved, as determined by the Secretary;

"(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

"(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

"(i) community-based organizations;

"(ii) local governments;

"(iii) local educational agencies;

"(iv) the private sector;

"(v) State or local departments of health;

"(vi) accredited colleges, universities, and community colleges;

"(vii) health care providers;

"(viii) State and local departments of transportation and city planning; and

"(ix) other entities determined appropriate by the Secretary.

"(5) PROGRAM DESIGN.— Deadlines.

"(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

"(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary shall award 1 grant that is specifically designed Grants.

to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

"(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

"(7) DEFINITIONS.—In this subsection:

"(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

"(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

"(i) includes questions regarding—

"(I) behavioral risk factors;

"(II) needed preventive and screening services; and

"(III) target individuals' preferences for receiving follow-up information;

"(ii) is assessed using such computer generated assessment programs; and

"(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

"(D) ONGOING SUPPORT.—The term 'ongoing support' means—

"(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

"(I) the results of a self-assessment given to the individual;

"(II) behavior modification based on the self-assessment; and

"(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

"(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

"(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2009 through 2013.

"(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is— Deadline.

"(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

"(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

"(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

"(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

"(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

"(1) IN GENERAL.—Not later than July 1, 2010, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall— Deadline. Reports.

"(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

"(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

"(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

Recommendations.

"(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

"(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

"(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI.

"(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2009 through 2013, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.".

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking "and" at the end of clause (i); and

(2) by adding at the end the following new clause:

"(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and".

SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "The State" and inserting "Subject to subsection (e), the State"; and

(2) by adding at the end the following new subsection:

"(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

"(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

"(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

"(3) Data regarding denials of eligibility and redeterminations of eligibility.

"(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

"(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

"(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.".

(b) STANDARDIZED REPORTING FORMAT.—

42 USC 1397hh note.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) TRANSITION PERIOD FOR STATES.—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2009 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States

to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2009, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

42 USC 1397cc.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

"(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.".

42 USC 1397cc note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2009.

TITLE V—IMPROVING ACCESS TO BENEFITS

SEC. 501. DENTAL BENEFITS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking "subsection (c)(5)" and inserting "paragraphs (5) and (7) of subsection (c)"; and

(ii) in paragraph (1), by inserting "at least" after "that is"; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

"(5) DENTAL BENEFITS.—

"(A) IN GENERAL.—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

"(B) PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

"(C) BENCHMARK DENTAL BENEFIT PACKAGES.—The benchmark dental benefit packages are as follows:

"(i) FEHBP CHILDREN'S DENTAL COVERAGE.—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

"(ii) STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

"(iii) COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.—A dental benefits plan that has the largest insured commercial, non-medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.".

(2) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting "and services described in section 2103(c)(5)" after "emergency services".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to coverage of items and services furnished on or after October 1, 2009. 42 USC 1397bb note.

(b) STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

(1) IN GENERAL.—Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(B) by adding at the end the following new paragraph:

"(5) OPTION FOR STATES WITH A SEPARATE CHIP PROGRAM TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the case of any child who is enrolled in a group health plan or health insurance coverage offered through an employer who would, but for the application of paragraph (1)(C), satisfy the requirements for being a targeted low-income child under a State child health plan that is implemented under this title, a State may waive the application of such paragraph to the child in order to provide—

"(i) dental coverage consistent with the requirements of subsection (c)(5) of section 2103; or

"(ii) cost-sharing protection for dental coverage consistent with such requirements and the requirements of subsection (e)(3)(B) of such section.

"(B) LIMITATION.—A State may limit the application of a waiver of paragraph (1)(C) to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.

"(C) CONDITIONS.—A State may not offer dental-only supplemental coverage under this paragraph unless the State satisfies the following conditions:

"(i) INCOME ELIGIBILITY.—The State child health plan under this title—

"(I) has the highest income eligibility standard permitted under this title (or a waiver) as of January 1, 2009;

"(II) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

"(III) provides benefits to all children in the State who apply for and meet eligibility standards.

"(ii) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable dental coverage or cost-sharing protection for dental coverage to children provided dental-only supplemental coverage under this paragraph than the dental coverage and cost-sharing protection for dental coverage provided to targeted low-income children who are eligible for the full range of child health assistance provided under the State child health plan.".

(2) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 111(b)(2), is amended—

(A) in clause (ii), by striking "and" at the end;

(B) in clause (iii), by striking the period and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) at State option, may not apply a waiting period in the case of a child provided dental-only supplemental coverage under section 2110(b)(5).".

(c) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life. 42 USC 247d–9.

(d) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (70);

(B) by striking the period at the end of paragraph (71) and inserting "; and"; and

(C) by inserting after paragraph (71) the following new paragraph:

"(72) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.".

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2) and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly): 42 USC 1397gg note.

"(C) Section 1902(a)(72) (relating to limiting FQHC contracting for provision of dental services).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2009. 42 USC 1396a note.

(e) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting "and other information relating to the provision of dental services to such children described in section 2108(e)" after "receiving dental services,".

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

"(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

"(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

"(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

"(B) For children within each such age grouping, information of the type contained in questions 12(a)–(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

"(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

"(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with

such plans under this title shall provide for the reporting of such information by such plans to the State.".

42 USC 1396a note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

Deadlines. 42 USC 1396 note.

(f) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(g) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting "and, with respect to dental care, conditions requiring the restoration of teeth, relief of pain and infection, and maintenance of dental health" after "chronic conditions"; and

(2) in paragraph (6)(A)(ii), by inserting "dental care," after "preventive health services,".

(h) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children's access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under

paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

"(6) MENTAL HEALTH SERVICES PARITY.—

"(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance use disorder benefits comply with the requirements of section 2705(a) of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

"(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).".

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting ", (6)," after "(5)"; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

"(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2009. 42 USC 1397gg note.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2009, $5,000,000, to remain available

until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2011, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 504. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

"(C) PREMIUM GRACE PERIOD.—The State child health plan—

"(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

"(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

"(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

"(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.".

42 USC 1397cc note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after the date of the enactment of this Act.

SEC. 505. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

(a) IN GENERAL.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

"(8) AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.—Nothing in this title shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers (as defined in section 2110(c)(9)).".

(b) DEFINITION.—Section 2110(c) (42 U.S.C. 1397jj) is amended by adding at the end the following:

"(9) SCHOOL-BASED HEALTH CENTER.—

"(A) IN GENERAL.—The term 'school-based health center' means a health clinic that—

"(i) is located in or near a school facility of a school district or board or of an Indian tribe or tribal organization;

"(ii) is organized through school, community, and health provider relationships;

"(iii) is administered by a sponsoring facility;

"(iv) provides through health professionals primary health services to children in accordance with State and local law, including laws relating to licensure and certification; and

"(v) satisfies such other requirements as a State may establish for the operation of such a clinic.

"(B) SPONSORING FACILITY.—For purposes of subparagraph (A)(iii), the term 'sponsoring facility' includes any of the following:

"(i) A hospital.

"(ii) A public health department.

"(iii) A community health center.

"(iv) A nonprofit health care agency.

"(v) A school or school system.

"(vi) A program administered by the Indian Health Service or the Bureau of Indian Affairs or operated by an Indian tribe or a tribal organization.".

SEC. 506. MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.

(a) IN GENERAL.—Title XIX (42 U.S.C. 1396 et seq.) is amended by inserting before section 1901 the following new section:

"MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION

"SEC. 1900. (a) ESTABLISHMENT.—There is hereby established the Medicaid and CHIP Payment and Access Commission (in this section referred to as 'MACPAC'). 42 USC 1396.

"(b) DUTIES.—

"(1) REVIEW OF ACCESS POLICIES AND ANNUAL REPORTS.—MACPAC shall—

"(A) review policies of the Medicaid program established under this title (in this section referred to as 'Medicaid') and the State Children's Health Insurance Program established under title XXI (in this section referred to as 'CHIP') affecting children's access to covered items and services, including topics described in paragraph (2);

"(B) make recommendations to Congress concerning such access policies;

"(C) by not later than March 1 of each year (beginning with 2010), submit a report to Congress containing the results of such reviews and MACPAC's recommendations concerning such policies; and

"(D) by not later than June 1 of each year (beginning with 2010), submit a report to Congress containing an examination of issues affecting Medicaid and CHIP, including the implications of changes in health care delivery in the United States and in the market for health care services on such programs.

"(2) SPECIFIC TOPICS TO BE REVIEWED.—Specifically, MACPAC shall review and assess the following:

"(A) MEDICAID AND CHIP PAYMENT POLICIES.—Payment policies under Medicaid and CHIP, including—

"(i) the factors affecting expenditures for items and services in different sectors, including the process for updating hospital, skilled nursing facility, physician, Federally-qualified health center, rural health center, and other fees;

"(ii) payment methodologies; and

"(iii) the relationship of such factors and methodologies to access and quality of care for Medicaid and CHIP beneficiaries.

"(B) INTERACTION OF MEDICAID AND CHIP PAYMENT POLICIES WITH HEALTH CARE DELIVERY GENERALLY.—The effect of Medicaid and CHIP payment policies on access to items and services for children and other Medicaid and CHIP populations other than under this title or title XXI and the implications of changes in health care delivery in the United States and in the general market for health care items and services on Medicaid and CHIP.

"(C) OTHER ACCESS POLICIES.—The effect of other Medicaid and CHIP policies on access to covered items and services, including policies relating to transportation and language barriers.

"(3) CREATION OF EARLY-WARNING SYSTEM.—MACPAC shall create an early-warning system to identify provider shortage areas or any other problems that threaten access to care or the health care status of Medicaid and CHIP beneficiaries.

"(4) COMMENTS ON CERTAIN SECRETARIAL REPORTS.—If the Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to access policies, including with respect to payment policies, under Medicaid or CHIP, the Secretary shall transmit a copy of the report to MACPAC. MACPAC shall review the report and, not later than 6 months after the date of submittal of the Secretary's report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as MACPAC deems appropriate.

"(5) AGENDA AND ADDITIONAL REVIEWS.—MACPAC shall consult periodically with the chairmen and ranking minority members of the appropriate committees of Congress regarding MACPAC's agenda and progress towards achieving the agenda. MACPAC may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the program under this title or title XXI as may be requested by such chairmen and members and as MACPAC deems appropriate.

"(6) AVAILABILITY OF REPORTS.—MACPAC shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

"(7) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term 'appropriate committees of Congress' means the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

"(8) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of MACPAC shall vote on the recommendation, and MACPAC shall include, by member, the results of that vote in the report containing the recommendation.

"(9) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, MACPAC shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

"(c) MEMBERSHIP.—

"(1) NUMBER AND APPOINTMENT.—MACPAC shall be composed of 17 members appointed by the Comptroller General of the United States.

"(2) QUALIFICATIONS.—

"(A) IN GENERAL.—The membership of MACPAC shall include individuals who have had direct experience as enrollees or parents of enrollees in Medicaid or CHIP and individuals with national recognition for their expertise in Federal safety net health programs, health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, health information technology, pediatric physicians, dentists, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

"(B) INCLUSION.—The membership of MACPAC shall include (but not be limited to) physicians and other health professionals, employers, third-party payers, and individuals with expertise in the delivery of health services. Such membership shall also include consumers representing children, pregnant women, the elderly, and individuals with disabilities, current or former representatives of State agencies responsible for administering Medicaid, and current or former representatives of State agencies responsible for administering CHIP.

"(C) MAJORITY NONPROVIDERS.—Individuals who are directly involved in the provision, or management of the delivery, of items and services covered under Medicaid or CHIP shall not constitute a majority of the membership of MACPAC.

"(D) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of MACPAC of financial and other potential conflicts of interest relating to such members. Members of MACPAC shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95–521).

"(3) TERMS.—

"(A) IN GENERAL.—The terms of members of MACPAC shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

"(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be

appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in MACPAC shall be filled in the manner in which the original appointment was made.

"(4) COMPENSATION.—While serving on the business of MACPAC (including travel time), a member of MACPAC shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of MACPAC. Physicians serving as personnel of MACPAC may be provided a physician comparability allowance by MACPAC in the same manner as Government physicians may be provided such an allowance by an agency under section 5948 of title 5, United States Code, and for such purpose subsection (i) of such section shall apply to MACPAC in the same manner as it applies to the Tennessee Valley Authority. For purposes of pay (other than pay of members of MACPAC) and employment benefits, rights, and privileges, all personnel of MACPAC shall be treated as if they were employees of the United States Senate.

"(5) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate a member of MACPAC, at the time of appointment of the member as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General of the United States may designate another member for the remainder of that member's term.

"(6) MEETINGS.—MACPAC shall meet at the call of the Chairman.

"(d) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of MACPAC, MACPAC may—

"(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General of the United States) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

"(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

"(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of MACPAC (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

"(4) make advance, progress, and other payments which relate to the work of MACPAC;

"(5) provide transportation and subsistence for persons serving without compensation; and

"(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of MACPAC.

"(e) POWERS.—

"(1) OBTAINING OFFICIAL DATA.—MACPAC may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to MACPAC on an agreed upon schedule.

"(2) DATA COLLECTION.—In order to carry out its functions, MACPAC shall—

"(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

"(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

"(C) adopt procedures allowing any interested party to submit information for MACPAC's use in making reports and recommendations.

"(3) ACCESS OF GAO TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of MACPAC, immediately upon request.

"(4) PERIODIC AUDIT.—MACPAC shall be subject to periodic audit by the Comptroller General of the United States.

"(f) AUTHORIZATION OF APPROPRIATIONS.—

"(1) REQUEST FOR APPROPRIATIONS.—MACPAC shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for MACPAC shall be separate from amounts appropriated for the Comptroller General of the United States.

"(2) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

(b) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than January 1, 2010, the Comptroller General of the United States shall appoint the initial members of the Medicaid and CHIP Payment and Access Commission established under section 1900 of the Social Security Act (as added by subsection (a)). 42 USC 1396 note.

(c) ANNUAL REPORT ON MEDICAID.—Not later than January 1, 2010, and annually thereafter, the Secretary, in consultation with the Secretary of the Treasury, the Secretary of Labor, and the States (as defined for purposes of Medicaid), shall submit an annual report to Congress on the financial status of, enrollment in, and spending trends for, Medicaid for the fiscal year ending on September 30 of the preceding year. 42 USC 1396 note.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

SEC. 601. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

"(11) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.".

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 302(b)), is amended by adding at the end the following:

"(iv) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).".

42 USC 1397ee note.

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as "PERM") requirements to CHIP until after the date that is 6 months after the date on which a new final rule (in this section referred to as the "new final rule") promulgated after the date of the enactment of this Act and implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such new final rule in effect for all States may only be inclusive of errors, as defined in such new final rule or in guidance issued within a reasonable time frame after the effective date for such new final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR NEW FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the new final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State's verification of an applicant's self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant's self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.—After the new final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 or under a final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 or fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the "MEQC") requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the new final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) STATE OPTION TO APPLY MEQC DATA.—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State

MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with the first fiscal year that begins on or after the date on which the new final rule is in effect for all States, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

(g) TIME FOR PROMULGATION OF FINAL RULE.—The final rule implementing the PERM requirements under subsection (b) shall be promulgated not later than 6 months after the date of enactment of this Act.

SEC. 602. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking "$10,000,000 for fiscal year 2000" and inserting "$20,000,000 for fiscal year 2009".

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

"(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2009, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

"(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

"(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(m)(5)(B) and any other data necessary for carrying out this title.

"(C) Include health insurance survey information in the American Community Survey related to children.

"(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

"(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

"(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

"(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.".

SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

"(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

"(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans. Contracts.

"(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1). Applicability.

"(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2011, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

"(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2010 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2012.".

SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

"(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access

to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.".

42 USC 1396 note.

SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS; DISALLOWANCE FOR UNAUTHORIZED EXPENDITURES.

Nothing in this Act allows Federal payment for individuals who are not legal residents. Titles XI, XIX, and XXI of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under CHIP, respectively.

Subtitle B—Miscellaneous Health Provisions

SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking "Notwithstanding any other provision of this title" and inserting "Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)"; and

(ii) by striking "enrollment in coverage that provides" and inserting "coverage that";

(B) in clause (i), by inserting "provides" after "(i)"; and

(C) by striking clause (ii) and inserting the following:

"(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).";

(2) in subparagraph (C)—

(A) in the heading, by striking "wrap-around" and inserting "additional"; and

(B) by striking "wrap-around or"; and

(3) by adding at the end the following new subparagraph:

"(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

"(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described

in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

"(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

"(iii) affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.".

(b) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking "aid or assistance is made available under part B of title IV to children in foster care and individuals" and inserting "child welfare services are made available under part B of title IV on the basis of being a child in foster care or".

(c) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

"(c) PUBLICATION OF PROVISIONS AFFECTED.—With respect to a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in the Federal Register and not later than 30 days after such date of approval.". Web site. List. Federal Register, publication. Deadline.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005. 42 USC 1396u–7 note.

SEC. 612. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed. 42 USC 1397aa note.

SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS. 42 USC 1396u–8 note.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u–8).

SEC. 614. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION. 42 USC 1396d note.

(a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate

employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.—

(1) IN GENERAL.—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) DATA TO BE USED.—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) HOLD HARMLESS.—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) REPORT.—Not later than May 15, 2009, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) FMAP DEFINED.—For purposes of this section, the term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

42 USC 1396b note.

SEC. 615. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r–4) in at least one State other than the State in which the center is located.

SEC. 616. EXTENSION OF MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

Section 1923(f)(6) (42 U.S.C. 1396r–4(f)(6)), as amended by section 202 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended—

(1) in the paragraph heading, by striking "2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010" and inserting "2011 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2012";

(2) in subparagraph (A)—

(A) in clause (i)—

(i) in the second sentence—

(I) by striking "and 2009" and inserting ", 2009, 2010, and 2011"; and

(II) by striking "such portion of"; and

(ii) in the third sentence, by striking "2010 for the period ending on December 31, 2009" and inserting "2012 for the period ending on December 31, 2011";

(B) in clause (ii), by striking "or for a period in fiscal year 2010" and inserting "2010, 2011, or for period in fiscal year 2012"; and

(C) in clause (iv)—

(i) in the clause heading, by striking "2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010" and inserting "2011 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2012"; and

(ii) in each of subclauses (I) and (II), by striking " or for a period in fiscal year 2010" and inserting "2010, 2011, or for a period in fiscal year 2012"; and

(3) in subparagraph (B)—

(A) in clause (i)—

(i) in the first sentence, by striking "2009" and inserting "2011"; and

(ii) in the second sentence, by striking "2010 for the period ending on December 31, 2009" and inserting "2012 for the period ending on December 31, 2011".

SEC. 617. GAO REPORT ON MEDICAID MANAGED CARE PAYMENT RATES.

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives analyzing the extent to which State payment rates for medicaid managed care organizations under Medicaid are actuarially sound.

Subtitle C—Other Provisions

15 USC 657p.

SEC. 621. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" means the Small Business Administration and the Administrator thereof, respectively;

(2) the term "certified development company" means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term "Medicaid program" means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term "State" has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term "State Children's Health Insurance Program" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term "task force" means the task force established under subsection (b)(1); and

(10) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-

sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

SEC. 622. SENSE OF THE SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

26 USC 5701.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking "$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)" in paragraph (1) and inserting "$50.33 per thousand",

(2) by striking "20.719 percent (18.063 percent on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "52.75 percent", and

(3) by striking "$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)" in paragraph (2) and inserting "40.26 cents per cigar".

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking "$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (1) and inserting "$50.33 per thousand", and

(2) by striking "$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)" in paragraph (2) and inserting "$105.69 per thousand".

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking "1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)" and inserting "3.15 cents".

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking "2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)" and inserting "6.30 cents".

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking "58.5 cents (51 cents on snuff removed during 2000 or 2001)" in paragraph (1) and inserting "$1.51", and

(2) by striking "19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)" in paragraph (2) and inserting "50.33 cents".

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking "$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)" and inserting "$2.8311 cents".

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking "$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)" and inserting "$24.78".

(h) FLOOR STOCKS TAXES.— 26 USC 5701 note.

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before April 1, 2009, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on April 1, 2009, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on April 1, 2009, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations. Regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before August 1, 2009.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on April 1, 2009, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

Applicability.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

26 USC 5701 note.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after March 31, 2009.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, INVENTORIES, REPORTS, AND RECORDS REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMIT.—

26 USC 5712.

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting "or processed tobacco" after "tobacco products".

26 USC 5713.

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting "or processed tobacco" after "tobacco products".

(2) INVENTORIES, REPORTS, AND PACKAGES.—

26 USC 5721.

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

26 USC 5722.

(B) REPORTS.—Section 5722 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

26 USC 5723.

(C) PACKAGES, MARKS, LABELS, AND NOTICES.—Section 5723 of such Code is amended by inserting ", processed tobacco," after "tobacco products" each place it appears.

26 USC 5741.

(3) RECORDS.—Section 5741 of such Code is amended by inserting ", processed tobacco," after "tobacco products".

26 USC 5702.

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

"(p) MANUFACTURER OF PROCESSED TOBACCO.—

"(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

"(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.".

(5) CONFORMING AMENDMENTS.—

(A) Section 5702(h) of such Code is amended by striking "tobacco products and cigarette papers and tubes" and inserting "tobacco products or cigarette papers or tubes or any processed tobacco".

(B) Sections 5702(j) and 5702(k) of such Code are each amended by inserting ", or any processed tobacco," after "tobacco products or cigarette papers or tubes". 26 USC 5702.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009. 26 USC 5702 note.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows: 26 USC 5712.

"(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

"(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

"(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, or

"(C) has failed to disclose any material information required or made any material false statement in the application therefor.".

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows: 26 USC 5713.

"(b) SUSPENSION OR REVOCATION.—

"(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit— Order.

"(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

"(B) has violated the conditions of such permit,

"(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

"(D) has failed to maintain his premises in such manner as to protect the revenue,

"(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

"(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

"(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit

shall be suspended for such period as the Secretary deems proper or shall be revoked.".

26 USC 5712 note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking "and section 520 (relating to refunds)" and inserting "section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)".

19 USC 1514 note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

26 USC 5702.

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting "or cigars, or for use as wrappers thereof" before the period at the end.

26 USC 5702 note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after March 31, 2009.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

26 USC 5703.

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

"(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes manufactured in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.".

26 USC 5703 note.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(f) DISCLOSURE.—

26 USC 6103.

(1) IN GENERAL.—Paragraph (1) of section 6103(o) of such Code is amended by designating the text as subparagraph (A), moving such text 2 ems to the right, striking "Returns" and inserting "(A) IN GENERAL.—Returns", and by inserting after subparagraph (A) (as so redesignated) the following new subparagraph:

"(B) USE IN CERTAIN PROCEEDINGS.—Returns and return information disclosed to a Federal agency under subparagraph (A) may be used in an action or proceeding (or in preparation for such action or proceeding) brought under section 625 of the American Jobs Creation Act of 2004 for the collection of any unpaid assessment or penalty arising under such Act.".

(2) CONFORMING AMENDMENT.—Section 6103(p)(4) of such Code is amended by striking "(o)(1)" both places it appears and inserting "(o)(1)(A)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on or after the date of the enactment of this Act. 26 USC 6103 note.

(g) TRANSITIONAL RULE.—Any person who— 26 USC 5711 note.

(1) on April 1, 2009 is engaged in business as a manufacturer of processed tobacco or as an importer of processed tobacco, and

(2) before the end of the 90-day period beginning on such date, submits an application under subchapter B of chapter 52 of such Code to engage in such business, may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business. Applicability.

SEC. 703. TREASURY STUDY CONCERNING MAGNITUDE OF TOBACCO SMUGGLING IN THE UNITED STATES.

Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall conduct a study concerning the magnitude of tobacco smuggling in the United States and submit to Congress recommendations for the most effective steps to reduce tobacco smuggling. Such study shall also include a review of the loss of Federal tax receipts due to illicit tobacco trade in the United States and the role of imported tobacco products in the illicit tobacco trade in the United States.

SEC. 704. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES. 26 USC 6655 note.

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.5 percentage point.

Approved February 4, 2009.

LEGISLATIVE HISTORY—H.R. 2 (S. 275):

CONGRESSIONAL RECORD, Vol. 155 (2009):
Jan. 14, considered and passed House.
Jan. 26–29, considered and passed Senate, amended.
Feb. 4, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 44 (2009):
Feb. 4, Presidential remarks.

Public Law 111–4
111th Congress

An Act

Feb. 11, 2009
[S. 352]

To postpone the DTV transition date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DTV Delay Act.

47 USC 609 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Delay Act".

SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

(a) IN GENERAL.—Section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended—

(1) by striking "February 18, 2009;" in paragraph (1) and inserting "June 13, 2009;"; and

(2) by striking "February 18, 2009," in paragraph (2) and inserting "that date".

(b) CONFORMING AMENDMENTS.—

(1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking "February 17, 2009." and inserting "June 12, 2009.".

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is amended by striking "February 17, 2009." and inserting "June 12, 2009.".

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking "February 17, 2009." and inserting "June 12, 2009.".

(c) LICENSE TERMS.—

(1) EXTENSION.—The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) DEFINITION.—In this subsection, the term "recovered spectrum" means—

(A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) EXTENSION OF COUPON PROGRAM.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005

(47 U.S.C. 309 note) is amended by striking "March 31, 2009," and inserting "July 31, 2009,".

(b) TREATMENT OF EXPIRED COUPONS.—Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

"(D) EXPIRED COUPONS.—The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed.".

(c) CONFORMING AMENDMENT.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking "receives, via the United States Postal Service," and inserting "redeems".

(d) CONDITION OF MODIFICATIONS.—The amendments made by this section shall not take effect until the enactment of additional budget authority after the date of enactment of this Act to carry out the analog-to-digital converter box program under section 3005 of the Digital Television Transition and Public Safety Act of 2005. 47 USC 309 note.

SEC. 4. IMPLEMENTATION. 47 USC 309 note.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07–228, MB Docket No. 07–91, released December 31, 2007).

(b) PUBLIC SAFETY RADIO SERVICES.—Nothing in this Act, or the amendments made by this Act, shall prevent a public safety service licensee from commencing operations consistent with the terms of its license on spectrum recovered as a result of the voluntary cessation of broadcasting in the analog or digital television service pursuant to subsection (a). Any such public safety use shall be subject to the relevant Federal Communications Commission rules and regulations in effect on the date of enactment of this Act, including section 90.545 of the Commission's rules (47 C.F.R. § 90.545).

(c) EXPEDITED RULEMAKING.—Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications and Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act. Deadline.

SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "2011." and inserting "2012.".

Approved February 11, 2009.

LEGISLATIVE HISTORY—S. 352:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Jan. 29, considered and passed Senate.
Feb. 4, considered and passed House.

Public Law 111–5
111th Congress

An Act

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Feb. 17, 2009
[H.R. 1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

American Recovery and Reinvestment Act of 2009.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Recovery and Reinvestment Act of 2009".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

DIVISION A—APPROPRIATIONS PROVISIONS

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TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS
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TITLE XIII—HEALTH INFORMATION TECHNOLOGY
TITLE XIV—STATE FISCAL STABILIZATION FUND
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DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND OTHER PROVISIONS

TITLE I—TAX PROVISIONS
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TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

SEC. 3. PURPOSES AND PRINCIPLES.

26 USC 1 note.

(a) STATEMENT OF PURPOSES.—The purposes of this Act include the following:

(1) To preserve and create jobs and promote economic recovery.

(2) To assist those most impacted by the recession.

(3) To provide investments needed to increase economic efficiency by spurring technological advances in science and health.

(4) To invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits.

(5) To stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive state and local tax increases.

(b) GENERAL PRINCIPLES CONCERNING USE OF FUNDS.—The President and the heads of Federal departments and agencies shall manage and expend the funds made available in this Act so as to achieve the purposes specified in subsection (a), including commencing expenditures and activities as quickly as possible consistent with prudent management.

1 USC 1 note.

SEC. 4. REFERENCES.

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

SEC. 5. EMERGENCY DESIGNATIONS.

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

(b) PAY-AS-YOU-GO.—All applicable provisions in this Act are designated as an emergency for purposes of pay-as-you-go principles.

DIVISION A—APPROPRIATIONS PROVISIONS

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

For an additional amount for "Agriculture Buildings and Facilities and Rental Payments", $24,000,000, for necessary construction, repair, and improvement activities.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $22,500,000, to remain available until September 30, 2013, for

oversight and audit of programs, grants, and activities funded by this Act and administered by the Department of Agriculture.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $176,000,000, for work on deferred maintenance at Agricultural Research Service facilities: *Provided*, That priority in the use of such funds shall be given to critical deferred maintenance, to projects that can be completed, and to activities that can commence promptly following enactment of this Act.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Farm Service Agency, Salaries and Expenses," $50,000,000, for the purpose of maintaining and modernizing the information technology system.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations", $290,000,000, of which $145,000,000 is for necessary expenses to purchase and restore floodplain easements as authorized by section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203) (except that no more than $30,000,000 of the amount provided for the purchase of floodplain easements may be obligated for projects in any one State): *Provided*, That such funds shall be allocated to projects that can be fully funded and completed with the funds appropriated in this Act, and to activities that can commence promptly following enactment of this Act.

WATERSHED REHABILITATION PROGRAM

For an additional amount for "Watershed Rehabilitation Program", $50,000,000: *Provided,* That such funds shall be allocated to projects that can be fully funded and completed with the funds appropriated in this Act, and to activities that can commence promptly following enactment of this Act.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $1,000,000,000 for section 502 direct loans; and $10,472,000,000 for section 502 unsubsidized guaranteed loans.

For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $67,000,000

for section 502 direct loans; and $133,000,000 for section 502 unsubsidized guaranteed loans.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount for the cost of direct loans and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $130,000,000.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

For an additional amount for the cost of guaranteed loans and grants as authorized by sections 310B(a)(2)(A) and 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $150,000,000.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

For an additional amount for the cost of direct loans and grants for the rural water, waste water, and waste disposal programs authorized by sections 306 and 310B and described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act, $1,380,000,000.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For an additional amount for the cost of broadband loans and loan guarantees, as authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) and for grants (including for technical assistance), $2,500,000,000: *Provided*, That the cost of direct and guaranteed loans shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That, notwithstanding title VI of the Rural Electrification Act of 1936, this amount is available for grants, loans and loan guarantees for broadband infrastructure in any area of the United States: *Provided further*, That at least 75 percent of the area to be served by a project receiving funds from such grants, loans or loan guarantees shall be in a rural area without sufficient access to high speed broadband service to facilitate rural economic development, as determined by the Secretary of Agriculture: *Provided further,* That priority for awarding such funds shall be given to project applications for broadband systems that will deliver end users a choice of more than one service provider: *Provided further*, That priority for awarding funds made available under this paragraph shall be given to projects that provide service to the highest proportion of rural residents that do not have access to broadband service: *Provided further*, That priority shall be given for project applications from borrowers or former borrowers under title II of the Rural Electrification Act of 1936 and for project applications that include such borrowers or former borrowers: *Provided further*, That priority for awarding such funds shall be given to project applications that demonstrate that, if the application is approved, all project elements will be fully funded: *Provided further*, That priority for awarding

Grants.
Loans.

such funds shall be given to project applications for activities that can be completed if the requested funds are provided: *Provided further*, That priority for awarding such funds shall be given to activities that can commence promptly following approval: *Provided further*, That no area of a project funded with amounts made available under this paragraph may receive funding to provide broadband service under the Broadband Technology Opportunities Program: *Provided further*, That the Secretary shall submit a report on planned spending and actual obligations describing the use of these funds not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds are obligated, to the Committees on Appropriations of the House of Representatives and the Senate.

Reports.
Deadlines.

FOOD AND NUTRITION SERVICE CHILD NUTRITION PROGRAMS

For an additional amount for the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et. seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et. seq.), except sections 17 and 21, $100,000,000, to carry out a grant program for National School Lunch Program equipment assistance: *Provided,* That such funds shall be provided to States administering a school lunch program in a manner proportional with each States' administrative expense allocation: *Provided further,* That the States shall provide competitive grants to school food authorities based upon the need for equipment assistance in participating schools with priority given to school in which not less than 50 percent of the students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act.

Grants.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $500,000,000, of which $400,000,000 shall be placed in reserve to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates, and of which $100,000,000 shall be for the purposes specified in section 17(h)(10)(B)(ii): *Provided,* That up to one percent of the funding provided for the purposes specified in section 17(h)(10)(B)(ii) may be reserved by the Secretary for Federal administrative activities in support of those purposes.

COMMODITY ASSISTANCE PROGRAM

For an additional amount for the emergency food assistance program as authorized by section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)), $150,000,000: *Provided,* That of the funds made available, the Secretary may use up to $50,000,000 for costs associated with the distribution of commodities, of which up to $25,000,000 shall be made available in fiscal year 2009.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. TEMPORARY INCREASE IN BENEFITS UNDER THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. (a) MAXIMUM BENEFIT INCREASE.—

Puerto Rico. American Samoa.

Effective date.

(1) IN GENERAL.—Beginning the first month that begins not less than 25 days after the date of enactment of this Act, the value of benefits determined under section 8(a) of the Food and Nutrition Act of 2008 and consolidated block grants for Puerto Rico and American Samoa determined under section 19(a) of such Act shall be calculated using 113.6 percent of the June 2008 value of the thrifty food plan as specified under section 3(o) of such Act.

(2) TERMINATION.—

(A) The authority provided by this subsection shall terminate after September 30, 2009.

(B) Notwithstanding subparagraph (A), the Secretary of Agriculture may not reduce the value of the maximum allotments, minimum allotments or consolidated block grants for Puerto Rico and American Samoa below the level in effect for fiscal year 2009 as a result of paragraph (1).

(b) REQUIREMENTS FOR THE SECRETARY.—In carrying out this section, the Secretary shall—

(1) consider the benefit increases described in subsection (a) to be a "mass change";

(2) require a simple process for States to notify households of the increase in benefits;

(3) consider section 16(c)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A)) to apply to any errors in the implementation of this section, without regard to the 120-day limit described in that section;

(4) disregard the additional amount of benefits that a household receives as a result of this section in determining the amount of overissuances under section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022); and

(5) set the tolerance level for excluding small errors for the purposes of section 16(c) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at $50 through September 30, 2009.

(c) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—For the costs of State administrative expenses associated with carrying out this section and administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary shall make available $145,000,000 in fiscal year 2009 and $150,000,000 in fiscal year 2010, of which $4,500,000 is for necessary expenses of the Food and Nutrition Service for management and oversight of the program and for monitoring the integrity and evaluating the effects of the payments made under this section.

Deadline.

(2) TIMING FOR FISCAL YEAR 2009.—Not later than 60 days after the date of enactment of this Act, the Secretary shall make available to States amounts for fiscal year 2009 under paragraph (1).

Grants.

(3) ALLOCATION OF FUNDS.—Except as provided for management and oversight, funds described in paragraph (1) shall

be made available as grants to State agencies for each fiscal year as follows:

(A) 75 percent of the amounts available for each fiscal year shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(B) 25 percent of the amounts available for each fiscal year shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)).

(d) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—For the costs relating to facility improvements and equipment upgrades associated with the Food Distribution Program on Indian Reservations, as established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)), the Secretary shall make available $5,000,000: *Provided,* That administrative cost-sharing requirements are not applicable to funds provided in accordance with this provision.

(e) TREATMENT OF JOBLESS WORKERS.— Effective dates.

(1) REMAINDER OF FISCAL YEAR 2009 THROUGH FISCAL YEAR 2010.—Beginning with the first month that begins not less than 25 days after the date of enactment of this Act and for each subsequent month through September 30, 2010, eligibility for supplemental nutrition assistance program benefits shall not be limited under section 6(o)(2) of the Food and Nutrition Act of 2008 unless an individual does not comply with the requirements of a program offered by the State agency that meets the standards of subparagraphs (B) or (C) of that paragraph.

(2) FISCAL YEAR 2011 AND THEREAFTER.—Beginning on October 1, 2010, for the purposes of section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)), a State agency shall disregard any period during which an individual received benefits under the supplemental nutrition assistance program prior to October 1, 2010.

(f) FUNDING.—There are appropriated to the Secretary out of funds of the Treasury not otherwise appropriated such sums as are necessary to carry out this section.

SEC. 102. AGRICULTURAL DISASTER ASSISTANCE TRANSITION. (a) FEDERAL CROP INSURANCE ACT. Section 531(g) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)) is amended by adding at the end the following:

"(7) 2008 TRANSITION ASSISTANCE.—

"(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section

in accordance with subparagraph (B) if the eligible producers on the farm—

Deadline.

"(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

"(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

"(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the next year for which a policy is available.

"(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

"(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

"(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining the level of coverage, the Secretary shall use 70 percent of the applicable yield.

"(C) EQUITABLE RELIEF.—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an amount equal to the greater of—

"(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

"(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

"(I) in clause (i) of that subparagraph, '120 percent' is substituted for '115 percent'; and

"(II) in clause (ii) of that subparagraph, '125' is substituted for '120 percent'.

"(D) LIMITATION.—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.

"(E) AUTHORITY OF THE SECRETARY.—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

"(F) LACK OF ACCESS.—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

"(i) suffered a production loss due to a natural cause during the 2008 crop year; and

"(ii) as determined by the Secretary—

"(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

"(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

"(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).".

(b) TRADE ACT OF 1974.—Section 901(g) of the Trade Act of 1974 (19 U.S.C. 2497(g)) is amended by adding at the end the following:

"(7) 2008 TRANSITION ASSISTANCE.—

"(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

"(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and Deadline.

"(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield

indemnified at 100 percent of the expected market price, or an equivalent coverage; and

"(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the next year for which a policy is available.

"(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

"(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

"(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining the level of coverage, the Secretary shall use 70 percent of the applicable yield.

"(C) EQUITABLE RELIEF.—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an amount equal to the greater of—

"(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

"(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

"(I) in clause (i) of that subparagraph, '120 percent' is substituted for '115 percent'; and

"(II) in clause (ii) of that subparagraph, '125' is substituted for '120 percent'.

"(D) LIMITATION.—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.

"(E) AUTHORITY OF THE SECRETARY.—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

"(F) LACK OF ACCESS.—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

"(i) suffered a production loss due to a natural cause during the 2008 crop year; and

"(ii) as determined by the Secretary—

"(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

"(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

"(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).".

(c) FARM OPERATING LOANS.—

(1) IN GENERAL.—For the principal amount of direct farm operating loans under section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941), $173,367,000.

(2) DIRECT FARM OPERATING LOANS.—For the cost of direct farm operating loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), $20,440,000.

(d) 2008 AQUACULTURE ASSISTANCE.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE AQUACULTURE PRODUCER.—The term "eligible aquaculture producer" means an aquaculture producer that during the 2008 calendar year, as determined by the Secretary—

(i) produced an aquaculture species for which feed costs represented a substantial percentage of the input costs of the aquaculture operation; and

(ii) experienced a substantial price increase of feed costs above the previous 5-year average.

(B) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(2) GRANT PROGRAM.—

(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $50,000,000, to remain available until September 30, 2010, to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2008 calendar year.

(B) NOTIFICATION.—Not later than 60 days after the date of enactment of this Act, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers. Deadline.

(C) PROVISION OF GRANTS.—

(i) IN GENERAL.—The Secretary shall make grants to States under this subsection on a pro rata basis based on the amount of aquaculture feed used in each State during the 2007 calendar year, as determined by the Secretary.

Deadline.

(ii) TIMING.—Not later than 120 days after the date of enactment of this Act, the Secretary shall make grants to States to provide assistance under this subsection.

Deadlines.

(D) REQUIREMENTS.—The Secretary shall make grants under this subsection only to States that demonstrate to the satisfaction of the Secretary that the State will—

(i) use grant funds to assist eligible aquaculture producers;

(ii) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and

Reports.

(iii) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(I) the manner in which the State provided assistance;

(II) the amounts of assistance provided per species of aquaculture; and

(III) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(3) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this subsection shall not be eligible to receive any other assistance under the supplemental agricultural disaster assistance program established under section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) and section 901 of the Trade Act of 1974 (19 U.S.C. 2497) for any losses in 2008 relating to the same species of aquaculture.

(4) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that—

(A) describes in detail the manner in which this subsection has been carried out; and

(B) includes the information reported to the Secretary under paragraph (2)(D)(iii).

SEC. 103. For fiscal years 2009 and 2010, in the case of each program established or amended by the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), other than by title I of such Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for the purpose of covering salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes

of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 104. In addition to other available funds, of the funds made available to the Rural Development mission area in this title, not more than 3 percent of the funds can be used for administrative costs to carry out loan, loan guarantee and grant activities funded in this title, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses": *Provided,* That of this amount $1,750,000 shall be committed to agency projects associated with maintaining the compliance, safety, and soundness of the portfolio of loans guaranteed through the section 502 guaranteed loan program.

SEC. 105. Of the amounts appropriated in this title to the "Rural Housing Service, Rural Community Facilities Program Account", the "Rural Business-Cooperative Service, Rural Business Program Account", and the ″Rural Utilities Service, Rural Water and Waste Disposal Program Account", at least 10 percent shall be allocated for assistance in persistent poverty counties: *Provided,* That for the purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses. Definition.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", $150,000,000: *Provided,* That $50,000,000 shall be for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3149): *Provided further,* That in allocating the funds provided in the previous proviso, the Secretary of Commerce shall give priority consideration to areas of the Nation that have experienced sudden and severe economic dislocation and job loss due to corporate restructuring: *Provided further*, That not to exceed 2 percent of the funds provided under this heading may be transferred to and merged with the appropriation for "Salaries and Expenses" for purposes of program administration and oversight: *Provided further*, That up to $50,000,000 of the funds provided under this heading may be transferred to federally authorized regional economic development commissions.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic Censuses and Programs", $1,000,000,000.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

Grants.

For an amount for "Broadband Technology Opportunities Program", $4,700,000,000: *Provided,* That of the funds provided under this heading, not less than $4,350,000,000 shall be expended pursuant to division B of this Act, of which: not less than $200,000,000 shall be available for competitive grants for expanding public computer center capacity, including at community colleges and public libraries; not less than $250,000,000 shall be available for competitive grants for innovative programs to encourage sustainable adoption of broadband service; and $10,000,000 shall be transferred to "Department of Commerce, Office of Inspector General" for the purposes of audits and oversight of funds provided under this heading and such funds shall remain available until expended: *Provided further,* That of the funds provided under this heading, up to $350,000,000 may be expended pursuant to Public Law 110–385 (47 U.S.C. 1301 note) and for the purposes of developing and maintaining a broadband inventory map pursuant to division B of this Act: *Provided further,* That of the funds provided under this heading, amounts deemed necessary and appropriate by the Secretary of Commerce, in consultation with the Federal Communications Commission (FCC), may be transferred to the FCC for the purposes of developing a national broadband plan or for carrying out any other FCC responsibilities pursuant to division B of this Act, and only if the Committees on Appropriations of the House and the Senate are notified not less than 15 days in advance of the transfer of such funds: *Provided further,* That not more than 3 percent of funds provided under this heading may be used for administrative costs, and this limitation shall apply to funds which may be transferred to the FCC.

Notification. Deadline.

Applicability.

DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

For an amount for "Digital-to-Analog Converter Box Program", $650,000,000, for additional coupons and related activities under the program implemented under section 3005 of the Digital Television Transition and Public Safety Act of 2005: *Provided,* That of the amounts provided under this heading, $90,000,000 may be for education and outreach, including grants to organizations for programs to educate vulnerable populations, including senior citizens, minority communities, people with disabilities, low-income individuals, and people living in rural areas, about the transition and to provide one-on-one assistance to vulnerable populations, including help with converter box installation: *Provided further,* That the amounts provided in the previous proviso may be transferred to the Federal Communications Commission (FCC) if deemed necessary and appropriate by the Secretary of Commerce in consultation with the FCC, and only if the Committees on Appropriations of the House and the Senate are notified not less than 5 days in advance of transfer of such funds.

Notification. Deadline.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and Technical Research and Services", $220,000,000.

CONSTRUCTION OF RESEARCH FACILITIES

For an additional amount for "Construction of Research Facilities", $360,000,000, of which $180,000,000 shall be for a competitive construction grant program for research science buildings.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $230,000,000.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", $600,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $6,000,000, to remain available until September 30, 2013.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,000,000, to remain available until September 30, 2013.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

Grants.

For an additional amount for "Violence Against Women Prevention and Prosecution Programs", $225,000,000 for grants to combat violence against women, as authorized by part T of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.): *Provided,* That, $50,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", $2,000,000,000, for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Acts of 1968 ("1968 Act"), (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act).

For an additional amount for "State and Local Law Enforcement Assistance", $225,000,000, for competitive grants to improve the functioning of the criminal justice system, to assist victims of crime (other than compensation), and youth mentoring grants.

For an additional amount for "State and Local Law Enforcement Assistance", $40,000,000, for competitive grants to provide assistance and equipment to local law enforcement along the Southern border and in High-Intensity Drug Trafficking Areas to combat criminal narcotics activity stemming from the Southern border, of which $10,000,000 shall be transferred to "Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses" for the ATF Project Gunrunner.

For an additional amount for "State and Local Law Enforcement Assistance", $225,000,000, for assistance to Indian tribes, notwithstanding Public Law 108–199, division B, title I, section 112(a)(1) (118 Stat. 62), which shall be available for grants under section 20109 of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322).

For an additional amount for "State and Local Law Enforcement Assistance", $100,000,000, to be distributed by the Office for Victims of Crime in accordance with section 1402(d)(4) of the Victims of Crime Act of 1984 (Public Law 98–473).

For an additional amount for "State and Local Law Enforcement Assistance", $125,000,000, for assistance to law enforcement in rural States and rural areas, to prevent and combat crime, especially drug-related crime.

For an additional amount for "State and Local Law Enforcement Assistance", $50,000,000, for Internet Crimes Against Children (ICAC) initiatives.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for "Community Oriented Policing Services", for grants under section 1701 of title I of the 1968 Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3796dd) for hiring and rehiring of additional career law enforcement officers under part Q of such title, notwithstanding subsection (i) of such section, $1,000,000,000.

SALARIES AND EXPENSES

For an additional amount, not elsewhere specified in this title, for management and administration and oversight of programs within the Office on Violence Against Women, the Office of Justice Programs, and the Community Oriented Policing Services Office, $10,000,000.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For an additional amount for "Science", $400,000,000.

AERONAUTICS

For an additional amount for "Aeronautics", $150,000,000.

EXPLORATION

For an additional amount for "Exploration", $400,000,000.

CROSS AGENCY SUPPORT

For an additional amount for "Cross Agency Support", $50,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,000,000, to remain available until September 30, 2013.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and Related Activities", $2,500,000,000: *Provided*, That $300,000,000 shall be available solely for the Major Research Instrumentation program and $200,000,000 shall be for activities authorized by title II of Public Law 100–570 for academic research facilities modernization.

EDUCATION AND HUMAN RESOURCES

For an additional amount for "Education and Human Resources", $100,000,000.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For an additional amount for "Major Research Equipment and Facilities Construction", $400,000,000.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $2,000,000, to remain available until September 30, 2013.

GENERAL PROVISION—THIS TITLE

SEC. 201. Sections 1701(g) and 1704(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(g) and 3796dd–3(c)) shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 or 2010 for Community Oriented Policing Services authorized under part Q of such Act of 1968.

TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $1,474,525,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $657,051,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $113,865,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $1,095,959,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $98,269,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $55,083,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $39,909,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $13,187,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $266,304,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $25,848,000, to remain available for obligation until September 30, 2010, to improve, repair and modernize Department of Defense facilities, restore and modernize real property to include barracks, and invest in the energy efficiency of Department of Defense facilities.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $75,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $75,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $75,000,000, to remain available for obligation until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $75,000,000, to remain available for obligation until September 30, 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $400,000,000 for operation and maintenance, to remain available for obligation until September 30, 2010, to improve, repair and modernize military medical facilities, and invest in the energy efficiency of military medical facilities.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $15,000,000 for operation and maintenance, to remain available for obligation until September 30, 2011.

TITLE IV—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations", $25,000,000: *Provided,* That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

Deadlines.
Reports.

CONSTRUCTION

For an additional amount for "Construction", $2,000,000,000: *Provided,* That not less than $200,000,000 of the funds provided

shall be for water-related environmental infrastructure assistance: *Provided further,* That section 102 of Public Law 109–103 (33 U.S.C. 2221) shall not apply to funds provided in this title: *Provided further,* That notwithstanding any other provision of law, funds provided in this paragraph shall not be cost shared with the Inland Waterways Trust Fund as authorized in Public Law 99–662: *Provided further,* That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: *Provided further,* That funds appropriated under this heading may be used by the Secretary of the Army, acting through the Chief of Engineers, to undertake work authorized to be carried out in accordance with section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r); section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s); section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330); or section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), notwithstanding the program cost limitations set forth in those sections: *Provided further,* That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

Deadlines.
Reports.

MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for "Mississippi River and Tributaries", $375,000,000: *Provided,* That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2009 to any project that received funds provided in this title: *Provided further,* That for projects that are being completed with funds appropriated

in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

Deadlines.
Reports.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance", $2,075,000,000: *Provided,* That funds provided under this heading in this title shall only be used for programs, projects or activities that heretofore or hereafter receive funds provided in Acts making appropriations available for Energy and Water Development: *Provided further,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That section 9006 of Public Law 110–114 shall not apply to funds provided in this title: *Provided further,* That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

Deadlines.
Reports.

REGULATORY PROGRAM

For an additional amount for "Regulatory Program", $25,000,000.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For an additional amount for "Formerly Utilized Sites Remedial Action Program", $100,000,000: *Provided,* That funds provided under this heading in this title shall be used for programs, projects or activities or elements of programs, projects or activities that can be completed within the funds made available in that account and that will not require new budget authority to complete: *Provided further,* That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary of the Army shall submit a quarterly report to the Committees on Appropriations

Deadlines.
Reports.

of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $1,000,000,000: *Provided,* That of the amount appropriated under this heading, not less than $126,000,000 shall be used for water reclamation and reuse projects authorized under title XVI of Public Law 102–575: *Provided further,* That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and not create budgetary obligations in future fiscal years: *Provided further,* That $50,000,000 of the funds provided under this heading may be transferred to the Department of the Interior for programs, projects and activities authorized by the Central Utah Project Completion Act (titles II–V of Public Law 102–575): *Provided further,* That $50,000,000 of the funds provided under this heading may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act (Public Law 108–361): *Provided further,* That not less than $60,000,000 of the funds provided under this heading shall be used for rural water projects and shall be expended primarily on water intake and treatment facilities of such projects: *Provided further,* That not less than $10,000,000 of the funds provided under this heading shall be used for a bureau-wide inspection of canals program in urbanized areas: *Provided further,* That the costs of extraordinary maintenance and replacement activities carried out with funds provided in this Act shall be repaid pursuant to existing authority, except the length of repayment period shall be as determined by the Commissioner, but in no case shall the repayment period exceed 50 years and the repayment shall include interest, at a rate determined by the Secretary of the Treasury as of the beginning of the fiscal year in which the work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project adjusted to the nearest one-eighth of 1 percent on the unamortized balance of any portion of the loan: *Provided further,* That for projects that are being completed with funds appropriated in this Act that would otherwise be expired for obligation, expired funds appropriated in this Act may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any: *Provided further,* That the Secretary of the Interior shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation, obligation and expenditures of these funds, beginning not later than 45 days after enactment of this Act: *Provided further,* That the Secretary shall have unlimited reprogramming authority for these funds provided under this heading.

Deadlines.
Reports.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for "Energy Efficiency and Renewable Energy", $16,800,000,000: *Provided,* That $3,200,000,000 shall be available for Energy Efficiency and Conservation Block Grants for implementation of programs authorized under subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.), of which $2,800,000,000 is available through the formula in subtitle E: *Provided further,* That the Secretary may use the most recent and accurate population data available to satisfy the requirements of section 543(b) of the Energy Independence and Security Act of 2007: *Provided further,* That the remaining $400,000,000 shall be awarded on a competitive basis: *Provided further,* That $5,000,000,000 shall be for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further,* That $3,100,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321): *Provided further,* That $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary shall provide facility funding awards under this section to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: *Provided further,* That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: *Provided further,* That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further,* That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

Grants.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For an additional amount for "Electricity Delivery and Energy Reliability," $4,500,000,000: *Provided*, That funds shall be available for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, to include demand responsive equipment, enhance security and reliability of the energy infrastructure, energy storage research, development, demonstration and deployment, and facilitate recovery from disruptions to the energy supply, and for implementation of programs authorized under title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 et seq.): *Provided further,* That $100,000,000 shall be available for worker training activities: *Provided further,* That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318

of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: *Provided further,* That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further,* That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5: *Provided further,* That for the purpose of facilitating the development of regional transmission plans, the Office of Electricity Delivery and Energy Reliability within the Department of Energy is provided $80,000,000 within the available funds to conduct a resource assessment and an analysis of future demand and transmission requirements after consultation with the Federal Energy Regulatory Commission: *Provided further,* That the Office of Electricity Delivery and Energy Reliability in coordination with the Federal Energy Regulatory Commission will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of interconnection-based transmission plans for the Eastern and Western Interconnections and ERCOT: *Provided further,* That such assistance may include modeling, support to regions and States for the development of coordinated State electricity policies, programs, laws, and regulations: *Provided further,* That $10,000,000 is provided to implement section 1305 of Public Law 110–140: *Provided further*, That the Secretary of Energy may use or transfer amounts provided under this heading to carry out new authority for transmission improvements, if such authority is enacted in any subsequent Act, consistent with existing fiscal management practices and procedures.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For an additional amount for "Fossil Energy Research and Development", $3,400,000,000.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Non-Defense Environmental Cleanup", $483,000,000.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For an additional amount for "Uranium Enrichment Decontamination and Decommissioning Fund", $390,000,000, of which $70,000,000 shall be available in accordance with title X, subtitle A of the Energy Policy Act of 1992.

SCIENCE

For an additional amount for "Science", $1,600,000,000.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For the Advanced Research Projects Agency—Energy, $400,000,000, as authorized under section 5012 of the America COMPETES Act (42 U.S.C. 16538).

TITLE 17—INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

For an additional amount for the cost of guaranteed loans authorized by section 1705 of the Energy Policy Act of 2005, $6,000,000,000, available until expended, to pay the costs of guarantees made under this section: *Provided,* That of the amount provided for title XVII, $25,000,000 shall be used for administrative expenses in carrying out the guaranteed loan program: *Provided further,* That of the amounts provided for title XVII, $10,000,000 shall be transferred to and available for administrative expenses for the Advanced Technology Vehicles Manufacturing Loan Program.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $15,000,000, to remain available until September 30, 2012.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For an additional amount for "Defense Environmental Cleanup," $5,127,000,000.

CONSTRUCTION, REHABILITATION, OPERATION, AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, $10,000,000, to remain available until expended: *Provided,* That the Administrator shall establish such personnel staffing levels as he deems necessary to economically and efficiently complete the activities pursued under the authority granted by section 402 of this Act: *Provided further,* That this appropriation is non-reimbursable.

GENERAL PROVISIONS—THIS TITLE

SEC. 401. BONNEVILLE POWER ADMINISTRATION BORROWING AUTHORITY. For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration and to implement the authority of the Administrator of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional $3,250,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any time.

SEC. 402. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY. The Hoover Power Plant Act of 1984 (Public Law 98–381) is amended by adding at the end the following:

"TITLE III—BORROWING AUTHORITY

"SEC. 301. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY. 42 USC 16421a.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Western Area Power Administration.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

"(b) AUTHORITY.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, subject to paragraphs (2) through (5)—

"(A) the Western Area Power Administration may borrow funds from the Treasury; and

"(B) the Secretary shall, without further appropriation and without fiscal year limitation, loan to the Western Area Power Administration, on such terms as may be fixed by the Administrator and the Secretary, such sums (not to exceed, in the aggregate (including deferred interest), $3,250,000,000 in outstanding repayable balances at any one time) as, in the judgment of the Administrator, are from time to time required for the purpose of—

"(i) constructing, financing, facilitating, planning, operating, maintaining, or studying construction of new or upgraded electric power transmission lines and related facilities with at least one terminus within the area served by the Western Area Power Administration; and

"(ii) delivering or facilitating the delivery of power generated by renewable energy resources constructed or reasonably expected to be constructed after the date of enactment of this section.

"(2) INTEREST.—The rate of interest to be charged in connection with any loan made pursuant to this subsection shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

"(3) REFINANCING.—The Western Area Power Administration may refinance loans taken pursuant to this section within the Treasury.

"(4) PARTICIPATION.—The Administrator may permit other entities to participate in the financing, construction and ownership projects financed under this section.

"(5) CONGRESSIONAL REVIEW OF DISBURSEMENT.—Effective upon the date of enactment of this section, the Administrator shall have the authority to have utilized $1,750,000,000 at any one time. If the Administrator seeks to borrow funds above $1,750,000,000, the funds will be disbursed unless there is enacted, within 90 calendar days of the first such request, a joint resolution that rescinds the remainder of the balance of the borrowing authority provided in this section. Effective date. Deadline.

"(c) TRANSMISSION LINE AND RELATED FACILITY PROJECTS.—

"(1) IN GENERAL.—For repayment purposes, each transmission line and related facility project in which the Western Area Power Administration participates pursuant to this section shall be treated as separate and distinct from—

"(A) each other such project; and

"(B) all other Western Area Power Administration power and transmission facilities.

"(2) PROCEEDS.—The Western Area Power Administration shall apply the proceeds from the use of the transmission capacity from an individual project under this section to the repayment of the principal and interest of the loan from the Treasury attributable to that project, after reserving such funds as the Western Area Power Administration determines are necessary—

"(A) to pay for any ancillary services that are provided; and

"(B) to meet the costs of operating and maintaining the new project from which the revenues are derived.

"(3) SOURCE OF REVENUE.—Revenue from the use of projects under this section shall be the only source of revenue for—

"(A) repayment of the associated loan for the project; and

"(B) payment of expenses for ancillary services and operation and maintenance.

"(4) LIMITATION ON AUTHORITY.—Nothing in this section confers on the Administrator any additional authority or obligation to provide ancillary services to users of transmission facilities developed under this section.

"(5) TREATMENT OF CERTAIN REVENUES.—Revenue from ancillary services provided by existing Federal power systems to users of transmission projects funded pursuant to this section shall be treated as revenue to the existing power system that provided the ancillary services.

"(d) CERTIFICATION.—

"(1) IN GENERAL.—For each project in which the Western Area Power Administration participates pursuant to this section, the Administrator shall certify, prior to committing funds for any such project, that—

"(A) the project is in the public interest;

"(B) the project will not adversely impact system reliability or operations, or other statutory obligations; and

"(C) it is reasonable to expect that the proceeds from the project shall be adequate to make repayment of the loan.

"(2) FORGIVENESS OF BALANCES.—

"(A) IN GENERAL.—If, at the end of the useful life of a project, there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

"(B) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

"(C) NOTIFICATION.—The Administrator shall notify the Secretary of such amounts as are to be forgiven under this paragraph.

"(e) PUBLIC PROCESSES.—

"(1) POLICIES AND PRACTICES.—Prior to requesting any loans under this section, the Administrator shall use a public

process to develop practices and policies that implement the authority granted by this section.

"(2) REQUESTS FOR INTEREST.—In the course of selecting potential projects to be funded under this section, the Administrator shall seek Requests For Interest from entities interested in identifying potential projects through one or more notices published in the Federal Register."

Notice.
Federal Register, publication.

SEC. 403. SET-ASIDE FOR MANAGEMENT AND OVERSIGHT. Up to 0.5 percent of each amount appropriated in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the head of the Federal department or agency involved to any other appropriate account within the department or agency for that purpose: *Provided,* That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further,* That funds set aside under this section shall remain available for obligation until September 30, 2012.

Reports.
Deadline.

SEC. 404. TECHNICAL CORRECTIONS TO THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. (a) Section 543(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by striking paragraph (1) and inserting the following:

"(1) 34 percent to eligible units of local government—alternative 1, in accordance with subsection (b);

"(2) 34 percent to eligible units of local government—alternative 2, in accordance with subsection (b);".

(b) Section 543(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153(b)) is amended by striking "subsection (a)(1)" and inserting "subsection (a)(1) or (2)".

(c) Section 548(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is amending by striking "; provided" and all that follows through "541(3)(B)".

SEC. 405. AMENDMENTS TO TITLE XIII OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007. Title XIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17381 and following) is amended as follows:

(1) By amending subparagraph (A) of section 1304(b)(3) to read as follows:

42 USC 17384.

"(A) IN GENERAL.—In carrying out the initiative, the Secretary shall provide financial support to smart grid demonstration projects in urban, suburban, tribal, and rural areas, including areas where electric system assets are controlled by nonprofit entities and areas where electric system assets are controlled by investor-owned utilities.".

(2) By amending subparagraph (C) of section 1304(b)(3) to read as follows:

"(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.".

(3) By inserting after section 1304(b)(3)(D) the following new subparagraphs:

Clearinghouse.

"(E) AVAILABILITY OF DATA.—The Secretary shall establish and maintain a smart grid information clearinghouse in a timely manner which will make data from smart grid demonstration projects and other sources available to the public. As a condition of receiving financial assistance under this subsection, a utility or other participant in a smart grid demonstration project shall provide such information as the Secretary may require to become available through the smart grid information clearinghouse in the form and within the timeframes as directed by the Secretary. The Secretary shall assure that business proprietary information and individual customer information is not included in the information made available through the clearinghouse.

"(F) OPEN PROTOCOLS AND STANDARDS.—The Secretary shall require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate.".

42 USC 17384.

(4) By amending paragraph (2) of section 1304(c) to read as follows:

"(2) to carry out subsection (b), such sums as may be necessary.".

42 USC 17386.

(5) By amending subsection (a) of section 1306 by striking "reimbursement of one-fifth (20 percent)" and inserting "grants of up to one-half (50 percent)".

(6) By striking the last sentence of subsection (b)(9) of section 1306.

(7) By striking "are eligible for" in subsection (c)(1) of section 1306 and inserting "utilize".

(8) By amending subsection (e) of section 1306 to read as follows:

Deadline.
Notice.

"(e) PROCEDURES AND RULES.—(1) The Secretary shall, within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009, by means of a notice of intent and subsequent solicitation of grant proposals—

"(A) establish procedures by which applicants can obtain grants of not more than one-half of their documented costs;

"(B) require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate;

"(C) establish procedures to ensure that there is no duplication or multiple payment for the same investment or costs, that the grant goes to the party making the actual expenditures for the qualifying Smart Grid investments, and that the grants made have a significant effect in encouraging and facilitating the development of a smart grid;

"(D) establish procedures to ensure there will be public records of grants made, recipients, and qualifying Smart Grid investments which have received grants; and

"(E) establish procedures to provide advance payment of moneys up to the full amount of the grant award.

"(2) The Secretary shall have discretion and exercise reasonable judgment to deny grants for investments that do not qualify.".

SEC. 406. RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION LOAN GUARANTEE PROGRAM. (a) AMENDMENT.—Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding the following at the end:

"SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS. 42 USC 16516.

"(a) IN GENERAL.—Notwithstanding section 1703, the Secretary may make guarantees under this section only for the following categories of projects that commence construction not later than September 30, 2011:

"(1) Renewable energy systems, including incremental hydropower, that generate electricity or thermal energy, and facilities that manufacture related components.

"(2) Electric power transmission systems, including upgrading and reconductoring projects.

"(3) Leading edge biofuel projects that will use technologies performing at the pilot or demonstration scale that the Secretary determines are likely to become commercial technologies and will produce transportation fuels that substantially reduce life-cycle greenhouse gas emissions compared to other transportation fuels.

"(b) FACTORS RELATING TO ELECTRIC POWER TRANSMISSION SYSTEMS.—In determining to make guarantees to projects described in subsection (a)(2), the Secretary may consider the following factors:

"(1) The viability of the project without guarantees.

"(2) The availability of other Federal and State incentives.

"(3) The importance of the project in meeting reliability needs.

"(4) The effect of the project in meeting a State or region's environment (including climate change) and energy goals.

"(c) WAGE RATE REQUIREMENTS.—The Secretary shall require that each recipient of support under this section provide reasonable assurance that all laborers and mechanics employed in the performance of the project for which the assistance is provided, including those employed by contractors or subcontractors, will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act').

"(d) LIMITATION.—Funding under this section for projects described in subsection (a)(3) shall not exceed $500,000,000.

"(e) SUNSET.—The authority to enter into guarantees under this section shall expire on September 30, 2011.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Energy Policy Act of 2005 is amended by inserting after the item relating to section 1704 the following new item:

"Sec. 1705. Temporary program for rapid deployment of renewable energy and electric power transmission projects.".

SEC. 407. WEATHERIZATION ASSISTANCE PROGRAM AMENDMENTS. (a) INCOME LEVEL.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 6862(7)) is amended by striking "150 percent" both places it appears and inserting "200 percent".

(b) ASSISTANCE LEVEL PER DWELLING UNIT.—Section 415(c)(1) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(1)) is amended by striking "$2,500" and inserting "$6,500".

(c) EFFECTIVE USE OF FUNDS.—In providing funds made available by this Act for the Weatherization Assistance Program, the Secretary may encourage States to give priority to using such funds for the most cost-effective efficiency activities, which may include insulation of attics, if, in the Secretary's view, such use of funds would increase the effectiveness of the program.

(d) TRAINING AND TECHNICAL ASSISTANCE.—Section 416 of the Energy Conservation and Production Act (42 U.S.C. 6866) is amended by striking "10 percent" and inserting "up to 20 percent".

(e) ASSISTANCE FOR PREVIOUSLY WEATHERIZED DWELLING UNITS.—Section 415(c)(2) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)(2)) is amended by striking "September 30, 1979" and inserting "September 30, 1994".

SEC. 408. TECHNICAL CORRECTIONS TO PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978. (a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by redesignating paragraph (16) relating to consideration of smart grid investments (added by section 1307(a) of Public Law 110–140) as paragraph (18) and by redesignating paragraph (17) relating to smart grid information (added by section 1308(a) of Public Law 110–140) as paragraph (19).

(b) Subsections (b) and (d) of section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) are each amended by striking "(17) through (18)" in each place it appears and inserting "(16) through (19)".

SEC. 409. RENEWABLE ELECTRICITY TRANSMISSION STUDY. In completing the 2009 National Electric Transmission Congestion Study, the Secretary of Energy shall include—

(1) an analysis of the significant potential sources of renewable energy that are constrained in accessing appropriate market areas by lack of adequate transmission capacity;

(2) an analysis of the reasons for failure to develop the adequate transmission capacity;

(3) recommendations for achieving adequate transmission capacity;

(4) an analysis of the extent to which legal challenges filed at the State and Federal level are delaying the construction of transmission necessary to access renewable energy; and

(5) an explanation of assumptions and projections made in the Study, including—

(A) assumptions and projections relating to energy efficiency improvements in each load center;

(B) assumptions and projections regarding the location and type of projected new generation capacity; and

(C) assumptions and projections regarding projected deployment of distributed generation infrastructure.

SEC. 410. ADDITIONAL STATE ENERGY GRANTS. (a) IN GENERAL.—Amounts appropriated under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" in this title shall be available to the Secretary of Energy for making additional grants under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.). The Secretary shall make grants under this section in excess of the base allocation established for a State under regulations issued pursuant to the

Notification.

authorization provided in section 365(f) of such Act only if the governor of the recipient State notifies the Secretary of Energy in writing that the governor has obtained necessary assurances that each of the following will occur:

(1) The applicable State regulatory authority will seek to implement, in appropriate proceedings for each electric and gas utility, with respect to which the State regulatory authority has ratemaking authority, a general policy that ensures that utility financial incentives are aligned with helping their customers use energy more efficiently and that provide timely cost recovery and a timely earnings opportunity for utilities associated with cost-effective measurable and verifiable efficiency savings, in a way that sustains or enhances utility customers' incentives to use energy more efficiently.

(2) The State, or the applicable units of local government that have authority to adopt building codes, will implement the following:

(A) A building energy code (or codes) for residential buildings that meets or exceeds the most recently published International Energy Conservation Code, or achieves equivalent or greater energy savings.

(B) A building energy code (or codes) for commercial buildings throughout the State that meets or exceeds the ANSI/ASHRAE/IESNA Standard 90.1–2007, or achieves equivalent or greater energy savings.

(C) A plan for the jurisdiction achieving compliance with the building energy code or codes described in subparagraphs (A) and (B) within 8 years of the date of enactment of this Act in at least 90 percent of new and renovated residential and commercial building space. Such plan shall include active training and enforcement programs and measurement of the rate of compliance each year. Deadline.

(3) The State will to the extent practicable prioritize the grants toward funding energy efficiency and renewable energy programs, including—

(A) the expansion of existing energy efficiency programs approved by the State or the appropriate regulatory authority, including energy efficiency retrofits of buildings and industrial facilities, that are funded—

(i) by the State; or

(ii) through rates under the oversight of the applicable regulatory authority, to the extent applicable;

(B) the expansion of existing programs, approved by the State or the appropriate regulatory authority, to support renewable energy projects and deployment activities, including programs operated by entities which have the authority and capability to manage and distribute grants, loans, performance incentives, and other forms of financial assistance; and

(C) cooperation and joint activities between States to advance more efficient and effective use of this funding to support the priorities described in this paragraph.

(b) STATE MATCH.—The State cost share requirement under the item relating to "Department of Energy; Energy Conservation" in title II of the Department of the Interior and Related Agencies

Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(c) EQUIPMENT AND MATERIALS FOR ENERGY EFFICIENCY MEASURES AND RENEWABLE ENERGY MEASURES.—No limitation on the percentage of funding that may be used for the purchase and installation of equipment and materials for energy efficiency measures and renewable energy measures under grants provided under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) shall apply to assistance provided under this section.

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, $7,000,000, to remain available until September 30, 2013, for oversight and audits of the administration of the making work pay tax credit and economic recovery payments under the American Recovery and Reinvestment Act of 2009.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For an additional amount for "Community Development Financial Institutions Fund Program Account", $100,000,000, to remain available until September 30, 2010, for qualified applicants under the fiscal year 2009 funding round of the Community Development Financial Institutions Program, of which up to $8,000,000 may be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers and up to $2,000,000 may be used for administrative expenses: *Provided,* That for the purpose of the fiscal year 2009 funding round, the following statutory provisions are hereby waived: 12 U.S.C. 4707(e) and 12 U.S.C. 4707(d): *Provided further,* That no awardee, together with its subsidiaries and affiliates, may be awarded more than 5 percent of the aggregate funds available during fiscal year 2009 from the Community Development Financial Institutions Program: *Provided further,* That no later than 60 days after the date of enactment of this Act, the Department of the Treasury shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading.

Waiver.

Deadline.
Expenditure plan.

INTERNAL REVENUE SERVICE

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For an additional amount to implement the health insurance tax credit under the TAA Health Coverage Improvement Act of 2009, $80,000,000, to remain available until September 30, 2010.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in the Federal Buildings Fund, $5,550,000,000, to carry out the purposes of the Fund, of which not less than $750,000,000 shall be available for Federal buildings and United States courthouses, not less than $300,000,000 shall be available for border stations and land ports of entry, and not less than $4,500,000,000 shall be available for measures necessary to convert GSA facilities to High-Performance Green Buildings, as defined in section 401 of Public Law 110–140: *Provided,* That not to exceed $108,000,000 of the amounts provided under this heading may be expended for rental of space, related to leasing of temporary space in connection with projects funded under this heading: *Provided further,* That not to exceed $127,000,000 of the amounts provided under this heading may be expended for building operations, for the administrative costs of completing projects funded under this heading: *Provided further,* That not to exceed $3,000,000 of the funds provided shall be for on-the-job pre-apprenticeship and apprenticeship training programs registered with the Department of Labor, for the construction, repair, and alteration of Federal buildings: *Provided further,* That not less than $5,000,000,000 of the funds provided under this heading shall be obligated by September 30, 2010, and the remainder of the funds provided under this heading shall be obligated not later than September 30, 2011: *Provided further,* That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, and other projects through existing authorities of the Administrator: *Provided further,* That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds made available in this Act to the Committees on Appropriations of the House of Representatives and the Senate within 45 days of enactment of this Act, and shall provide notification to the Committees within 15 days prior to any changes regarding the use of these funds: *Provided further*, That, hereafter, the Administrator shall report to the Committees on the obligation of these funds on a quarterly basis beginning on June 30, 2009: *Provided further*, That of the amounts provided, $4,000,000 shall be transferred to and merged with "Government-Wide Policy", for the Office of Federal High-Performance Green Buildings as authorized in the Energy Independence and Security Act of 2007 (Public Law 110–140): *Provided further,* That amounts provided under this heading that are savings or cannot be used for the activity for which originally obligated may

Deadlines.

Plans.
Deadlines.
Notification.

Reports.
Deadlines.

Deadline.
Notification.

be deobligated and, notwithstanding any other provision of law, reobligated for the purposes identified in the plan required under this heading not less than 15 days after notification has been provided to the Committees on Appropriations of the House of Representatives and the Senate.

ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT

For capital expenditures and necessary expenses of acquiring motor vehicles with higher fuel economy, including: hybrid vehicles; electric vehicles; and commercially-available, plug-in hybrid vehicles, $300,000,000, to remain available until September 30, 2011: *Provided*, That none of these funds may be obligated until the Administrator of General Services submits to the Committees on Appropriations of the House of Representatives and the Senate, within 90 days after enactment of this Act, a plan for expenditure of the funds that details the current inventory of the Federal fleet owned by the General Services Administration, as well as other Federal agencies, and the strategy to expend these funds to replace a portion of the Federal fleet with the goal of substantially increasing energy efficiency over the current status, including increasing fuel efficiency and reducing emissions: *Provided further*, That, hereafter, the Administrator shall report to the Committees on the obligation of these funds on a quarterly basis beginning on September 30, 2009.

Deadline. Expenditure plan.

Reports. Deadlines.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded under this title, $7,000,000.

RECOVERY ACT ACCOUNTABILITY AND TRANSPARENCY BOARD

For necessary expenses of the Recovery Act Accountability and Transparency Board to carry out the provisions of title XV of this Act, $84,000,000, to remain available until September 30, 2011.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount, to remain available until September 30, 2010, $69,000,000, of which $24,000,000 is for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program, and of which $20,000,000 is for improving, streamlining, and automating information technology systems related to lender processes and lender oversight: *Provided,* That no later than 60 days after the date of enactment of this Act, the Small Business Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under the heading "Small Business Administration" in this Act.

Deadline. Expenditure plan.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,000,000, to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded under this title.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $15,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for the cost of direct loans, $6,000,000, to remain available until September 30, 2010, and for an additional amount for the cost of guaranteed loans, $630,000,000, to remain available until September 30, 2010: *Provided,* That of the amount for the cost of guaranteed loans, $375,000,000 shall be for reimbursements, loan subsidies and loan modifications for loans to small business concerns authorized in section 501 of this title; and $255,000,000 shall be for loan subsidies and loan modifications for loans to small business concerns authorized in section 506 of this title: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 501. FEE REDUCTIONS. (a) ADMINISTRATIVE PROVISIONS SMALL BUSINESS ADMINISTRATION.—Until September 30, 2010, and to the extent that the cost of such elimination or reduction of fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and section 502 of this title, for which the application is approved on or after the date of enactment of this Act, the Administrator shall—

(1) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect no fee or reduce fees to the maximum extent possible; and

(2) in lieu of the fee otherwise applicable under section 7(a)(18)(A) of the Small Business Act (15 U.S.C. 636(a)(18)(A)), collect no fee or reduce fees to the maximum extent possible.

(b) TEMPORARY FEE ELIMINATION FOR THE 504 LOAN PROGRAM.—

(1) IN GENERAL.—Until September 30, 2010, and to the extent the cost of such elimination in fees is offset by appropriations, with respect to each project or loan guaranteed by the Administrator pursuant to title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) for which an application is approved or pending approval on or after the date of enactment of this Act—

(A) the Administrator shall, in lieu of the fee otherwise applicable under section 503(d)(2) of the Small Business

Investment Act of 1958 (15 U.S.C. 697(d)(2)), collect no fee;

(B) a development company shall, in lieu of the processing fee under section 120.971(a)(1) of title 13, Code of Federal Regulations (relating to fees paid by borrowers), or any successor thereto, collect no fee.

(2) REIMBURSEMENT FOR WAIVED FEES.—

(A) IN GENERAL.—To the extent that the cost of such payments is offset by appropriations, the Administrator shall reimburse each development company that does not collect a processing fee pursuant to paragraph (1)(B).

(B) AMOUNT.—The payment to a development company under subparagraph (A) shall be in an amount equal to 1.5 percent of the net debenture proceeds for which the development company does not collect a processing fee pursuant to paragraph (1)(B).

(c) APPLICATION OF FEE ELIMINATIONS.—

(1) To the extent that amounts are made available to the Administrator for the purpose of fee eliminations or reductions under subsection (a), the Administrator shall—

(A) first use any amounts provided to eliminate or reduce fees paid by small business borrowers under clauses (i) through (iii) of paragraph (18)(A), to the maximum extent possible; and

(B) then use any amounts provided to eliminate or reduce fees under paragraph (23)(A) paid by small business lenders with assets less than $1,000,000,000 as of the date of enactment; and

(C) then use any remaining amounts appropriated under this title to reduce fees paid by small business lenders other than those with assets less than $1,000,000,000.

(2) The Administrator shall eliminate fees under subsections (a) and (b) until the amount provided for such purposes, as applicable, under the heading "Business Loans Program Account" under the heading "Small Business Administration" under this Act are expended.

SEC. 502. ECONOMIC STIMULUS LENDING PROGRAM FOR SMALL BUSINESSES. (a) PURPOSE.—The purpose of this section is to permit the Small Business Administration to guarantee up to 90 percent of qualifying small business loans made by eligible lenders.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "Administrator" means the Administrator of the Small Business Administration.

(2) The term "qualifying small business loan" means any loan to a small business concern pursuant to section 7(a) of the Small Business Act (15 U.S.C. 636) or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 and following) except for such loans made under section 7(a)(31).

(3) The term "small business concern" has the same meaning as provided by section 3 of the Small Business Act (15 U.S.C. 632).

(c) QUALIFIED BORROWERS.—

(1) ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A loan guarantee may not be made under this section for a loan made to a concern if an individual who is an alien unlawfully present in the United States—

(A) has an ownership interest in that concern; or

(B) has an ownership interest in another concern that itself has an ownership interest in that concern.

(2) FIRMS IN VIOLATION OF IMMIGRATION LAWS.—No loan guarantee may be made under this section for a loan to any entity found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing the person is an unauthorized alien.

(d) CRIMINAL BACKGROUND CHECKS.—Prior to the approval of any loan guarantee under this section, the Administrator may verify the applicant's criminal background, or lack thereof, through the best available means, including, if possible, use of the National Crime Information Center computer system at the Federal Bureau of Investigation.

(e) APPLICATION OF OTHER LAW.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(f) SUNSET.—Loan guarantees may not be issued under this section after the date 12 months after the date of enactment of this Act.

(g) SMALL BUSINESS ACT PROVISIONS.—The provisions of the Small Business Act applicable to loan guarantees under section 7 of that Act and regulations promulgated thereunder as of the date of enactment of this Act shall apply to loan guarantees under this section except as otherwise provided in this section. Applicability.

(h) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 503. ESTABLISHMENT OF SBA SECONDARY MARKET GUARANTEE AUTHORITY. (a) PURPOSE.—The purpose of this section is to provide the Administrator with the authority to establish the SBA Secondary Market Guarantee Authority within the SBA to provide a Federal guarantee for pools of first lien 504 loans that are to be sold to third-party investors.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "Administrator" means the Administrator of the Small Business Administration.

(2) The term "first lien position 504 loan" means the first mortgage position, non-federally guaranteed loans made by private sector lenders made under title V of the Small Business Investment Act.

(c) ESTABLISHMENT OF AUTHORITY.—

(1) ORGANIZATION.—

(A) The Administrator shall establish a Secondary Market Guarantee Authority within the Small Business Administration.

(B) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(C) The Administrator is authorized to hire such personnel as are necessary to operate the Authority and may contract such operations of the Authority as necessary to qualified third party companies or individuals.

(D) The Administrator is authorized to contract with private sector fiduciary and custom dial agents as necessary to operate the Authority.

(2) GUARANTEE PROCESS.—

Regulations.

(A) The Administrator shall establish, by rule, a process in which private sector entities may apply to the Administration for a Federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors.

(B) The Administrator is authorized to contract with private sector fiduciary and custom dial agents as necessary to operate the Authority.

(3) RESPONSIBILITIES.—

Regulations.

(A) The Administrator shall establish, by rule, a process in which private sector entities may apply to the SBA for a Federal guarantee on pools of first lien position 504 loans that are to be sold to third-party investors.

(B) The rule under this section shall provide for a process for the Administrator to consider and make decisions regarding whether to extend a Federal guarantee referred to in clause (i). Such rule shall also provide that:

(i) The seller of the pools purchasing a guarantee under this section retains not less than 5 percent of the dollar amount of the pools to be sold to third-party investors.

(ii) The Administrator shall charge fees, upfront or annual, at a specified percentage of the loan amount that is at such a rate that the cost of the program under the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661) shall be equal to zero.

(iii) The Administrator may guarantee not more than $3,000,000,000 of pools under this authority.

(C) The Administrator shall establish documents, legal covenants, and other required documentation to protect the interests of the United States.

(D) The Administrator shall establish a process to receive and disburse funds to entities under the authority established in this section.

(d) LIMITATIONS.—

(1) The Administrator shall ensure that entities purchasing a guarantee under this section are using such guarantee for the purpose of selling 504 first lien position pools to third-party investors.

(2) If the Administrator finds that any such guarantee was used for a purpose other than that specified in paragraph (1), the Administrator shall—

(A) prohibit the purchaser of the guarantee or its affiliates (within the meaning of the regulations under 13 CFR 121.103) from using the authority of this section in the future; and

(B) take any other actions the Administrator, in consultation with the Attorney General of the United States deems appropriate.

Reports.
Deadlines.

(e) OVERSIGHT.—The Administrator shall submit a report to Congress not later than the third business day of each month setting forth each of the following:

(1) The aggregate amount of guarantees extended under this section during the preceding month.

(2) The aggregate amount of guarantees outstanding.

(3) Defaults and payments on defaults made under this section.

(4) The identity of each purchaser of a guarantee found by the Administrator to have misused guarantees under this section.

(5) Any other information the Administrator deems necessary to fully inform Congress of undue risk to the United States associated with the issuance of guarantees under this section.

(f) DURATION OF PROGRAM.—The authority of this section shall terminate on the date 2 years after the date of enactment of this section.

(g) FUNDING.—Such sums as necessary are authorized to be appropriated to carry out the provisions of this section.

(h) BUDGET TREATMENT.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661 and following).

(i) EMERGENCY RULEMAKING AUTHORITY.—The Administrator shall issue regulations under this section within 15 days after the date of enactment of this section. The notice requirements of section 553(b) of title 5, United States Code shall not apply to the promulgation of such regulations. Deadlines.

SEC. 504. STIMULUS FOR COMMUNITY DEVELOPMENT LENDING.

(a) LOW INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

"(7) PERMISSIBLE DEBT REFINANCING.—

"(A) IN GENERAL.—Any financing approved under this title may include a limited amount of debt refinancing.

"(B) EXPANSIONS.—If the project involves expansion of a small business concern, any amount of existing indebtedness that does not exceed 50 percent of the project cost of the expansion may be refinanced and added to the expansion cost, if—

"(i) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

"(ii) the existing indebtedness is collateralized by fixed assets;

"(iii) the existing indebtedness was incurred for the benefit of the small business concern;

"(iv) the financing under this title will be used only for refinancing existing indebtedness or costs relating to the project financed under this title;

"(v) the financing under this title will provide a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are accounted for;

"(vi) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

"(vii) the financing under section 504 will provide better terms or rate of interest than the existing indebtedness at the time of refinancing.".

(b) JOB CREATION GOALS.—Section 501(e)(1) and section 501(e)(2) of the Small Business Investment Act (15 U.S.C. 695) are each amended by striking "$50,000" and inserting "$65,000".

SEC. 505. INCREASING SMALL BUSINESS INVESTMENT. (a) SIMPLIFIED MAXIMUM LEVERAGE LIMITS.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended as follows:

(1) By striking so much of paragraph (2) as precedes subparagraphs (C) and (D) and inserting the following:

"(2) MAXIMUM LEVERAGE.—

"(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

"(i) 300 percent of such company's private capital; or

"(ii) $150,000,000.

"(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000.";

(2) By amending paragraph (2)(C) by inserting "(i)" before "In calculating" and adding the following at the end thereof:

"(ii) The maximum amount of outstanding leverage made available to—

"(I) any 1 company described in clause (iii) may not exceed the lesser of 300 percent of private capital of the company, or $175,000,000; and

"(II) 2 or more companies described in clause (iii) that are under common control (as determined by the Administrator) may not exceed $250,000,000.

"(iii) A company described in this clause is a company licensed under section 301(c) in the first fiscal year after the date of enactment of this clause or any fiscal year thereafter that certifies in writing that not less than 50 percent of the dollar amount of investments of that company shall be made in companies that are located in a low-income geographic area (as that term is defined in section 351).".

(3) By striking paragraph (4).

(b) SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.—Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

"(a) PERCENTAGE LIMITATION ON PRIVATE CAPITAL.—If any small business investment company has obtained financing from the Administrator and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be issued by such company under the provisions of this title

for any single enterprise shall not, without the approval of the Administrator, exceed 10 percent of the sum of—

"(1) the private capital of such company; and

"(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administrator at the time of the grant of the company's license.".

(c) INVESTMENTS IN SMALLER ENTERPRISES.—Section 303(d) of the Small Business Investment Act of 1958 (15 U.S.C. 683(d)) is amended to read as follows:

"(d) INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 25 percent of the aggregate dollar amount of financings of that licensee shall be provided to smaller enterprises.". Certification.

SEC. 506. BUSINESS STABILIZATION PROGRAM. (a) IN GENERAL.—Subject to the availability of appropriations, the Administrator of the Small Business Administration shall carry out a program to provide loans on a deferred basis to viable (as such term is determined pursuant to regulation by the Administrator of the Small Business Administration) small business concerns that have a qualifying small business loan and are experiencing immediate financial hardship.

(b) ELIGIBLE BORROWER.—A small business concern as defined under section 3 of the Small Business Act (15 U.S.C. 632).

(c) QUALIFYING SMALL BUSINESS LOAN.—A loan made to a small business concern that meets the eligibility standards in section 7(a) of the Small Business Act (15 U.S.C. 636(a)) but shall not include loans guarantees (or loan guarantee commitments made) by the Administrator prior to the date of enactment of this Act.

(d) LOAN SIZE.—Loans guaranteed under this section may not exceed $35,000.

(e) PURPOSE.—Loans guaranteed under this program shall be used to make periodic payment of principal and interest, either in full or in part, on an existing qualifying small business loan for a period of time not to exceed 6 months.

(f) LOAN TERMS.—Loans made under this section shall:

(1) carry a 100 percent guaranty; and

(2) have interest fully subsidized for the period of repayment.

(g) REPAYMENT.—Repayment for loans made under this section shall—

(1) be amortized over a period of time not to exceed 5 years; and

(2) not begin until 12 months after the final disbursement of funds is made. Effective date.

(h) COLLATERAL.—The Administrator of the Small Business Administration may accept any available collateral, including subordinated liens, to secure loans made under this section.

(i) FEES.—The Administrator of the Small Business Administration is prohibited from charging any processing fees, origination fees, application fees, points, brokerage fees, bonus points, prepayment penalties, and other fees that could be charged to a loan applicant for loans under this section.

(j) SUNSET.—The Administrator of the Small Business Administration shall not issue loan guarantees under this section after September 30, 2010.

Deadline.

(k) EMERGENCY RULEMAKING AUTHORITY.—The Administrator of the Small Business Administration shall issue regulations under this section within 15 days after the date of enactment of this section. The notice requirements of section 553(b) of title 5, United States Code shall not apply to the promulgation of such regulations.

SEC. 507. GAO REPORT.

(a) REPORT.—Not later than 60 days after the enactment of this Act, the Comptroller General of the United States shall report to the Congress on the actions of the Administrator in implementing the authorities established in the administrative provisions of this title.

(b) INCLUDED ITEM.—The report under this section shall include a summary of the activity of the Administrator under this title and an analysis of whether he is accomplishing the purpose of increasing liquidity in the secondary market for Small Business Administration loans.

SEC. 508. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.— Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking "$2,000,000" and inserting "$5,000,000"; and

(3) by adding at the end the following:

"(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.".

(b) DENIAL OF LIABILITY—

Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety , as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

(1) the surety obtained such guarantee or agreement, or applied for such reinbursement, by fraud or material misrepresentation,

(2) the total contract amount at the time of execution of the bond or bonds exceeds $5,000,000,

(3) the surety has breached a material term or condition of such guarantee agreement, or

(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d)."

(2) by adding at the end the following:

"(k) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.".

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

"(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes

of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.".

(d) STUDY—The Administrator of the Small Business Administration shall conduct a study of the current funding structure of the surety bond program carried out under part B (15 U.S.C. 694a et seq.) of title IV of the Small Business Investment Act of 1958. The study shall include--

(1) an assessment of whether the program's current funding framework and program fees are inhibiting the program's growth;

(2) an assessment of whether surety companies and small business concerns could benefit from an alternative funding structure; and

(e) REPORT—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study required under subsection (d).

(f) SUNSET.—The amendments made by this section shall remain in effect until September 30, 2010. 15 USC 694a note.

SEC. 509. ESTABLISHMENT OF SBA SECONDARY MARKET LENDING AUTHORITY.

(a) PURPOSE.—The purpose of this section is to provide the Small Business Administration with the authority to establish a Secondary Market Lending Authority within the SBA to make loans to the systemically important SBA secondary market broker-dealers who operate the SBA secondary market.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "Administrator" means the Administrator of the SBA.

(2) The term "SBA" means the Small Business Administration.

(3) The terms "Secondary Market Lending Authority" and "Authority" mean the office establishedunder subsection (c).

(4) The term "SBA secondary market" meansthe market for the purchase and sale of loans originated, underwritten, and closed under the Small Business Act.

(5) The term "Systemically Important Secondary Market Broker-Dealers" mean those entities designated under subsection (c)(1) as vital to the continued operation of the SBA secondary market by reason of their purchase and sale of the government guaranteed portion of loans, or pools of loans,originated, underwritten, and closed under the Small Business Act.

(c) RESPONSIBILITIES, AUTHORITIES, ORGANIZATION, AND LIMITATIONS.—

(1) DESIGNATION OF SYSTEMICALLY IMPORTANT SBA SECONDARY MARKET BROKER-DEALERS.—The Administrator shall establish a process to designate, in consultation with the Board of Governors of the Federal Reserve and the Secretary of the Treasury, Systemically Important Secondary Market Broker-Dealers.

(2) ESTABLISHMENT OF SBA SECONDARY MARKET LENDING AUTHORITY.—

(A) ORGANIZATION.—

(i) The Administrator shall establish within the SBA an office to provide loans to Systemically Important Secondary Market Broker-dealers to be used for the purpose of financing the inventory of the government guaranteed portion of loans, originated, underwritten, and closed under the Small Business Act or pools of such loans.

(ii) The Administrator shall appoint a Director of the Authority who shall report to the Administrator.

(iii) The Administrator is authorized to hire such personnel as are necessary to operate the Authority.

(iv) The Administrator may contract such Authority operations as he determines necessary to qualified third-party companies or individuals.

(v) The Administrator is authorized to contract with private sector fiduciary and custodial agents as necessary to operate the Authority.

(B) LOANS.—

Regulations.

(i) The Administrator shall establish by rule a process under which Systemically Important SBA Secondary Market Broker-Dealers designated under paragraph (1) may apply to the Administrator for loans under this section.

(ii) The rule under clause (i) shall provide a process for the Administrator to consider and make decisions regarding whether or not to extend a loan applied for under this section. Such rule shall include provisions to assure each of the following:

(I) That loans made under this section are for the sole purpose of financing the inventory of the govern ment guaranteed portion of loans, originated, underwritten, and closed under the Small Business Act or pools of such loans.

(II) That loans made under this section are fully collateralized to the satisfaction of the Administrator.

(III) That there is no limit to the frequency in which a borrower may borrow under this section unless the Administrator determines that doing so would create an undue risk of loss to the agency or the United States.

(IV) That there is no limit on the size of a loan, subject to the discretion of the Administrator.

(iii) Interest on loans under this section shall not exceed the Federal Funds target rate as established by the Federal Reserve Board of Governors plus 25 basis points.

(iv) The rule under this section shall provide for such loan documents, legal covenants, collateral requirements and other required documentation as necessary to protect the interests of the agency, the United States, and the taxpayer.

(v) The Administrator shall establish custodial accounts to safeguard any collateral pledged to the SBA in connection with a loan under this section.

(vi) The Administrator shall establish a process to disburse and receive funds to and from borrowers under this section.

(C) LIMITATIONS ON USE OF LOAN PROCEEDS BY SYSTEMICALLY IMPORTANT SECONDARY MARKET BROKER-DEALERS.—The Administrator shall ensure that borrowers under this section are using funds provided under this section only for the purpose specified in subparagraph (B)(ii)(I). If the Administrator finds that such funds were used for any other purpose, the Administrator shall—

(i) require immediate repayment of outstanding loans;

(ii) prohibit the borrower, its affiliates, or any future corporate manifestation of the borrower from using the Authority; and

(iii) take any other actions the Administrator, in consultation with the Attorney General of the United States, deemsappropriate.

(d) REPORT TO CONGRESS.—The Administrator shall submit a report to Congress not later than the third business day of each month containing a statement of each of the following:

(1) The aggregate loan amounts extended during the preceding month under this section.

(2) The aggregate loan amounts repaid under this section during the proceeding month.

(3) The aggregate loan amount outstanding under this section.

(4) The aggregate value of assets held as collateral under this section;

(5) The amount of any defaults or delinquencies on loans made under this section.

(6) The identity of any borrower found by the Administrator to misuse funds made available under this section.

(7) Any other information the Administrator deems necessary to fully inform Congress of undue risk of financial loss to the United States in connection with loans made under this section.

(e) DURATION.—The authority of this section shall remain in effect for a period of 2 years after the date of enactment of this section.

(f) FEES.—The Administrator shall charge fees, up front, annual, or both at a specified percentage of the loan amount that is at such a rate that the cost of the program under the Federal Credit Reform Act of 1990 ((title V of the Congressional Budget and Impoundment Control Act of 1974; 2 U.S.C. 661) shall be equal to zero.

(h) BUDGET TREATMENT.—Nothing in this section shall be construed to exempt any activity of the Administrator under this section from the Federal Credit Reform Act of 1990 (title V of the Congressional Budget and Im poundment Control Act of 1974; 2 U.S.C. 661 and following).

(i) EMERGENCY RULEMAKING AUTHORITY.—The Administrator shall promulgate regulations under this section within 30 days after the date of enactment of enactment of this section. In promulgating these regulations,the Administrator the notice requirements of section 553(b) of title 5 of the United States Code shall not apply. Deadline.

TITLE VI—DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For an additional amount for the "Office of the Under Secretary for Management", $200,000,000 for planning, design, construction costs, site security, information technology infrastructure, fixtures, and related costs to consolidate the Department of Homeland Security headquarters: *Provided,* That no later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Administrator of General Services, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

Deadline. Expenditure plan.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", $5,000,000, to remain available until September 30, 2012, for oversight and audit of programs, grants, and projects funded under this title.

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $160,000,000, of which $100,000,000 shall be for the procurement and deployment of non-intrusive inspection systems; and of which $60,000,000 shall be for procurement and deployment of tactical communications equipment and radios: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

Deadline. Expenditure plan.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For an additional amount for "Border Security Fencing, Infrastructure, and Technology", $100,000,000 for expedited development and deployment of border security technology on the Southwest border: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

Deadline. Expenditure plan.

CONSTRUCTION

For an additional amount for "Construction", $420,000,000 solely for planning, management, design, alteration, and construction of U.S. Customs and Border Protection owned land border ports of entry: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

Deadline. Expenditure plan.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

AUTOMATION MODERNIZATION

For an additional amount for "Automation Modernization", $20,000,000 for the procurement and deployment of tactical communications equipment and radios: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for expenditure of these funds.

Deadline. Expenditure plan.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $1,000,000,000 for procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection equipment: *Provided,* That the Assistant Secretary of Homeland Security (Transportation Security Administration) shall prioritize the award of these funds to accelerate the installations at locations with completed design plans: *Provided further,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

Deadline. Expenditure plan.

COAST GUARD

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $98,000,000 for shore facilities and aids to navigation facilities; for priority procurements due to materials and labor cost increases; and for costs to repair, renovate, assess, or improve vessels: *Provided,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

Deadline. Expenditure plan.

ALTERATION OF BRIDGES

For an additional amount for "Alteration of Bridges", $142,000,000 for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516): *Provided*, That the Coast Guard shall award these funds to those bridges that are ready to proceed to construction: *Provided further,* That no later than 45 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a plan for the expenditure of these funds.

Deadline. Expenditure plan.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for grants, $300,000,000, to be allocated as follows:

(1) $150,000,000 for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163).

(2) $150,000,000 for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for competitive grants, $210,000,000 for modifying, upgrading, or constructing non-Federal fire stations: *Provided,* That up to 5 percent shall be for program administration: *Provided further,* That no grant shall exceed $15,000,000.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

Notwithstanding section 417(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the amount of any such loan issued pursuant to this section for major disasters occurring in calendar year 2008 may exceed $5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues: *Provided,* That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

EMERGENCY FOOD AND SHELTER

For an additional amount to carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $100,000,000: *Provided,* That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

GENERAL PROVISIONS—THIS TITLE

President. Panel.

SEC. 601. Notwithstanding any other provision of law, the President shall establish an arbitration panel under the Federal Emergency Management Agency public assistance program to expedite the recovery efforts from Hurricanes Katrina and Rita within the Gulf Coast Region. The arbitration panel shall have sufficient authority regarding the award or denial of disputed public assistance applications for covered hurricane damage under section 403, 406, or 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, or 5173) for a project the total amount of which is more than $500,000.

SEC. 602. The Administrator of the Federal Emergency Management Agency may not prohibit or restrict the use of funds designated under the hazard mitigation grant program for damage caused by Hurricanes Katrina and Rita if the homeowner who is an applicant for assistance under such program commenced work

otherwise eligible for hazard mitigation grant program assistance under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) without approval in writing from the Administrator.

SEC. 603. Subparagraph (E) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)(E)) shall not apply with respect to funds appropriated in this or any other Act making appropriations for fiscal year 2009 or 2010 for grants under such section 34.

SEC. 604. (a) REQUIREMENT.—Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States. 6 USC 453b.

(b) COVERED ITEMS.—An item referred to in subsection (a) is any of the following, if the item is directly related to the national security interests of the United States:

(1) An article or item of—

(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(B) tents, tarpaulins, covers, textile belts, bags, protective equipment (including but not limited to body armor), sleep systems, load carrying equipment (including but not limited to fieldpacks), textile marine equipment, parachutes, or bandages;

(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(c) AVAILABILITY EXCEPTION.—Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices. This section is not applicable to covered items that are, or include, materials determined to be non-available in accordance with Federal Acquisition Regulation 25.104 Nonavailable Articles.

(d) DE MINIMIS EXCEPTION.—Notwithstanding subsection (a), the Secretary of Homeland Security may accept delivery of an item covered by subsection (b) that contains non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.

(e) EXCEPTION FOR CERTAIN PROCUREMENTS OUTSIDE THE UNITED STATES.—Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Emergency procurements.

(f) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than the simplified

acquisition threshold referred to in section 2304(g) of title 10, United States Code.

(g) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR PROCUREMENT OF COMMERCIAL ITEMS.—This section is applicable to contracts and subcontracts for the procurement of commercial items not withstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), with the exception of commercial items listed under subsections (b)(1)(C) and (b)(1)(D) above. For the purposes of this section, "commercial" shall be as defined in the Federal Acquisition Regulation—Part 2.

(h) GEOGRAPHIC COVERAGE.—In this section, the term "United States" includes the possessions of the United States.

Internet posting.

(i) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any contract for the procurement of an item described in subsection (b)(1), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).

(j) TRAINING DURING FISCAL YEAR 2009.—

(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that each member of the acquisition workforce in the Department of Homeland Security who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2009 on the requirements of this section and the regulations implementing this section.

(2) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in paragraph (1).

Applicability.

(k) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.— This section shall be applied in a manner consistent with United States obligations under international agreements.

(l) EFFECTIVE DATE.—This section applies with respect to contracts entered into by the Department of Homeland Security 180 days after the date of the enactment of this Act.

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of Lands and Resources", for activities on all Bureau of Land Management lands including maintenance, rehabilitation, and restoration of facilities, property, trails and lands and for remediation of abandoned mines and wells, $125,000,000.

CONSTRUCTION

For an additional amount for "Construction", for activities on all Bureau of Land Management lands including construction, reconstruction, decommissioning and repair of roads, bridges, trails, property, and facilities and for energy efficient retrofits of existing facilities, $180,000,000.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", for hazardous fuels reduction, $15,000,000.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", for deferred maintenance, construction, and capital improvement projects on national wildlife refuges and national fish hatcheries and for high priority habitat restoration projects, $165,000,000.

CONSTRUCTION

For an additional amount for "Construction", for construction, reconstruction, and repair of roads, bridges, property, and facilities and for energy efficient retrofits of existing facilities, $115,000,000.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", for deferred maintenance of facilities and trails and for other critical repair and rehabilitation projects, $146,000,000.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic Preservation Fund", for historic preservation projects at historically black colleges and universities as authorized by the Historic Preservation Fund Act of 1996 and the Omnibus Parks and Public Lands Act of 1996, $15,000,000: *Provided,* That any matching requirements otherwise required for such projects are waived.

CONSTRUCTION

For an additional amount for "Construction", for repair and restoration of roads; construction of facilities, including energy efficient retrofits of existing facilities; equipment replacement; preservation and repair of historical resources within the National Park System; cleanup of abandoned mine sites on park lands; and other critical infrastructure projects, $589,000,000.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research", $140,000,000, for repair, construction and restoration of facilities; equipment replacement and upgrades including stream gages, and seismic and volcano monitoring systems; national map activities; and other critical deferred maintenance and improvement projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", for workforce training programs and the housing improvement program, $40,000,000.

CONSTRUCTION

For an additional amount for "Construction", for repair and restoration of roads; replacement school construction; school improvements and repairs; and detention center maintenance and repairs, $450,000,000: *Provided,* That section 1606 of this Act shall not apply to tribal contracts entered into by the Bureau of Indian Affairs with this appropriation.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For an additional amount for "Indian Guaranteed Loan Program Account", $10,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for "Office of Inspector General", $15,000,000, to remain available until September 30, 2012.

ENVIROMENTAL PROTECTION AGENCY

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $20,000,000, to remain available until September 30, 2012.

HAZARDOUS SUBSTANCE SUPERFUND

For an additional amount for "Hazardous Substance Superfund", $600,000,000, which shall be for the Superfund Remedial program: *Provided,* That the Administrator of the Environmental Protection Agency (Administrator) may retain up to 3 percent of the funds appropriated herein for management and oversight purposes.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for "Leaking Underground Storage Tank Trust Fund Program", $200,000,000, which shall be for cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act: *Provided,* That none of these funds shall be subject to cost share requirements under section 9003(h)(7)(B) of such Act: *Provided further,* That the Administrator may retain up to 1.5 percent of the funds appropriated herein for management and oversight purposes.

STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "State and Tribal Assistance Grants", $6,400,000,000, which shall be allocated as follows:

(1) $4,000,000,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act and $2,000,000,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided,* That the Administrator may retain up to 1 percent of the funds appropriated herein for management and oversight purposes: *Provided further,* That funds appropriated herein shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act nor the matching requirements of section 1452(e) of the Safe Drinking Water Act: *Provided further,* That the Administrator shall reallocate funds appropriated herein for the Clean and Drinking Water State Revolving Funds (Revolving Funds) where projects are not under contract or construction within 12 months of the date of enactment of this Act: *Provided further,* That notwithstanding the priority rankings they would otherwise receive under each program, priority for funds appropriated herein shall be given to projects on a State priority list that are ready to proceed to construction within 12 months of the date of enactment of this Act: *Provided further,* That notwithstanding the requirements of section 603(d) of the Federal Water Pollution Control Act or section 1452(f) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 50 percent of the amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further,* That, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds appropriated herein for the Revolving Funds shall be for projects to address green infrastructure, water or energy efficiency improvements or other environmentally innovative activities: *Provided further,* That notwithstanding the limitation on amounts specified in section 518(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the funds appropriated herein for the Clean Water State Revolving Funds may be reserved by the Administrator for tribal grants under section 518(c) of such Act: *Provided further,* That up to 4 percent of the funds appropriated herein for tribal set-asides under the Revolving Funds may be transferred to the Indian

Deadline.

Health Service to support management and oversight of tribal projects: *Provided further,* That none of the funds appropriated herein shall be available for the purchase of land or easements as authorized by section 603(c) of the Federal Water Pollution Control Act or for activities authorized by section 1452(k) of the Safe Drinking Water Act: *Provided further,* That notwithstanding section 603(d)(2) of the Federal Water Pollution Control Act and section 1452(f)(2) of the Safe Drinking Water Act, funds may be used to buy, refinance or restructure the debt obligations of eligible recipients only where such debt was incurred on or after October 1, 2008;

(2) $100,000,000 shall be to carry out Brownfields projects authorized by section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980: *Provided,* That the Administrator may reserve up to 3.5 percent of the funds appropriated herein for management and oversight purposes: *Provided further,* That none of the funds appropriated herein shall be subject to cost share requirements under section 104(k)(9)(B)(iii) of such Act; and

(3) $300,000,000 shall be for Diesel Emission Reduction Act grants pursuant to title VII, subtitle G of the Energy Policy Act of 2005: *Provided,* That the Administrator may reserve up to 2 percent of the funds appropriated herein for management and oversight purposes: *Provided further,* That none of the funds appropriated herein for Diesel Emission Reduction Act grants shall be subject to the State Grant and Loan Program Matching Incentive provisions of section 793(c)(3) of such Act.

ADMINISTRATIVE PROVISION, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

Funds made available to the Environmental Protection Agency by this Act for management and oversight purposes shall remain available until September 30, 2011, and may be transferred to the "Environmental Programs and Management" account as needed.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for "Capital Improvement and Maintenance", $650,000,000, for priority road, bridge and trail maintenance and decommissioning, including related watershed restoration and ecosystem enhancement projects; facilities improvement, maintenance and renovation; remediation of abandoned mine sites; and support costs necessary to carry out this work.

WILDLAND FIRE MANAGEMENT

For an additional amount for "Wildland Fire Management", $500,000,000, of which $250,000,000 is for hazardous fuels reduction, forest health protection, rehabilitation and hazard mitigation activities on Federal lands and of which $250,000,000 is for State and private forestry activities including hazardous fuels reduction,

forest health and ecosystem improvement activities on State and private lands using all authorities available to the Forest Service: *Provided,* That up to $50,000,000 of the total funding may be used to make wood-to-energy grants to promote increased utilization of biomass from Federal, State and private lands: *Provided further,* That funds provided for activities on State and private lands shall not be subject to matching or cost share requirements.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For an additional amount for "Indian Health Services", for health information technology activities, $85,000,000: *Provided,* That such funds may be used for both telehealth services development and related infrastructure requirements that are typically funded through the "Indian Health Facilities" account: *Provided further,* That notwithstanding any other provision of law, health information technology funds provided within this title shall be allocated at the discretion of the Director of the Indian Health Service.

INDIAN HEALTH FACILITIES

For an additional amount for "Indian Health Facilities", for facilities construction projects, deferred maintenance and improvement projects, the backlog of sanitation projects and the purchase of equipment, $415,000,000, of which $227,000,000 is provided within the health facilities construction activity for the completion of up to two facilities from the current priority list for which work has already been initiated: *Provided,* That for the purposes of this Act, spending caps included within the annual appropriation for "Indian Health Facilities" for the purchase of medical equipment shall not apply: *Provided further,* That section 1606 of this Act shall not apply to tribal contracts entered into by the Service with this appropriation.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

FACILITIES CAPITAL

For an additional amount for "Facilities Capital", for repair and revitalization of existing facilities, $25,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For an additional amount for "Grants and Administration", $50,000,000, to be distributed in direct grants to fund arts projects and activities which preserve jobs in the non-profit arts sector threatened by declines in philanthropic and other support during

the current economic downturn: *Provided*, That 40 percent of such funds shall be distributed to State arts agencies and regional arts organizations in a manner similar to the agency's current practice and 60 percent of such funds shall be for competitively selected arts projects and activities according to sections 2 and 5(c) of the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951, 954(c)): *Provided further*, That matching requirements under section 5(e) of such Act shall be waived.

Waiver authority.

GENERAL PROVISIONS—THIS TITLE

Deadlines. Expenditure plan.

SEC. 701. (a) Within 30 days of enactment of this Act, each agency receiving funds under this title shall submit a general plan for the expenditure of such funds to the House and Senate Committees on Appropriations.

Reports.

(b) Within 90 days of enactment of this Act, each agency receiving funds under this title shall submit to the Committees a report containing detailed project level information associated with the general plan submitted pursuant to subsection (a).

SEC. 702. In carrying out the work for which funds in this title are being made available, the Secretary of the Interior and the Secretary of Agriculture shall utilize, where practicable, the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps and other related partnerships with Federal, State, local, tribal or non-profit groups that serve young adults.

Notification. Deadline.

SEC. 703. Each agency receiving funds under this title may transfer up to 10 percent of the funds in any account to other appropriation accounts within the agency, if the head of the agency (1) determines that the transfer will enhance the efficiency or effectiveness of the use of the funds without changing the intended purpose; and (2) notifies the Committees on Appropriations of the House of Representatives and the Senate 10 days prior to the transfer.

TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Grants.

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services" for activities under the Workforce Investment Act of 1998 ("WIA"), $3,950,000,000, which shall be available for obligation on the date of enactment of this Act, as follows:

(1) $500,000,000 for grants to the States for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA: *Provided,* That a priority use of these funds shall be services to individuals described in 134(d)(4)(E) of the WIA;

(2) $1,200,000,000 for grants to the States for youth activities, including summer employment for youth: *Provided,* That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further,* That for purposes

of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further,* That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting "age 24" for "age 21": *Provided further,* That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds; Applicability.

(3) $1,250,000,000 for grants to the States for dislocated worker employment and training activities;

(4) $200,000,000 for the dislocated workers assistance national reserve;

(5) $50,000,000 for YouthBuild activities: *Provided,* That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy; and

(6) $750,000,000 for a program of competitive grants for worker training and placement in high growth and emerging industry sectors: *Provided*, That $500,000,000 shall be for research, labor exchange and job training projects that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA: *Provided further*, That in awarding grants from those funds not designated in the preceding proviso, the Secretary of Labor shall give priority to projects that prepare workers for careers in the health care sector:

Provided, That funds made available in this paragraph shall remain available through June 30, 2010: *Provided further,* That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community Service Employment for Older Americans" to carry out title V of the Older Americans Act of 1965, $120,000,000, which shall be available for obligation on the date of enactment of this Act and shall remain available through June 30, 2010: *Provided*, That funds shall be allotted within 30 days of such enactment to current grantees in proportion to their allotment in program year 2008: *Provided further,* That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and reobligated. Deadline.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for "State Unemployment Insurance and Employment Service Operations" for grants to States in accordance with section 6 of the Wagner-Peyser Act, $400,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, and which shall be

available for obligation on the date of enactment of this Act: *Provided*, That such funds shall remain available to the States through September 30, 2010: *Provided further*, That $250,000,000 of such funds shall be used by States for reemployment services for unemployment insurance claimants (including the integrated Employment Service and Unemployment Insurance information technology required to identify and serve the needs of such claimants): *Provided further*, That the Secretary of Labor shall establish planning and reporting procedures necessary to provide oversight of funds used for reemployment services.

Procedures.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Departmental Management", $80,000,000, for the enforcement of worker protection laws and regulations, oversight, and coordination activities related to the infrastructure and unemployment insurance investments in this Act: *Provided*, That the Secretary of Labor may transfer such sums as necessary to "Employment and Standards Administration", "Employee Benefits Security Administration", "Occupational Safety and Health Administration", and "Employment and Training Administration—Program Administration" for enforcement, oversight, and coordination activities: *Provided further,* That prior to obligating any funds proposed to be transferred from this account, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred.

Operating plan.

OFFICE OF JOB CORPS

For an additional amount for "Office of Job Corps", $250,000,000, for construction, rehabilitation and acquisition of Job Corps Centers, which shall be available upon the date of enactment of this Act and remain available for obligation through June 30, 2010: *Provided*, That section 1552(a) of title 31, United States Code shall not apply if funds are used for a multi-year lease agreement that will result in construction activities that can commence within 120 days of enactment of this Act: *Provided further*, That notwithstanding section 3324(a) of title 31, United States Code, the funds used for an agreement under the preceding proviso may be used for advance, progress, and other payments: *Provided further*, That the Secretary of Labor may transfer up to 15 percent of such funds to meet the operational needs of such centers, which may include training for careers in the energy efficiency, renewable energy, and environmental protection industries: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the allocation of funds, and a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than September 30, 2009 and quarterly thereafter as long as funding provided under this heading is available for obligation or expenditure.

Operating plan.
Reports.
Deadlines.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", $6,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Health Resources and Services", $2,500,000,000 which shall be used as follows:

(1) $500,000,000 shall be for grants to health centers authorized under section 330 of the Public Health Service Act ("PHS Act");

(2) $1,500,000,000 shall be available for grants for construction, renovation and equipment, and for the acquisition of health information technology systems, for health centers including health center controlled networks receiving operating grants under section 330 of the PHS Act, notwithstanding the limitation in section 330(e)(3); and

(3) $500,000,000 to address health professions workforce shortages, of which $75,000,000 for the National Health Service Corps shall remain available through September 30, 2011: *Provided,* That funds may be used to provide scholarships, loan repayment, and grants to training programs for equipment as authorized in the PHS Act, and grants authorized in sections 330L, 747, 767 and 768 of the PHS Act: *Provided further,* That 20 percent of the funds allocated to the National Health Service Corps shall be used for field operations:

Provided, That up to 0.5 percent of funds provided in this paragraph may used for administration of such funds: *Provided further,* That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan detailing activities to be supported and timelines for expenditure prior to making any Federal obligations of funds provided in this paragraph but not later than 90 days after the date of enactment of this Act: *Provided further,* That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded in this paragraph not later than November 1, 2009 and every 6 months thereafter as long as funding provided in this paragraph is available for obligation or expenditure.

Operating plan. Deadline.

Reports. Deadlines.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

For an additional amount for "National Center for Research Resources", $1,300,000,000, of which $1,000,000,000 shall be for grants or contracts under section 481A of the Public Health Service Act to construct, renovate or repair existing non-Federal research facilities: *Provided*, That sections 481A(c)(1)(B)(ii), paragraphs (1), (3), and (4) of section 481A(e), and section 481B of such Act shall

Grants. Contracts.

not apply to the use of such funds: *Provided further,* That the references to "20 years" in subsections (c)(1)(B)(i) and (f) of section 481A of such Act are deemed to be references to "10 years" for purposes of using such funds: *Provided further*, That the National Center for Research Resources may also use $300,000,000 to provide, under the authority of section 301 and title IV of such Act, shared instrumentation and other capital research equipment to recipients of grants and contracts under section 481A of such Act and other appropriate entities: *Provided further*, That the Director of the Center shall provide to the Committees on Appropriations of the House of Representatives and the Senate an annual report indicating the number of institutions receiving awards of a grant or contract under section 481A of such Act, the proposed use of the funding, the average award size, a list of grant or contract recipients, and the amount of each award.

Reports. Deadline.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the Director", $8,200,000,000: *Provided,* That $7,400,000,000 shall be transferred to the Institutes and Centers of the National Institutes of Health ("NIH") and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act in proportion to the appropriations otherwise made to such Institutes, Centers, and Common Fund for fiscal year 2009: *Provided further,* That these funds shall be used to support additional scientific research and shall be merged with and be available for the same purposes as the appropriation or fund to which transferred: *Provided further,* That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further,* That none of these funds may be transferred to "National Institutes of Health—Buildings and Facilities", the Center for Scientific Review, the Center for Information Technology, the Clinical Center, or the Global Fund for HIV/AIDS, Tuberculosis and Malaria: *Provided further,* That the funds provided in this Act to the NIH shall not be subject to the provisions of 15 U.S.C. 638(f)(1) and 15 U.S.C. 638(n)(1): *Provided further,* That $400,000,000 may be used to carry out section 215 of division G of Public Law 110–161.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", $500,000,000, to fund high-priority repair, construction and improvement projects for National Institutes of Health facilities on the Bethesda, Maryland campus and other agency locations.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Healthcare Research and Quality" to carry out titles III and IX of the Public Health Service Act, part A of title XI of the Social Security Act, and section

1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, $700,000,000 for comparative effectiveness research: *Provided*, That of the amount appropriated in this paragraph, $400,000,000 shall be transferred to the Office of the Director of the National Institutes of Health ("Office of the Director") to conduct or support comparative effectiveness research under section 301 and title IV of the Public Health Service Act: *Provided further*, That funds transferred to the Office of the Director may be transferred to the Institutes and Centers of the National Institutes of Health and to the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the National Institutes of Health: *Provided further*, That within the amount available in this paragraph for the Agency for Healthcare Research and Quality, not more than 1 percent shall be made available for additional full-time equivalents.

In addition, $400,000,000 shall be available for comparative effectiveness research to be allocated at the discretion of the Secretary of Health and Human Services ("Secretary"): *Provided*, That the funding appropriated in this paragraph shall be used to accelerate the development and dissemination of research assessing the comparative effectiveness of health care treatments and strategies, through efforts that: (1) conduct, support, or synthesize research that compares the clinical outcomes, effectiveness, and appropriateness of items, services, and procedures that are used to prevent, diagnose, or treat diseases, disorders, and other health conditions; and (2) encourage the development and use of clinical registries, clinical data networks, and other forms of electronic health data that can be used to generate or obtain outcomes data: *Provided further*, That the Secretary shall enter into a contract with the Institute of Medicine, for which no more than $1,500,000 shall be made available from funds provided in this paragraph, to produce and submit a report to the Congress and the Secretary by not later than June 30, 2009, that includes recommendations on the national priorities for comparative effectiveness research to be conducted or supported with the funds provided in this paragraph and that considers input from stakeholders: *Provided further*, That the Secretary shall consider any recommendations of the Federal Coordinating Council for Comparative Effectiveness Research established by section 804 of this Act and any recommendations included in the Institute of Medicine report pursuant to the preceding proviso in designating activities to receive funds provided in this paragraph and may make grants and contracts with appropriate entities, which may include agencies within the Department of Health and Human Services and other governmental agencies, as well as private sector entities, that have demonstrated experience and capacity to achieve the goals of comparative effectiveness research: *Provided further*, That the Secretary shall publish information on grants and contracts awarded with the funds provided under this heading within a reasonable time of the obligation of funds for such grants and contracts and shall disseminate research findings from such grants and contracts to clinicians, patients, and the general public, as appropriate: *Provided further*, That, to the extent feasible, the Secretary shall ensure that the recipients of the funds provided by this paragraph offer an opportunity for public comment on the research: *Provided further*, That research conducted with funds appropriated under this paragraph

Contracts.
Reports.
Deadline.

Publication.

Public comment.

Research and development.

Reports.
Deadline.

shall be consistent with Departmental policies relating to the inclusion of women and minorities in research: *Provided further*, That the Secretary shall provide the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate with an annual report on the research conducted or supported through the funds provided under this heading: *Provided further*, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated under this heading prior to making any Federal obligations of such funds in fiscal year 2009, but not later than July 30, 2009, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than November 1, 2009, that detail the type of research being conducted or supported, including the priority conditions addressed; and specify the allocation of resources within the Department of Health and Human Services: *Provided further*, That the Secretary, jointly with the Directors of the Agency for Healthcare Research and Quality and the National Institutes of Health, shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

Operating plans.
Deadlines.

Reports.
Deadlines.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for "Payments to States for the Child Care and Development Block Grant", $2,000,000,000, which shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided,* That, in addition to the amounts required to be reserved by the States under section 658G of the Child Care and Development Block Grant Act of 1990, $255,186,000 shall be reserved by the States for activities authorized under section 658G, of which $93,587,000 shall be for activities that improve the quality of infant and toddler care.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for "Children and Families Services Programs", $3,150,000,000, which shall be used as follows:

(1) $1,000,000,000 for carrying out activities under the Head Start Act.

(2) $1,100,000,000 for expansion of Early Head Start programs, as described in section 645A of the Head Start Act: *Provided*, That of the funds provided in this paragraph, up to 10 percent shall be available for the provision of training

and technical assistance to such programs consistent with section 645A(g)(2) of such Act, and up to 3 percent shall be available for monitoring the operation of such programs consistent with section 641A of such Act.

(3) $1,000,000,000 for carrying out activities under sections 674 through 679 of the Community Services Block Grant Act, of which no part shall be subject to section 674(b)(3) of such Act: *Provided,* That notwithstanding section 675C(a)(1) and 675C(b) of such Act, 1 percent of the funds made available to each State from this additional amount shall be used for benefits enrollment coordination activities relating to the identification and enrollment of eligible individuals and families in Federal, State, and local benefit programs: *Provided further,* That all funds remaining available to a State from this additional amount after application of the previous proviso shall be distributed to eligible entities as defined in section 673(1) of such Act: *Provided further*, That for services furnished under such Act during fiscal years 2009 and 2010, States may apply the last sentence of section 673(2) of such Act by substituting "200 percent" for "125 percent".

(4) $50,000,000 for carrying out activities under section 1110 of the Social Security Act.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For an additional amount for "Aging Services Programs" under subparts 1 and 2 of part C, of title III, and under title VI, of the Older Americans Act of 1965, $100,000,000, of which $65,000,000 shall be for Congregate Nutrition Services, $32,000,000 shall be for Home-Delivered Nutrition Services and $3,000,000 shall be for Nutrition Services for Native Americans.

OFFICE OF THE SECRETARY

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of the National Coordinator for Health Information Technology", $2,000,000,000, to carry out title XIII of this Act, to remain available until expended: *Provided*, That of such amount, the Secretary of Health and Human Services shall transfer $20,000,000 to the Director of the National Institute of Standards and Technology in the Department of Commerce for continued work on advancing health care information enterprise integration through activities such as technical standards analysis and establishment of conformance testing infrastructure, so long as such activities are coordinated with the Office of the National Coordinator for Health Information Technology: *Provided further,* That $300,000,000 is to support regional or sub-national efforts toward health information exchange: *Provided further,* That 0.25 percent of the funds provided in this paragraph may be used for administration of such funds: *Provided further*, That funds available under this heading shall become available for obligation only upon submission of an annual operating plan by the Secretary

Operating plan.
Deadline.

Operating plans. Deadlines.

to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the fiscal year 2009 operating plan shall be provided not later than 90 days after enactment of this Act and that subsequent annual operating plans shall be provided not later than November 1 of each year: *Provided further*, That these operating plans shall describe how expenditures are aligned with the specific objectives, milestones, and metrics of the Federal Health Information Technology Strategic Plan, including any subsequent updates to the Plan; the allocation of resources within the Department of Health and Human Services and other Federal agencies; and the identification of programs and activities that are supported: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each major set of activities not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

Reports. Deadlines.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", $17,000,000 which shall remain available until September 30, 2012.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for "Public Health and Social Services Emergency Fund" to improve information technology security at the Department of Health and Human Services, $50,000,000.

PREVENTION AND WELLNESS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for a "Prevention and Wellness Fund" to be administered through the Department of Health and Human Services, Office of the Secretary, $1,000,000,000: *Provided,* That of the amount provided in this paragraph, $300,000,000 shall be transferred to the Centers for Disease Control and Prevention ("CDC") as an additional amount to carry out the immunization program ("section 317 immunization program") authorized by section 317(a), (j), and (k)(1) of the Public Health Service Act ("PHS Act"): *Provided further,* That of the amount provided in this paragraph, $650,000,000 shall be to carry out evidence-based clinical and community-based prevention and wellness strategies authorized by the PHS Act, as determined by the Secretary, that deliver specific, measurable health outcomes that address chronic disease rates: *Provided further*, That funds appropriated in the preceding proviso may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate: *Provided further*, That of the amount appropriated in this paragraph, $50,000,000 shall be provided to States for an additional amount to carry out activities to implement healthcare associated infections reduction strategies: *Provided further,* That not more than 0.5 percent of funds made available in this paragraph may be used for management and oversight expenses in the office or division of the Department of Health and Human Services administering the funds: *Provided further*,

Contracts. Evaluations. Deadline.

That the Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out with funds provided under this heading in order to determine the quality and effectiveness of the programs: *Provided further*, That the Secretary shall, not later than 1 year after the date of enactment of this Act, submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report summarizing the annual evaluations of programs from the preceding proviso: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan for the Prevention and Wellness Fund prior to making any Federal obligations of funds provided in this paragraph (excluding funds to carry out the section 317 immunization program), but not later than 90 days after the date of enactment of this Act, that indicates the prevention priorities to be addressed; provides measurable goals for each prevention priority; details the allocation of resources within the Department of Health and Human Services; and identifies which programs or activities are supported, including descriptions of any new programs or activities: *Provided further*, That the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

Reports. Deadline.

Operating plan. Deadline.

Reports. Deadlines.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

Grants.

For an additional amount for "Education for the Disadvantaged" to carry out title I of the Elementary and Secondary Education Act of 1965 ("ESEA"), $13,000,000,000: *Provided*, That $5,000,000,000 shall be available for targeted grants under section 1125 of the ESEA: *Provided further*, That $5,000,000,000 shall be available for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $3,000,000,000 shall be for school improvement grants under section 1003(g) of the ESEA: *Provided further*, That each local educational agency receiving funds available under this paragraph shall be required to file with the State educational agency, no later than December 1, 2009, a school-by-school listing of per-pupil educational expenditures from State and local sources during the 2008–2009 academic year: *Provided further,* That each State educational agency shall report that information to the Secretary of Education by March 31, 2010.

Deadline. Expenditures.

Reports. Deadline.

IMPACT AID

For an additional amount for "Impact Aid" to carry out section 8007 of title VIII of the Elementary and Secondary Education Act of 1965, $100,000,000, which shall be expended pursuant to the requirements of section 805.

Grants.

SCHOOL IMPROVEMENT PROGRAMS

For an additional amount for "School Improvement Programs" to carry out subpart 1, part D of title II of the Elementary and Secondary Education Act of 1965 ("ESEA"), and subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, $720,000,000: *Provided*, That $650,000,000 shall be available for subpart 1, part D of title II of the ESEA: *Provided further,* That the Secretary shall allot $70,000,000 for grants under McKinney-Vento to each State in proportion to the number of homeless students identified by the State during the 2007–2008 school year relative to the number of such children identified nationally during that school year: *Provided further,* That State educational agencies shall subgrant the McKinney-Vento funds to local educational agencies on a competitive basis or according to a formula based on the number of homeless students identified by the local educational agencies in the State: *Provided further,* That the Secretary shall distribute the McKinney-Vento funds to the States not later than 60 days after the date of the enactment of this Act: *Provided further,* That each State shall subgrant the McKinney-Vento funds to local educational agencies not later than 120 days after receiving its grant from the Secretary.

Deadline.

Deadline.

INNOVATION AND IMPROVEMENT

For an additional amount for "Innovation and Improvement" to carry out subpart 1, part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA"), $200,000,000: *Provided*, That these funds shall be expended as directed in the fifth, sixth, and seventh provisos under the heading "Innovation and Improvement" in the Department of Education Appropriations Act, 2008: *Provided further*, That a portion of these funds shall also be used for a rigorous national evaluation by the Institute of Education Sciences, utilizing randomized controlled methodology to the extent feasible, that assesses the impact of performance-based teacher and principal compensation systems supported by the funds provided in this Act on teacher and principal recruitment and retention in high-need schools and subjects: *Provided further,* That the Secretary may reserve up to 1 percent of the amount made available under this heading for management and oversight of the activities supported with those funds.

Evaluation.

SPECIAL EDUCATION

For an additional amount for "Special Education" for carrying out parts B and C of the Individuals with Disabilities Education Act ("IDEA"), $12,200,000,000, of which $11,300,000,000 shall be available for section 611 of the IDEA: *Provided,* That if every State, as defined by section 602(31) of the IDEA, reaches its maximum allocation under section 611(d)(3)(B)(iii) of the IDEA, and there are remaining funds, such funds shall be proportionally allocated to each State subject to the maximum amounts contained in section 611(a)(2) of the IDEA: *Provided further,* That by July 1, 2009, the Secretary of Education shall reserve the amount needed for grants under section 643(e) of the IDEA, with any remaining funds to be allocated in accordance with section 643(c) of the IDEA: *Provided further,* That the total amount for each of sections 611(b)(2) and 643(b)(1) of the IDEA, under this and all other Acts,

Deadline.
Grants.

for fiscal year 2009, whenever enacted, shall be equal to the amounts respectively available for these activities under these sections during fiscal year 2008 increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA: *Provided further,* That $400,000,000 shall be available for section 619 of the IDEA and $500,000,000 shall be available for part C of the IDEA.

REHABILITATION SERVICES AND DISABILITY RESEARCH

Grants.

For an additional amount for "Rehabilitation Services and Disability Research" for providing grants to States to carry out the Vocational Rehabilitation Services program under part B of title I and parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act of 1973, $680,000,000: *Provided*, That $540,000,000 shall be available for part B of title I of the Rehabilitation Act: *Provided further*, That funds provided herein shall not be considered in determining the amount required to be appropriated under section 100(b)(1) of the Rehabilitation Act of 1973 in any fiscal year: *Provided further*, That, notwithstanding section 7(14)(A), the Federal share of the costs of vocational rehabilitation services provided with the funds provided herein shall be 100 percent: *Provided further*, That $140,000,000 shall be available for parts B and C of chapter 1 and chapter 2 of title VII of the Rehabilitation Act: *Provided further*, That $18,200,000 shall be for State Grants, $87,500,000 shall be for independent living centers, and $34,300,000 shall be for services for older blind individuals.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student Financial Assistance" to carry out subpart 1 of part A and part C of title IV of the Higher Education Act of 1965 ("HEA"), $15,840,000,000, which shall remain available through September 30, 2011: *Provided*, That $15,640,000,000 shall be available for subpart 1 of part A of title IV of the HEA: *Provided further*, That $200,000,000 shall be available for part C of title IV of the HEA.

The maximum Pell Grant for which a student shall be eligible during award year 2009–2010 shall be $4,860.

20 USC 1070a note.

STUDENT AID ADMINISTRATION

For an additional amount for "Student Aid Administration" to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $60,000,000.

HIGHER EDUCATION

For an additional amount for "Higher Education" to carry out part A of title II of the Higher Education Act of 1965, $100,000,000.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for "Institute of Education Sciences" to carry out section 208 of the Educational Technical Assistance Act, $250,000,000, which may be used for Statewide data systems that include postsecondary and workforce information, of which

up to $5,000,000 may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

DEPARTMENTAL MANAGEMENT

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $14,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this Act.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operating Expenses" to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), $160,000,000: *Provided,* That $89,000,000 of the funds made available in this paragraph shall be used to make additional awards to existing AmeriCorps grantees and may be used to provide adjustments to awards under subtitle C of title I of the 1990 Act made prior to September 30, 2010 for which the Chief Executive Officer of the Corporation for National and Community Service ("CEO") determines that a waiver of the Federal share limitation is warranted under section 2521.70 of title 45 of the Code of Federal Regulations: *Provided further,* That of the amount made available in this paragraph, not less than $6,000,000 shall be transferred to "Salaries and Expenses" for necessary expenses relating to information technology upgrades, of which up to $800,000 may be used to administer the funds provided in this paragraph: *Provided further,* That of the amount provided in this paragraph, not less than $65,000,000 shall be for programs under title I, part A of the 1973 Act: *Provided further,* That funds provided in the previous proviso shall not be made available in connection with cost-share agreements authorized under section 192A(g)(10) of the 1990 Act: *Provided further*, That of the funds available under this heading, up to 20 percent of funds allocated to grants authorized under section 124(b) of title I, subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program under section 129(d)(2) of the 1990 Act: *Provided further,* That, except as provided herein and in addition to requirements identified herein, funds provided in this paragraph shall be subject to the terms and conditions under which funds were appropriated in fiscal year 2008: *Provided further,* That the CEO shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated in this paragraph prior to making any Federal obligations of such funds in fiscal year 2009, but not later than 90 days after the date of enactment of this Act, and a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010, but not later than

Operating plans. Deadlines.

November 1, 2009, that detail the allocation of resources and the increased number of members supported by the AmeriCorps programs: *Provided further,* That the CEO shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure. Reports. Deadline.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", $1,000,000, which shall remain available until September 30, 2012.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "National Service Trust" established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), $40,000,000, which shall remain available until expended: *Provided,* That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" for grants made under subtitle C of title I of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the amount appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b). Notification.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Limitation on Administrative Expenses", $1,000,000,000 shall be available as follows:

(1) $500,000,000 shall remain available until expended for necessary expenses of the replacement of the National Computer Center and the information technology costs associated with such Center: *Provided,* That the Commissioner of Social Security shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 10 days prior to each public notice soliciting bids related to site selection and construction and prior to the lease or purchase of such site: *Provided further,* That the construction plan and site selection for such center shall be subject to review and approval by the Office of Management and Budget: *Provided further*, That such center shall continue to be a government-operated facility; and Notification. Deadline.

(2) $500,000,000 for processing disability and retirement workloads, including information technology acquisitions and research in support of such activities: *Provided*, That up to

$40,000,000 may be used by the Commissioner of Social Security for health information technology research and activities to facilitate the adoption of electronic medical records in disability claims, including the transfer of funds to "Supplemental Security Income Program" to carry out activities under section 1110 of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For an additional amount for the "Office of Inspector General", $2,000,000, which shall remain available through September 30, 2012, for salaries and expenses necessary for oversight and audit of programs, projects, and activities funded in this Act.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. (a) Up to 1 percent of the funds made available to the Department of Labor in this title may be used for the administration, management, and oversight of the programs, grants, and activities funded by such appropriation, including the evaluation of the use of such funds.

(b) Funds designated for these purposes may be available for obligation through September 30, 2010.

Deadline.
Operating plan.

(c) Not later than 30 days after enactment of this Act, the Secretary of Labor shall provide an operating plan describing the proposed use of funds for the purposes described in (a).

SEC. 802. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—Section 8104 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 189) is amended to read as follows:

29 USC 206 note.

"SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE MINIMUM WAGE INCREASES.

Effective date.

"(a) STUDY.—Beginning on the date that is 60 days after the date of enactment of this Act, and every year thereafter until the minimum wage in the respective territory is $7.25 per hour, the Government Accountability Office shall conduct a study to—

"(1) assess the impact of the minimum wage increases that occurred in American Samoa and the Commonwealth of the Northern Mariana Islands in 2007 and 2008, as required under Public Law 110–28, on the rates of employment and the living standards of workers, with full consideration of the other factors that impact rates of employment and the living standards of workers such as inflation in the cost of food, energy, and other commodities; and

"(2) estimate the impact of any further wage increases on rates of employment and the living standards of workers in American Samoa and the Commonwealth of the Northern Mariana Islands, with full consideration of the other factors that may impact the rates of employment and the living standards of workers, including assessing how the profitability of major private sector firms may be impacted by wage increases in comparison to other factors such as energy costs and the value of tax benefits.

"(b) REPORT.—No earlier than March 15, 2010, and not later than April 15, 2010, the Government Accountability Office shall transmit its first report to Congress concerning the findings of

the study required under subsection (a). The Government Accountability Office shall transmit any subsequent reports to Congress concerning the findings of a study required by subsection (a) between March 15 and April 15 of each year.

"(c) ECONOMIC INFORMATION.—To provide sufficient economic data for the conduct of the study under subsection (a) the Bureau of the Census of the Department of Commerce shall include and separately report on American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in its County Business Patterns data with the same regularity and to the same extent as each Bureau collects and reports such data for the 50 States. In the event that the inclusion of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands in such surveys and data compilations requires time to structure and implement, the Bureau of the Census shall in the interim annually report the best available data that can feasibly be secured with respect to such territories. Such interim report shall describe the steps the Bureau will take to improve future data collection in the territories to achieve comparability with the data collected in the United States. The Bureau of the Census, together with the Department of the Interior, shall coordinate their efforts to achieve such improvements.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act. 29 USC 206 note.

SEC. 803. ELIGIBLE EMPLOYEES IN THE RECREATIONAL MARINE INDUSTRY. Section 2(3)(F) of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 902(3)(F)) is amended—

(1) by striking ", repair or dismantle"; and

(2) by striking the semicolon and inserting ", or individuals employed to repair any recreational vessel, or to dismantle any part of a recreational vessel in connection with the repair of such vessel;".

SEC. 804. FEDERAL COORDINATING COUNCIL FOR COMPARATIVE EFFECTIVENESS RESEARCH. (a) ESTABLISHMENT.—There is hereby established a Federal Coordinating Council for Comparative Effectiveness Research (in this section referred to as the "Council"). 42 USC 299b–8.

(b) PURPOSE.—The Council shall foster optimum coordination of comparative effectiveness and related health services research conducted or supported by relevant Federal departments and agencies, with the goal of reducing duplicative efforts and encouraging coordinated and complementary use of resources.

(c) DUTIES.—The Council shall—

(1) assist the offices and agencies of the Federal Government, including the Departments of Health and Human Services, Veterans Affairs, and Defense, and other Federal departments or agencies, to coordinate the conduct or support of comparative effectiveness and related health services research; and

(2) advise the President and Congress on—

(A) strategies with respect to the infrastructure needs of comparative effectiveness research within the Federal Government; and

(B) organizational expenditures for comparative effectiveness research by relevant Federal departments and agencies.

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Council shall be composed of not more than 15 members, all of whom are senior Federal officers or employees with responsibility for health-related programs, appointed by the President, acting through the Secretary of Health and Human Services (in this section referred to as the "Secretary"). Members shall first be appointed to the Council not later than 30 days after the date of the enactment of this Act.

Deadline.

(2) MEMBERS.—

(A) IN GENERAL.—The members of the Council shall include one senior officer or employee from each of the following agencies:

(i) The Agency for Healthcare Research and Quality.

(ii) The Centers for Medicare and Medicaid Services.

(iii) The National Institutes of Health.

(iv) The Office of the National Coordinator for Health Information Technology.

(v) The Food and Drug Administration.

(vi) The Veterans Health Administration within the Department of Veterans Affairs.

(vii) The office within the Department of Defense responsible for management of the Department of Defense Military Health Care System.

(B) QUALIFICATIONS.—At least half of the members of the Council shall be physicians or other experts with clinical expertise.

(3) CHAIRMAN; VICE CHAIRMAN.—The Secretary shall serve as Chairman of the Council and shall designate a member to serve as Vice Chairman.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than June 30, 2009, the Council shall submit to the President and the Congress a report containing information describing current Federal activities on comparative effectiveness research and recommendations for such research conducted or supported from funds made available for allotment by the Secretary for comparative effectiveness research in this Act.

(2) ANNUAL REPORT.—The Council shall submit to the President and Congress an annual report regarding its activities and recommendations concerning the infrastructure needs, organizational expenditures and opportunities for better coordination of comparative effectiveness research by relevant Federal departments and agencies.

(f) STAFFING; SUPPORT.—From funds made available for allotment by the Secretary for comparative effectiveness research in this Act, the Secretary shall make available not more than 1 percent to the Council for staff and administrative support.

(g) RULES OF CONSTRUCTION.—

(1) COVERAGE.—Nothing in this section shall be construed to permit the Council to mandate coverage, reimbursement, or other policies for any public or private payer.

(2) REPORTS AND RECOMMENDATIONS.—None of the reports submitted under this section or recommendations made by the Council shall be construed as mandates or clinical guidelines for payment, coverage, or treatment.

SEC. 805. GRANTS FOR IMPACT AID CONSTRUCTION. (a) RESERVATION FOR MANAGEMENT AND OVERSIGHT.—From the funds appropriated to carry out this section, the Secretary may reserve up to 1 percent for management and oversight of the activities carried out with those funds.

(b) CONSTRUCTION PAYMENTS.—

(1) FORMULA GRANTS.—(A) IN GENERAL.—From 40 percent of the amount not reserved under subsection (a), the Secretary shall make payments in accordance with section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)), except that the amount of such payments shall be determined in accordance with subparagraph (B).

(B) AMOUNT OF PAYMENTS.—The Secretary shall make a payment to each local educational agency eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)) in an amount that bears the same relationship to the funds made available under subparagraph (A) as the number of children determined under subparagraphs (B), (C), and (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)(B), (C), and (D)(i)) who were in average daily attendance in the local educational agency for the most recent year for which such information is available bears to the number of such children in all the local educational agencies eligible for a payment under section 8007(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)).

(2) COMPETITIVE GRANTS.—From 60 percent of the amount not reserved under subsection (a), the Secretary—

(A) shall award emergency grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out emergency repairs of school facilities; and

(B) may award modernization grants in accordance with section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)) to eligible local educational agencies to enable the agencies to carry out the modernization of school facilities.

(3) PROVISIONS NOT TO APPLY.—Paragraphs (2), (3), (4), (5)(A)(i), and (5)(A)(vi) of section 8007(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)(2), (3), (4), (5)(A)(i), and (5)(A)(vi)) shall not apply to grants made under paragraph (2).

(4) ELIGIBILITY.—A local educational agency is eligible to receive a grant under paragraph (2) if the local educational agency—

(A) was eligible to receive a payment under section 8002 or 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702 and 7703) for fiscal year 2008; and

(B) has—

(i) a total taxable assessed value of real property that may be taxed for school purposes of less than $100,000,000; or

(ii) an assessed value of real property per student that may be taxed for school purposes that is less

than the average of the assessed value of real property per student that may be taxed for school purposes in the State in which the local educational agency is located.

(5) CRITERIA FOR GRANTS.—In awarding grants under paragraph (2), the Secretary shall consider the following criteria:

(A) Whether the facility poses a health or safety threat to students and school personnel, including noncompliance with building codes and inaccessibility for persons with disabilities, or whether the existing building capacity meets the needs of the current enrollment and supports the provision of comprehensive educational services to meet current standards in the State in which the local educational agency is located.

(B) The extent to which the new design and proposed construction utilize energy efficient and recyclable materials.

(C) The extent to which the new design and proposed construction utilizes non-traditional or alternative building methods to expedite construction and project completion and maximize cost efficiency.

(D) The feasibility of project completion within 24 months from award.

(E) The availability of other resources for the proposed project.

SEC. 806. MANDATORY PELL GRANTS. Section 401(b)(9)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(9)(A)) is amended—

(1) in clause (ii), by striking "$2,090,000,000" and inserting "$2,733,000,000"; and

(2) in clause (iii), by striking "$3,030,000,000" and inserting "$3,861,000,000".

SEC. 807. (a) IN GENERAL.—Notwithstanding any other provision of law, and in order to begin expenditures and activities under this Act as quickly as possible consistent with prudent management, the Secretary of Education may—

(1) award fiscal year 2009 funds to States and local educational agencies on the basis of eligibility determinations made for the award of fiscal year 2008 funds; and

(2) require States to make prompt allocations to local educational agencies.

Time period.

(b) INTEREST NOT TO ACCRUE.—Notwithstanding sections 3335 and 6503 of title 31, United States Code, or any other provision of law, the United States shall not be liable to any State or other entity for any interest or fee with respect to any funds under this Act that are allocated by the Secretary of Education to the State or other entity within 30 days of the date on which they are available for obligation.

TITLE IX—LEGISLATIVE BRANCH

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $25,000,000, to remain available until September 30, 2010.

GENERAL PROVISIONS—THIS TITLE

SEC. 901. GOVERNMENT ACCOUNTABILITY OFFICE REVIEWS AND REPORTS. (a) REVIEWS AND REPORTS.—

(1) IN GENERAL.—The Comptroller General shall conduct bimonthly reviews and prepare reports on such reviews on the use by selected States and localities of funds made available in this Act. Such reports, along with any audits conducted by the Comptroller General of such funds, shall be posted on the Internet and linked to the website established under this Act by the Recovery Accountability and Transparency Board. Internet posting.

(2) REDACTIONS.—Any portion of a report or audit under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(b) EXAMINATION OF RECORDS.—The Comptroller General may examine any records related to obligations and use by any Federal, State, or local government agency of funds made available in this Act.

SEC. 902. ACCESS OF GOVERNMENT ACCOUNTABILITY OFFICE. (a) ACCESS.—Each contract awarded using funds made available in this Act shall provide that the Comptroller General and his representatives are authorized—

(1) to examine any records of the contractor or any of its subcontractors, or any State or local agency administering such contract, that directly pertain to, and involve transactions relating to, the contract or subcontract; and

(2) to interview any officer or employee of the contractor or any of its subcontractors, or of any State or local government agency administering the contract, regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of the Comptroller General.

TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $180,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design

and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, $80,000,000 shall be for child development centers, and $100,000,000 shall be for warrior transition complexes: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $280,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, $100,000,000 shall be for troop housing, $80,000,000 shall be for child development centers, and $100,000,000 shall be for energy conservation and alternative energy projects: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $180,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That of the amount provided under this heading, $100,000,000 shall be for troop housing and $80,000,000 shall be for child development centers: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $1,450,000,000, to remain available until September 30, 2013: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further,* That of the amount provided under this heading, $1,330,000,000 shall be for the construction of hospitals and $120,000,000 shall be for the Energy Conservation Investment Program: *Provided further,* That not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $50,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Director of the Army National Guard, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", $50,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further*, That not later than 30 days after the date of enactment of this Act, the Secretary of Defense, in consultation with the Director of the Air National Guard, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

FAMILY HOUSING CONSTRUCTION, ARMY

For an additional amount for "Family Housing Construction, Army", $34,507,000, to remain available until September 30, 2013: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Family Housing Operation and Maintenance, Army", $3,932,000: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended for maintenance and repair and minor construction projects in the United States not otherwise authorized by law.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For an additional amount for "Family Housing Construction, Air Force", $80,100,000, to remain available until September 30, 2013: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further,* That within 30 days of enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of

Deadline. Expenditure plan.

Congress an expenditure plan for funds provided under this heading.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Family Housing Operation and Maintenance, Air Force", $16,461,000: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended for maintenance and repair and minor construction projects in the United States not otherwise authorized by law.

HOMEOWNERS ASSISTANCE FUND

For an additional amount for "Homeowners Assistance Fund", established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $555,000,000, to remain available until expended: *Provided,* That the Secretary of Defense shall submit quarterly reports to the Committees on Appropriations of both Houses of Congress on the expenditure of funds made available under this heading in this or any other Act.

Reports. Deadlines.

ADMINISTRATIVE PROVISION

SEC. 1001. (a) TEMPORARY EXPANSION OF HOMEOWNERS ASSISTANCE PROGRAM TO RESPOND TO MORTGAGE FORECLOSURE AND CREDIT CRISIS. Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively, and indenting such subparagraphs, as so redesignated, 6 ems from the left margin;

(B) by striking "Notwithstanding any other provision of law" and inserting the following:

"(1) ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.—Notwithstanding any other provision of law";

(C) by striking "if he determines" and inserting "if—

"(A) the Secretary determines—";

(D) in clause (iii), as redesignated by subparagraph (A), by striking the period at the end and inserting "; or"; and

(E) by adding at the end the following:

"(B) the Secretary determines—

"(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

"(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

"(iii) that the property was purchased by the owner before July 1, 2006;

"(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

"(v) that the property is the primary residence of the owner; and

"(vi) that the owner has not previously received benefit payments authorized under this subsection.

"(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

"(A) any member of the Armed Forces in medical transition who—

"(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

"(ii) is disabled to a degree of 30 percent or more as a result of such wound, injury, or illness, as determined by the Secretary of Defense; and

"(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;

"(B) any civilian employee of the Department of Defense or the United States Coast Guard who—

"(i) was wounded, injured, or became ill in the performance of his or her duties during a forward deployment occurring on or after September 11, 2001, in support of the Armed Forces; and

"(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or

"(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—

"(i) the member or employee was killed in the line of duty or in the performance of his or her duties during a deployment on or after September 11, 2001, in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and

"(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.

"(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—

"(A) that the owner is a member of the Armed Forces serving on permanent assignment;

"(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;

"(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

"(D) that the property was purchased by the owner before July 1, 2006;

"(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

"(F) that the property is the primary residence of the owner; and

"(G) that the owner has not previously received benefit payments authorized under this subsection.";

(2) in subsection (b), by striking "this section" each place it appears and inserting "subsection (a)(1)";

(3) in subsection (c)—

(A) by striking "Such persons" and inserting the following:

"(1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—

"(A) IN GENERAL.—Such persons";

(B) by striking "set forth above shall elect either (1) to receive" and inserting the following: "set forth in subsection (a)(1) shall elect either—

"(i) to receive";

(C) by striking "difference between (A) 95 per centum" and all that follows through "(B) the fair market value" and inserting the following: "difference between—

"(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and

"(II) the fair market value";

(D) by striking "time of the sale, or (2) to receive" and inserting the following: "time of the sale; or

"(ii) to receive";

(E) by striking "outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount" and inserting "outstanding mortgages.

"(B) REIMBURSEMENT OF EXPENSES.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount"; and

(F) by striking "best interest of the Federal Government. Cash payment" and inserting the following: "best interest of the United States.

"(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—

"(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(2) may elect either—

"(i) to receive a cash payment as compensation for losses which may be or have been sustained in

a private sale, in an amount not to exceed the difference between—

"(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

"(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

"(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

"(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

"(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—

"(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(3) may elect either—

"(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

"(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

"(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

"(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

"(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

"(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES.—Cash payment";

(4) by striking subsection (g);

(5) in subsection (l), by striking "(a)(2)" and inserting "(a)(1)(A)(ii)";

(6) in subsection (m), by striking "this section" and inserting "subsection (a)(1)";

(7) in subsection (n)—

(A) in paragraph (1), by striking "this section" and inserting "subsection (a)(1)"; and

(B) in paragraph (2), by striking "this section" and inserting "subsection (a)(1)";

(8) in subsection (o)—

(A) in paragraph (1), by striking "this section" and inserting "subsection (a)(1)";

(B) in paragraph (2), by striking "this section" and inserting "subsection (a)(1)"; and

(C) by striking paragraph (4); and

(9) by adding at the end the following new subsection:

"(p) DEFINITIONS.—In this section:

"(1) the term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a) of title 10, United States Code;

"(2) the term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code;

"(3) the term 'medical transition', in the case of a member of the Armed Forces, means a member who—

"(A) is in Medical Holdover status;

"(B) is in Active Duty Medical Extension status;

"(C) is in Medical Hold status;

"(D) is in a status pending an evaluation by a medical evaluation board;

"(E) has a complex medical need requiring six or more months of medical treatment; or

"(F) is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team/Wounded Warrior Regiment; and

"(4) the term 'nonappropriated fund instrumentality employee' means a civilian employee who—

"(A) is a citizen of the United States; and

"(B) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(b) CLERICAL AMENDMENT.—Such section is further amended in the section heading by inserting "and certain property owned by members of the Armed Forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses" after "ordered to be closed".

(c) AUTHORITY TO USE APPROPRIATED FUNDS.—Notwithstanding subsection (i) of such section, amounts appropriated or otherwise made available by this title under the heading "Homeowners Assistance Fund" may be used for the Homeowners Assistance Fund established under such section.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL FACILITIES

For an additional amount for "Medical Facilities" for non-recurring maintenance, including energy projects, $1,000,000,000, to remain available until September 30, 2010: *Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

NATIONAL CEMETERY ADMINISTRATION

For an additional amount for "National Cemetery Administration" for monument and memorial repairs, including energy projects, $50,000,000, to remain available until September 30, 2010: *Provided*, That not later than 30 days after the date of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $150,000,000, to remain available until September 30, 2010, for additional expenses related to hiring and training temporary surge claims processors.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $50,000,000, to remain available until September 30, 2010, for the Veterans Benefits Administration: *Provided,* That not later than 30 days after the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this heading.

Deadline. Expenditure plan.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $1,000,000, to remain available until September 30, 2011, for oversight and audit of programs, grants and projects funded under this title.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For an additional amount for "Grants for Construction of State Extended Care Facilities", $150,000,000, to remain available until September 30, 2010, for grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code.

ADMINISTRATIVE PROVISION

38 USC 107 note.

SEC. 1002. PAYMENTS TO ELIGIBLE PERSONS WHO SERVED IN THE UNITED STATES ARMED FORCES IN THE FAR EAST DURING WORLD WAR II. (a) FINDINGS.—Congress makes the following findings:

(1) The Philippine islands became a United States possession in 1898 when they were ceded from Spain following the Spanish-American War.

(2) During World War II, Filipinos served in a variety of units, some of which came under the direct control of the United States Armed Forces.

(3) The regular Philippine Scouts, the new Philippine Scouts, the Guerrilla Services, and more than 100,000 members of the Philippine Commonwealth Army were called into the service of the United States Armed Forces of the Far East on July 26, 1941, by an executive order of President Franklin D. Roosevelt.

(4) Even after hostilities had ceased, wartime service of the new Philippine Scouts continued as a matter of law until the end of 1946, and the force gradually disbanded and was disestablished in 1950.

(5) Filipino veterans who were granted benefits prior to the enactment of the so-called Rescissions Acts of 1946 (Public Laws 79–301 and 79–391) currently receive full benefits under laws administered by the Secretary of Veterans Affairs, but under section 107 of title 38, United States Code, the service of certain other Filipino veterans is deemed not to be active service for purposes of such laws.

(6) These other Filipino veterans only receive certain benefits under title 38, United States Code, and, depending on where they legally reside, are paid such benefit amounts at reduced rates.

(7) The benefits such veterans receive include service-connected compensation benefits paid under chapter 11 of title 38, United States Code, dependency indemnity compensation survivor benefits paid under chapter 13 of title 38, United States Code, and burial benefits under chapters 23 and 24 of title 38, United States Code, and such benefits are paid to beneficiaries at the rate of $0.50 per dollar authorized, unless they lawfully reside in the United States.

(8) Dependents' educational assistance under chapter 35 of title 38, United States Code, is also payable for the dependents of such veterans at the rate of $0.50 per dollar authorized, regardless of the veterans' residency.

(b) COMPENSATION FUND.—

(1) IN GENERAL.—There is in the general fund of the Treasury a fund to be known as the "Filipino Veterans Equity Compensation Fund" (in this section referred to as the "compensation fund").

(2) AVAILABILITY OF FUNDS.—Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary of Veterans Affairs without fiscal year limitation to make payments to eligible persons in accordance with this section.

(c) PAYMENTS.—

(1) IN GENERAL.—The Secretary may make a payment from the compensation fund to an eligible person who, during the one-year period beginning on the date of the enactment of this Act, submits to the Secretary a claim for benefits under this section. The application for the claim shall contain such information and evidence as the Secretary may require.

(2) PAYMENT TO SURVIVING SPOUSE.—If an eligible person who has filed a claim for benefits under this section dies before payment is made under this section, the payment under this section shall be made instead to the surviving spouse, if any, of the eligible person.

(d) ELIGIBLE PERSONS.—An eligible person is any person who—

(1) served—

(A) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

(B) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538); and

(2) was discharged or released from service described in paragraph (1) under conditions other than dishonorable.

(e) PAYMENT AMOUNTS.—Each payment under this section shall be—

(1) in the case of an eligible person who is not a citizen of the United States, in the amount of $9,000; and

(2) in the case of an eligible person who is a citizen of the United States, in the amount of $15,000.

(f) LIMITATION.—The Secretary may not make more than one payment under this section for each eligible person described in subsection (d).

(g) CLARIFICATION OF TREATMENT OF PAYMENTS UNDER CERTAIN LAWS.—Amounts paid to a person under this section—

(1) shall be treated for purposes of the internal revenue laws of the United States as damages for human suffering; and

(2) shall not be included in income or resources for purposes of determining—

(A) eligibility of an individual to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits;

(B) eligibility of an individual to receive benefits under title VIII of the Social Security Act, or the amount of such benefits; or

(C) eligibility of an individual for, or the amount of benefits under, any other Federal or federally assisted program.

(h) RELEASE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acceptance by an eligible person or surviving spouse, as applicable, of a payment under this section shall be final,

and shall constitute a complete release of any claim against the United States by reason of any service described in subsection (d).

(2) PAYMENT OF PRIOR ELIGIBILITY STATUS.—Nothing in this section shall prohibit a person from receiving any benefit (including health care, survivor, or burial benefits) which the person would have been eligible to receive based on laws in effect as of the day before the date of the enactment of this Act.

(i) RECOGNITION OF SERVICE.—The service of a person as described in subsection (d) is hereby recognized as active military service in the Armed Forces for purposes of, and to the extent provided in, this section.

(j) ADMINISTRATION.—

Applications. Instructions.

(1) The Secretary shall promptly issue application forms and instructions to ensure the prompt and efficient administration of the provisions of this section.

(2) The Secretary shall administer the provisions of this section in a manner consistent with applicable provisions of title 38, United States Code, and other provisions of law, and shall apply the definitions in section 101 of such title in the administration of such provisions, except to the extent otherwise provided in this section.

(k) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible persons receiving benefits, the amounts paid out of the compensation fund, and the administration of the compensation fund for the most recent fiscal year for which such data is available.

(l) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the compensation fund $198,000,000, to remain available until expended, to make payments under this section.

TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

Deadline. Spending plan.

For an additional amount for "Diplomatic and Consular Programs" for urgent domestic facilities requirements for passport and training functions, $90,000,000: *Provided,* That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading: *Provided further,* That with respect to the funds made available for passport agencies, such plan shall be developed in consultation with the Department of Homeland Security and the General Services Administration and shall coordinate and co-locate, to the extent feasible, passport agencies with other Federal facilities.

CAPITAL INVESTMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Capital Investment Fund", $290,000,000, for information technology security and upgrades to support mission-critical operations, of which up to $38,000,000 shall be transferred to, and merged with, funds made available under the heading "Capital Investment Fund" of the United States Agency for International Development: *Provided,* That the Secretary of State and the Administrator of the United States Agency for International Development shall coordinate information technology systems, where appropriate, to increase efficiencies and eliminate redundancies, to include co-location of backup information management facilities, and shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

Deadline.
Spending plan.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for oversight requirements, $2,000,000.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Construction" for the water quantity program to meet immediate repair and rehabilitation requirements, $220,000,000: *Provided,* That up to $2,000,000 may be transferred to, and merged with, funds available under the heading "International Boundary and Water Commission, United States and Mexico—Salaries and Expenses": *Provided further,* That the Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this Act a detailed spending plan for funds appropriated under this heading.

Deadline.
Spending plan.

TITLE XII—TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

For an additional amount for capital investments in surface transportation infrastructure, $1,500,000,000, to remain available through September 30, 2011: *Provided,* That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area,

or a region: *Provided further,* That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement: *Provided further,* That of the amount made available under this paragraph, the Secretary may use an amount not to exceed $200,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further,* That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities: *Provided further,* That a grant funded under this heading shall be not less than $20,000,000 and not greater than $300,000,000: *Provided further,* That the Secretary may waive the minimum grant size cited in the preceding proviso for the purpose of funding significant projects in smaller cities, regions, or States: *Provided further,* That not more than 20 percent of the funds made available under this paragraph may be awarded to projects in a single State: *Provided further,* That the Federal share of the costs for which an expenditure is made under this heading may be up to 100 percent: *Provided further,* That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within 3 years of enactment of this Act: *Provided further,* That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading not later than 90 days after enactment of this Act: *Provided further,* That the Secretary shall require applications for funding provided under this heading to be submitted not later than 180 days after the publication of such criteria, and announce all projects selected to be funded from such funds not later than 1 year after enactment of this Act: *Provided further,* That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That the Secretary may retain up to $1,500,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this heading.

Waiver authority.

Publication.
Criteria.
Deadline.

Applications.
Deadlines.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL FUNDING FOR FACILITIES AND EQUIPMENT

For an additional amount for necessary investments in Federal Aviation Administration infrastructure, $200,000,000, to remain available through September 30, 2010: *Provided,* That funding provided under this heading shall be used to make improvements to power systems, air route traffic control centers, air traffic control towers, terminal radar approach control facilities, and navigation and landing equipment: *Provided further,* That priority be given to such projects or activities that will be completed within 2 years of enactment of this Act: *Provided further,* That amounts made available under this heading may be provided through grants in addition to the other instruments authorized under section 106(l)(6) of title 49, United States Code: *Provided further,* That the Federal share of the costs for which an expenditure is made under this heading shall be 100 percent: *Provided further,* That amounts provided under this heading may be used for expenses the agency incurs in administering this program: *Provided further,* That not more than 60 days after enactment of this Act, the Administrator shall establish a process for applying, reviewing and awarding grants and cooperative and other transaction agreements, including the form and content of an application, and requirements for the maintenance of records that are necessary to facilitate an effective audit of the use of the funding provided: *Provided further,* That section 50101 of title 49, United States Code, shall apply to funds provided under this heading.

Deadline. Procedures.

Applicability.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", to enable the Secretary of Transportation to make grants for discretionary projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, and for the procurement, installation and commissioning of runway incursion prevention devices and systems at airports of such title, $1,100,000,000, to remain available through September 30, 2010: *Provided*, That such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: *Provided further,* That the Secretary shall distribute funds provided under this heading as discretionary grants to airports, with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act, and serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: *Provided further,* That the Secretary shall award grants totaling not less than 50 percent of the funds made available under this heading within 120 days of enactment of this Act, and award grants for the remaining amounts not later than 1 year after enactment of this Act: *Provided further,* That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further,* That the Administrator of the Federal Aviation Administration may retain up to 0.2 percent of the funds provided under this

Deadlines.

heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under subsection 601(a)(8) of such title, $27,500,000,000, to remain available through September 30, 2010: *Provided,* That, after making the set-asides required under this heading, 50 percent of the funds made available under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2008 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division K of Public Law 110–161: *Provided further,* That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: *Provided further,* That in selecting projects to be carried out with funds apportioned under this heading, priority shall be given to projects that are projected for completion within a 3-year time frame, and are located in economically distressed areas as defined by section 301 of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3161): *Provided further,* That 120 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further,* That 1 year following the date of such apportionment, the Secretary shall withdraw from each recipient of funds apportioned under this heading any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this proviso (excluding funds suballocated within the State) in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further,* That at the request of a State, the Secretary of Transportation may provide an extension of such 1-year period only to the extent that he feels satisfied that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances: *Provided further,* That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: *Provided further,* That 3 percent of the funds apportioned to a State under this heading shall be set aside for the purposes described in subsection 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005): *Provided further,* That 30 percent of the funds apportioned to a State under this heading shall be suballocated within the State in the manner and for the purposes described in the first sentence of subsection

Deadline.

Effective date.

Effective date.

Submission.

133(d)(3)(A), in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D): *Provided further,* That such suballocation shall be conducted in every State: *Provided further,* That funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 120 days following the date of apportionment of funds provided under this heading: *Provided further,* That of the funds provided under this heading, $105,000,000 shall be for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and $45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code: *Provided further,* That of the funds provided under this heading, $60,000,000 shall be for capital expenditures eligible under section 147 of title 23, United States Code (without regard to subsection(d)): *Provided further,* That the Secretary of Transportation shall distribute such $60,000,000 as competitive discretionary grants to States, with priority given to those projects that demonstrate to his satisfaction their ability to be completed within 2 years of enactment of this Act: *Provided further,* That of the funds provided under this heading, $550,000,000 shall be for investments in transportation at Indian reservations and Federal lands: *Provided further,* That of the funds identified in the preceding proviso, $310,000,000 shall be for the Indian Reservation Roads program, $170,000,000 shall be for the Park Roads and Parkways program, $60,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: *Provided further,* That for investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act: *Provided further,* That 1 year following the enactment of this Act, to ensure the prompt use of the $550,000,000 provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated: *Provided further,* That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: *Provided further,* That section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds provided under this heading: *Provided further,* That of the funds made available under this heading, $20,000,000 shall be for highway surface transportation and technology training under section 140(b) of title 23, United States Code, and $20,000,000 shall be for disadvantaged business enterprises bonding assistance under section 332(e) of title 49, United States Code: *Provided further,* That funds made available under this heading shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code: *Provided further,* That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be, at the option of the recipient, up to 100 percent of the total cost thereof: *Provided further*, That

Grants.

Effective date.
Redistribution authority.

funds made available by this Act shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code: *Provided further,* That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2009 and 2010 in any other Act for "Federal-aid Highways" and shall not affect the distribution of funds provided for "Federal-aid Highways" in any other Act: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further,* That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further,* That the Administrator of the Federal Highway Administration may retain up to $40,000,000 of the funds provided under this heading to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, and such funds shall be available through September 30, 2012.

Applicability.

FEDERAL RAILROAD ADMINISTRATION

Grants.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

For an additional amount for section 501 of Public Law 110–432 and discretionary grants to States to pay for the cost of projects described in paragraphs (2)(A) and (2)(B) of section 24401 of title 49, United States Code, subsection (b) of section 24105 of such title, $8,000,000,000, to remain available through September 30, 2012: *Provided,* That the Secretary of Transportation shall give priority to projects that support the development of intercity high speed rail service: *Provided further,* That within 60 days of the enactment of this Act, the Secretary shall submit to the House and Senate Committees on Appropriations a strategic plan that describes how the Secretary will use the funding provided under this heading to improve and deploy high speed passenger rail systems: *Provided further,* That within 120 days of enactment of this Act, the Secretary shall issue interim guidance to applicants covering grant terms, conditions, and procedures until final regulations are issued: *Provided further,* That such interim guidance shall provide separate instructions for the high speed rail corridor program, capital assistance for intercity passenger rail service grants, and congestion grants: *Provided further,* That the Secretary shall waive the requirement that a project conducted using funds provided under this heading be in a State rail plan developed under chapter 227 of title 49, United States Code: *Provided further,* That the Federal share payable of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: *Provided further,* That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That section 24405 of title 49, United States Code, shall apply to funds provided under this heading: *Provided further,* That the Administrator of the Federal Railroad Administration may retain up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading, and funds retained for said purposes shall remain available through September 30, 2014.

Deadline.
Strategic plan.

Deadline.
Guidance.

Waiver authority.

Compliance.

Applicability.

CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for the National Railroad Passenger Corporation (Amtrak) to enable the Secretary of Transportation to make capital grants to Amtrak as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432), $1,300,000,000, to remain available through September 30, 2010, of which $450,000,000 shall be used for capital security grants: *Provided,* That priority for the use of non-security funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock: *Provided further*, That none of the funds under this heading shall be used to subsidize the operating losses of Amtrak: *Provided further*, That funds provided under this heading shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further,* That the Secretary shall take measures to ensure that projects funded under this heading shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources: *Provided further,* That the Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding proviso: *Provided further,* That not more than 60 percent of the funds provided for non-security activities under this heading may be used for capital projects along the Northeast Corridor: *Provided further,* That of the funding provided under this heading, $5,000,000 shall be made available for the Amtrak Office of Inspector General and made available through September 30, 2013.

Deadline.

Deadline.

Certification.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT CAPITAL ASSISTANCE

Grants.

For an additional amount for transit capital assistance grants authorized under section 5302(a)(1) of title 49, United States Code, $6,900,000,000, to remain available through September 30, 2010: *Provided,* That the Secretary of Transportation shall provide 80 percent of the funds appropriated under this heading for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title (other than subsections (i)(1) and (j)): *Provided further,* That the Secretary shall apportion 10 percent of the funds appropriated under this heading in accordance with section 5340 of such title: *Provided further,* That the Secretary shall provide 10 percent of the funds appropriated under this heading for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section: *Provided further,* That funds apportioned under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: *Provided further,* That 180 days following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds

Deadline.

Effective date.

Effective date.

redistributed under this proviso shall be utilized promptly: *Provided further,* That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: *Provided further,* That at the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if he feels satisfied that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances: *Provided further,* That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: *Provided further,* That of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1): *Provided further,* That of the funding provided under this heading, $100,000,000 shall be distributed as discretionary grants to public transit agencies for capital investments that will assist in reducing the energy consumption or greenhouse gas emissions of their public transportation systems: *Provided further,* That for such grants on energy-related investments, priority shall be given to projects based on the total energy savings that are projected to result from the investment, and projected energy savings as a percentage of the total energy usage of the public transit agency: *Provided further,* That applicable chapter 53 requirements shall apply to funding provided under this heading, except that the Federal share of the costs for which any grant is made under this heading shall be, at the option of the recipient, up to 100 percent: *Provided further,* That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further,* That section 1101(b) of Public Law 109–59 shall apply to funds appropriated under this heading: *Provided further,* That the funds appropriated under this heading shall not be comingled with any prior year funds: *Provided further,* That notwithstanding any other provision of law, three-quarters of 1 percent of the funds provided for grants under section 5307 and section 5340, and one-half of 1 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2012.

Submission.

Applicability.

Applicability.

FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

For an amount for capital expenditures authorized under section 5309(b)(2) of title 49, United States Code, $750,000,000, to remain available through September 30, 2010: *Provided*, That the Secretary of Transportation shall apportion funds under this heading pursuant to the formula set forth in section 5337 of title 49, United States Code: *Provided further*, That the funds appropriated under this heading shall not be commingled with any prior year funds: *Provided further*, That funds made available under this heading shall be apportioned not later than 21 days after the date of enactment of this Act: *Provided further*, That 180 days following the date of such apportionment, the Secretary shall

Deadline.

Effective date.

withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: *Provided further*, That 1 year following the date of such apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly: *Provided further*, That at the request of an urbanized area, the Secretary of Transportation may provide an extension of such 1-year period if he or she feels satisfied that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances: *Provided further*, That before granting such an extension, the Secretary shall send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension: *Provided further*, That applicable chapter 53 requirements shall apply except that the Federal share of the costs for which a grant is made under this heading shall be, at the option of the recipient, up to 100 percent: *Provided further*, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: *Provided further*, That notwithstanding any other provision of law, up to 1 percent of the funds under this heading shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2012.

Effective date.

Submission.

Applicability.

Applicability.

CAPITAL INVESTMENT GRANTS

For an additional amount for "Capital Investment Grants", as authorized under section 5338(c)(4) of title 49, United States Code, and allocated under section 5309(m)(2)(A) of such title, to enable the Secretary of Transportation to make discretionary grants as authorized by section 5309(d) and (e) of such title, $750,000,000, to remain available through September 30, 2010: *Provided*, That such amount shall be allocated without regard to the limitation under section 5309(m)(2)(A)(i): *Provided further*, That in selecting projects to be funded, priority shall be given to projects that are currently in construction or are able to obligate funds within 150 days of enactment of this Act: *Provided further*, That the provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this heading: *Provided further*, That funds appropriated under this heading shall not be commingled with any prior year funds: *Provided further*, That applicable chapter 53 requirements shall apply, except that notwithstanding any other provision of law, up to 1 percent of the funds provided under this heading shall be available for administrative expenses and program management oversight, and shall remain available through September 30, 2012.

Applicability.

Applicability.

MARITIME ADMINISTRATION

SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $100,000,000, to remain available through September 30, 2010: *Provided,* That the Secretary of Transportation shall institute measures to ensure that funds provided under this heading shall be obligated within 180 days of the date of their distribution: *Provided further,* That the Maritime Administrator may retain and transfer to "Maritime Administration, Operations and Training" up to 2 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

Deadline.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $20,000,000, to remain available through September 30, 2013: *Provided,* That the funding made available under this heading shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Transportation: *Provided further,* That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the Government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department.

Audits. Investigations.

Fraud.

GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION

SEC. 1201. (a) MAINTENANCE OF EFFORT.—Not later than 30 days after the date of enactment of this Act, for each amount that is distributed to a State or agency thereof from an appropriation in this Act for a covered program, the Governor of the State shall certify to the Secretary of Transportation that the State will maintain its effort with regard to State funding for the types of projects that are funded by the appropriation. As part of this certification, the Governor shall submit to the Secretary of Transportation a statement identifying the amount of funds the State planned to expend from State sources as of the date of enactment of this Act during the period beginning on the date of enactment of this Act through September 30, 2010, for the types of projects that are funded by the appropriation.

Deadline. Certification.

Submission. Time period.

(b) FAILURE TO MAINTAIN EFFORT.—

If a State is unable to maintain the level of effort certified pursuant to subsection (a), the State will be prohibited by the Secretary of Transportation from receiving additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for fiscal year 2011.

(c) PERIODIC REPORTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, each grant recipient shall submit to the covered agency from which they received funding periodic reports on the use of the funds appropriated in this Act for covered programs. Such reports shall be collected and compiled by the covered agency and transmitted to Congress. Covered agencies may develop such reports on behalf of grant recipients to ensure the accuracy and consistency of such reports.

(2) CONTENTS OF REPORTS.—For amounts received under each covered program by a grant recipient under this Act, the grant recipient shall include in the periodic reports information tracking-

(A) the amount of Federal funds appropriated, allocated, obligated, and outlayed under the appropriation;

(B) the number of projects that have been put out to bid under the appropriation and the amount of Federal funds associated with such projects;

(C) the number of projects for which contracts have been awarded under the appropriation and the amount of Federal funds associated with such contracts;

(D) the number of projects for which work has begun under such contracts and the amount of Federal funds associated with such contracts;

(E) the number of projects for which work has been completed under such contracts and the amount of Federal funds associated with such contracts;

(F) the number of direct, on-project jobs created or sustained by the Federal funds provided for projects under the appropriation and, to the extent possible, the estimated indirect jobs created or sustained in the associated supplying industries, including the number of job-years created and the total increase in employment since the date of enactment of this Act; and

(G) for each covered program report information tracking the actual aggregate expenditures by each grant recipient from State sources for projects eligible for funding under the program during the period beginning on the date of enactment of this Act through September 30, 2010, as compared to the level of such expenditures that were planned to occur during such period as of the date of enactment of this Act.

(3) TIMING OF REPORTS.—Each grant recipient shall submit the first of the periodic reports required under this subsection not later than 90 days after the date of enactment of this Act and shall submit updated reports not later than 180 days, 1 year, 2 years, and 3 years after such date of enactment.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED AGENCY.—The term "covered agency" means the Office of the Secretary of Transportation, the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration and the Maritime Administration of the Department of Transportation.

(2) COVERED PROGRAM.—The term "covered program" means funds appropriated in this Act for "Supplemental Discretionary Grants for a National Surface Transportation System"

to the Office of the Secretary of Transportation, for "Supplemental Funding for Facilities and Equipment" and "Grants-in-Aid for Airports" to the Federal Aviation Administration; for "Highway Infrastructure Investment" to the Federal Highway Administration; for "Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service" and "Capital Grants to the National Railroad Passenger Corporation" to the Federal Railroad Administration; for "Transit Capital Assistance", "Fixed Guideway Infrastructure Investment", and "Capital Investment Grants" to the Federal Transit Administration; and "Supplemental Grants for Assistance to Small Shipyards" to the Maritime Administration.

(3) GRANT RECIPIENT.—The term "grant recipient" means a State or other recipient of assistance provided under a covered program in this Act. Such term does not include a Federal department or agency.

(e) Notwithstanding any other provision of law, sections 3501–3521 of title 44, United States Code, shall not apply to the provisions of this section.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

PUBLIC HOUSING CAPITAL FUND

For an additional amount for the "Public Housing Capital Fund" to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act"), $4,000,000,000, to remain available until September 30, 2011: *Provided,* That the Secretary of Housing and Urban Development shall distribute $3,000,000,000 of this amount by the same formula used for amounts made available in fiscal year 2008, except that the Secretary may determine not to allocate funding to public housing agencies currently designated as troubled or to public housing agencies that elect not to accept such funding: *Provided further,* That the Secretary shall obligate funds allocated by formula within 30 days of enactment of this Act: *Provided further,* That the Secretary shall make available $1,000,000,000 by competition for priority investments, including investments that leverage private sector funding or financing for renovations and energy conservation retrofit investments: *Provided further,* That the Secretary shall obligate competitive funding by September 30, 2009: *Provided further,* That public housing authorities shall give priority to capital projects that can award contracts based on bids within 120 days from the date the funds are made available to the public housing authorities: *Provided further,* That public housing agencies shall give priority consideration to the rehabilitation of vacant rental units: *Provided further,* That public housing agencies shall prioritize capital projects that are already underway or included in the 5-year capital fund plans required by the Act (42 U.S.C. 1437c–1(a)): *Provided further,* That notwithstanding any other provision of law, (1) funding provided under this heading may not be used for operating or rental assistance activities, and (2) any restriction of funding to replacement housing uses shall be inapplicable: *Provided further,* That notwithstanding any other provision of law, the Secretary shall institute measures to ensure that funds provided under this heading

Deadline.

Deadline.
Contracts.

shall serve to supplement and not supplant expenditures from other Federal, State, or local sources or funds independently generated by the grantee: *Provided further,* That notwithstanding section 9(j), public housing agencies shall obligate 100 percent of the funds within 1 year of the date on which funds become available to the agency for obligation, shall expend at least 60 percent of funds within 2 years of the date on which funds become available to the agency for obligation, and shall expend 100 percent of the funds within 3 years of such date: *Provided further,* That if a public housing agency fails to comply with the 1-year obligation requirement, the Secretary shall recapture all remaining unobligated funds awarded to the public housing agency and reallocate such funds to agencies that are in compliance with those requirements: *Provided further,* That if a public housing agency fails to comply with either the 2-year or the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the public housing agency and reallocate such funds to agencies that are in compliance with those requirements: *Provided further,* That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further,* That, in addition to waivers authorized under the previous proviso, the Secretary may direct that requirements relating to the procurement of goods and services arising under state and local laws and regulations shall not apply to amounts made available under this heading: *Provided further,* That of the funds made available under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: *Provided further,* That funds set aside in the previous proviso shall remain available until September 30, 2012: *Provided further,* That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Personnel Compensation and Benefits, Office of Public and Indian Housing" and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: *Provided further,* That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to "Administration, Operations, and Management", for non-personnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funds made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund".

Deadlines.

Waiver authority.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For an additional amount for "Native American Housing Block Grants", as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 ("NAHASDA") (25

U.S.C. 4111 et seq.), $510,000,000 to remain available until September 30, 2011: *Provided,* That $255,000,000 of the amount provided under this heading shall be distributed according to the same funding formula used in fiscal year 2008: *Provided further,* That the Secretary shall obligate funds allocated by formula within 30 days of enactment of this Act: *Provided further,* That the amounts distributed through the formula shall be used for new construction, acquisition, rehabilitation including energy efficiency and conservation, and infrastructure development: *Provided further,* That in selecting projects to be funded, recipients shall give priority to projects for which contracts can be awarded within 180 days from the date that funds are available to the recipients: *Provided further,* that the Secretary may obligate $255,000,000 of the amount provided under this heading for competitive grants to eligible entities that apply for funds authorized under NAHASDA: *Provided further,* That the Secretary shall obligate competitive funding by September 30, 2009: *Provided further,* That in awarding competitive funds, the Secretary shall give priority to projects that will spur construction and rehabilitation and will create employment opportunities for low-income and unemployed persons: *Provided further,* That recipients of funds under this heading shall obligate 100 percent of such funds within 1 year of the date funds are made available to a recipient, expend at least 50 percent of such funds within 2 years of the date on which funds become available to such recipients for obligation and expend 100 percent of such funds within 3 years of such date: *Provided further,* That if a recipient fails to comply with the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds through the funding formula to recipients that are in compliance with these requirements: *Provided further,* That if a recipient fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds originally awarded to the recipient: *Provided further,* That notwithstanding any other provision of law, the Secretary may set aside up to 2 percent of funds made available under this paragraph for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.): *Provided further,* That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further,* That of the funds made available under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: *Provided further,* That funds set aside in the previous proviso shall remain available until September 30, 2012: *Provided further,* That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Personnel Compensation and Benefits, Office of Public and Indian Housing" and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the

Deadline.

Deadline.

Deadlines.

Waiver authority.

previous proviso shall govern such transferred funds: *Provided further,* That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to "Administration, Operations, and Management", for non-personnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funds made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund".

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community Development Fund" $1,000,000,000, to remain available until September 30, 2010 to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.): *Provided*, That the amount appropriated in this paragraph shall be distributed pursuant to 42 U.S.C. 5306 to grantees that received funding in fiscal year 2008: *Provided further*, That in administering the funds appropriated in this paragraph, the Secretary of Housing and Urban Development shall establish requirements to expedite the use of the funds: *Provided further*, That in selecting projects to be funded, recipients shall give priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipients: *Provided further*, That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such waiver is necessary to expedite or facilitate the timely use of such funds and would not be inconsistent with the overall purpose of the statute.

Requirements.

Waiver authority.

For the provision of emergency assistance for the redevelopment of abandoned and foreclosed homes, as authorized under division B, title III of the Housing and Economic Recovery Act of 2008 ("the Act") (Public Law 110–289) (42 U.S.C. 5301 note), $2,000,000,000, to remain available until September 30, 2010: *Provided,* That grantees shall expend at least 50 percent of allocated funds within 2 years of the date funds become available to the grantee for obligation, and 100 percent of such funds within 3 years of such date: *Provided further,* That unless otherwise noted herein, the provisions of the Act govern the use of the additional funds made available under this heading: *Provided further,* That notwithstanding the provisions of sections 2301(b) and (c)(1) and section 2302 of the Act, funding under this paragraph shall be allocated by competitions for which eligible entities shall be States, units of general local government, and nonprofit entities or consortia of nonprofit entities, which may submit proposals in partnership with for profit entities: *Provided further,* That in selecting grantees, the Secretary of Housing and Urban Development shall ensure that the grantees are in areas with the greatest number and percentage of foreclosures and can expend funding within the period allowed under this heading: *Provided further,* That additional award criteria for such competitions shall include demonstrated grantee

Deadlines.

Award criteria.

capacity to execute projects, leveraging potential, concentration of investment to achieve neighborhood stabilization, and any additional factors determined by the Secretary of Housing and Urban Development: *Provided further,* That the Secretary may establish a minimum grant size: *Provided further,* That the Secretary shall publish criteria on which to base competition for any grants awarded under this heading not later than 75 days after the enactment of this Act and applications shall be due to HUD not later than 150 days after the enactment of this Act: *Provided further,* That the Secretary shall obligate all funding within 1 year of enactment of this Act: *Provided further,* That section 2301(d)(4) of the Act is repealed: *Provided further,* That section 2301(c)(3)(C) of the Act is amended to read "establish and operate land banks for homes and residential properties that have been foreclosed upon": *Provided further,* That funding used for section 2301(c)(3)(E) of the Act shall be available only for the redevelopment of demolished or vacant properties as housing: *Provided further,* That no amounts made available from a grant under this heading may be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)): *Provided further,* That a grantee may not use more than 10 percent of its grant under this heading for demolition activities under section 2301(c)(3)(C) and (D) unless the Secretary determines that such use represents an appropriate response to local market conditions: *Provided further,* That the recipient of any grant or loan from amounts made available under this heading or, after the date of enactment under division B, title III of the Housing and Economic Recovery Act of 2008, may not refuse to lease a dwelling unit in housing with such loan or grant to a participant under section 8 of the United States Housing Act of 1937 (42 U.S.C 1437f) because of the status of the prospective tenant as such a participant: *Provided further,* That in addition to the eligible uses in section 2301, the Secretary may also use up to 10 percent of the funds provided under this heading for grantees for the provision of capacity building of and support for local communities receiving funding under section 2301 of the Act or under this heading: *Provided further,* That in administering funds appropriated or otherwise made available under this section, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of funds except for requirements related to fair housing, nondiscrimination, labor standards and the environment, upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further*, That in the case of any acquisition of a foreclosed upon dwelling or residential real property acquired after the date of enactment with any amounts made available under this heading or under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), the initial successor in interest in such property pursuant to the foreclosure shall assume such interest subject to: (1) the provision by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant, as of the date of such notice of foreclosure: (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on

Publication.
Criteria.
Deadlines.

Deadline.

42 USC 5301 note.

42 USC 5301 note.

Waiver authority.

Foreclosure.
Notice.
42 USC 5301 note.

the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this paragraph shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants: *Provided further*, That, for purposes of this paragraph, a lease or tenancy shall be considered bona fide only if: (1) the mortgagor under the contract is not the tenant; (2) the lease or tenancy was the result of an arms-length transaction; and (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property: *Provided further*, That the recipient of any grant or loan from amounts made available under this heading or, after the date of enactment, under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) may not refuse to lease a dwelling unit in housing assisted with such loan or grant to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder: *Provided further*, That in the case of any qualified foreclosed housing for which funds made available under this heading or, after the date of enactment, under division B, title III of the Housing and Economic Recovery Act of 2008 (Public Law 110–289) are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of foreclosure, the initial successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit: *Provided further*, That vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use: *Provided further*, That if a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosures, due to (1) an action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with section 8(o)(8) of the United States Housing Act of 1937 (42 U.S.C.1437f) or (2) an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family—(i) to pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or (ii) for the family's reasonable moving costs, including security deposit costs: *Provided further,* That this paragraph shall not preempt any Federal, State or local law that provides more protections for tenants: *Provided further,* That of the funds made available under this heading, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel,

Contracts.

42 USC 5301 note.

enforcement, research and evaluation activities: *Provided further*, That funds set aside in the previous proviso shall remain available until September 30, 2012: *Provided further*, That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Personnel Compensation and Benefits, Community Planning and Development" and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: *Provided further*, That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to "Administration, Operations, and Management" for non-personnel expenses of the Department of Housing and Urban Development: *Provided further*, That any funds made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund".

HOME INVESTMENT PARTNERSHIPS PROGRAM

For an additional amount for capital investments in low-income housing tax credit projects, $2,250,000,000, to remain available until September 30, 2011: *Provided,* That such funds shall be made available to State housing credit agencies, as defined in section 42(h) of the Internal Revenue Code of 1986, and shall be apportioned among the States based on the percentage of HOME funds apportioned to each State and the participating jurisdictions therein for Fiscal Year 2008: *Provided further,* That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under section 42(h) of the Internal Revenue Code of 1986: *Provided further,* That housing credit agencies in each State shall commit not less than 75 percent of such funds within one year of the date of enactment of this Act, and shall demonstrate that the project owners shall have expended 75 percent of the funds made available under this heading within two years of the date of enactment of this Act, and shall have expended 100 percent of the funds within 3 years of the date of enactment of this Act: *Provided further,* That failure by an owner to expend funds within the parameters required within the previous proviso shall result in a redistribution of these funds by a housing credit agency to a more deserving project in such State, except any funds not expended after 3 years from enactment shall be redistributed by the Secretary to other States that have fully utilized the funds made available to them: *Provided further,* That projects awarded low income housing tax credits under section 42(h) of the IRC of 1986 in fiscal years 2007, 2008, or 2009 shall be eligible for funding under this heading: *Provided further,* That housing credit agencies shall give priority to projects that are expected to be completed within 3 years of enactment: *Provided further,* That any assistance provided to an eligible low income housing tax credit project under this heading shall be made in the same manner and be subject to the same limitations (including rent, income, and use restrictions, in lieu of corresponding limitations under the HOME program) as required by the state housing

Deadlines.

credit agency with respect to an award of low income housing credits under section 42 of the IRC of 1986: *Provided further,* That the housing credit agency shall perform asset management functions, or shall contract for the performance of such services, in either case, at the owner's expense, to ensure compliance with section 42 of the IRC of 1986, and the long term viability of buildings funded by assistance under this heading: *Provided further,* That the term eligible basis (as such term is defined in such section 42) of a qualified low-income housing tax credit building receiving assistance under this heading shall not be reduced by the amount of any grant described under this heading: *Provided further,* That the Secretary shall be given access upon reasonable notice to a State housing credit agency to information related to the award of Federal funds from such housing credit agency pursuant to this heading and shall establish an Internet site that shall identify all projects selected for an award, including the amount of the award and such site shall provide linkage to the housing credit agency allocation plan which describes the process that was used to make the award decision: *Provided further,* That in administering funds under this heading, the Secretary may waive any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds except for requirements imposed by this heading and requirements related to fair housing, non-discrimination, labor standards and the environment, upon a finding that such waiver is required to expedite the use of such funds: *Provided further,* That for purposes of environmental compliance review, funds under this heading that are made available to State housing credit agencies for distribution to projects awarded low income housing tax credits shall be treated as funds under the HOME program and shall be subject to Section 288 of the HOME Investment Partnership Act.

Contracts.

Web site.

Waiver authority.

HOMELESSNESS PREVENTION FUND

For homelessness prevention and rapid re-housing activities, $1,500,000,000, to remain available until September 30, 2011: *Provided,* That funds provided under this heading shall be used for the provision of short-term or medium-term rental assistance; housing relocation and stabilization services including housing search, mediation or outreach to property owners, credit repair, security or utility deposits, utility payments, rental assistance for a final month at a location, moving cost assistance, and case management; or other appropriate activities for homelessness prevention and rapid re-housing of persons who have become homeless: *Provided further,* That grantees receiving such assistance shall collect data on the use of the funds awarded and persons served with this assistance in the HUD Homeless Management Information System ("HMIS") or other comparable database: *Provided further,* That grantees may use up to 5 percent of any grant for administrative costs: *Provided further,* That funding made available under this heading shall be allocated to eligible grantees (as defined and designated in sections 411 and 412 of subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, (the "Act")) pursuant to the formula authorized by section 413 of the Act: *Provided further,* That the Secretary may establish a minimum grant size: *Provided further,* That grantees shall expend at least 60 percent

Deadlines.

of funds within 2 years of the date that funds became available to them for obligation, and 100 percent of funds within 3 years of such date, and the Secretary may recapture unexpended funds in violation of the 2-year expenditure requirement and reallocate such funds to grantees in compliance with that requirement: *Provided further,* That the Secretary may waive statutory or regulatory provisions (except provisions for fair housing, nondiscrimination, labor standards, and the environment) necessary to facilitate the timely expenditure of funds: *Provided further,* That the Secretary shall publish a notice to establish such requirements as may be necessary to carry out the provisions of this section within 30 days of enactment of this Act and that this notice shall take effect upon issuance: *Provided further,* That of the funds provided under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further,* That funds set aside under the previous proviso shall remain available until September 30, 2012: *Provided further,* That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Community Planning and Development Personnel Compensation and Benefits" and shall retain the terms and conditions of this account including reprogramming provisions except that the period of availability set forth in the previous proviso shall govern such transferred funds: *Provided further,* That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred to "Administration, Operations, and Management" for non-personnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funding made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund."

Waiver authority.

Publication.
Notice.
Deadline.
Effective date.

HOUSING PROGRAMS

ASSISTED HOUSING STABILITY AND ENERGY AND GREEN RETROFIT INVESTMENTS

For assistance to owners of properties receiving project-based assistance pursuant to section 202 of the Housing Act of 1959 (12 U.S.C. 17012), section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), or section 8 of the United States Housing Act of 1937 as amended (42 U.S.C. 1437f), $2,250,000,000, of which $2,000,000,000 shall be for an additional amount for paragraph (1) under the heading "Project-Based Rental Assistance" in Public Law 110–161 for payments to owners for 12-month periods, and of which $250,000,000 shall be for grants or loans for energy retrofit and green investments in such assisted housing: *Provided,* That projects funded with grants or loans provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That such grants or loans shall be provided through the policies, procedures, contracts, and transactional infrastructure of the authorized programs administered by the Office of Affordable Housing Preservation of the Department of Housing and Urban Development, on such terms and conditions as the Secretary of Housing and Urban Development deems appropriate to ensure the

maintenance and preservation of the property, the continued operation and maintenance of energy efficiency technologies, and the timely expenditure of funds: *Provided further,* That the Secretary may provide incentives to owners to undertake energy or green retrofits as a part of such grant or loan terms, including, but not limited to, fees to cover investment oversight and implementation by said owner, or to encourage job creation for low-income or very low-income individuals: *Provided further,* That the Secretary may share in a portion of future property utility savings resulting from improvements made by grants or loans made available under this heading: *Provided further,* That the grants or loans shall include a financial assessment and physical inspection of such property: *Provided further,* That eligible owners must have at least a satisfactory management review rating, be in substantial compliance with applicable performance standards and legal requirements, and commit to an additional period of affordability determined by the Secretary, but of not fewer than 15 years: *Provided further,* That the Secretary shall undertake appropriate underwriting and oversight with respect to grant and loan transactions and may set aside up to 5 percent of the funds made available under this heading for grants or loans for such purpose: *Provided further,* That the Secretary shall take steps necessary to ensure that owners receiving funding for energy and green retrofit investments under this heading shall expend such funding within 2 years of the date they received the funding: *Provided further,* That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further,* That of the funds provided under this heading for grants and loans, up to 1 percent shall be available for staffing, training, technical assistance, technology, monitoring, research and evaluation activities: *Provided further,* That funds set aside in the previous proviso shall remain available until September 30, 2012: *Provided further,* That funding made available under this heading and used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Housing Personnel Compensation and Benefits" and shall retain the terms and conditions of this account including reprogramming provisos except that the period of availability set forth in the previous proviso shall govern such transferred funds: *Provided further,* That any funding made available under this heading used by the Secretary for training and other administrative expenses shall be transferred to "Administration, Operations and Management" for nonpersonnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funding made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund."

Waiver authority.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

For an additional amount for the "Lead Hazard Reduction Program", as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, and by sections 501

and 502 of the Housing and Urban Development Act of 1974, $100,000,000, to remain available until September 30, 2011: *Provided,* That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(e) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further,* That funds shall be awarded first to applicants which had applied under the Lead Hazard Reduction Program Notices of Funding Availability for fiscal year 2008, and were found in the application review to be qualified for award, but were not awarded because of funding limitations, and that any funds which remain after reservation of funds for such grants shall be added to the amount of funds to be awarded under the Lead Hazard Reduction Program Notices of Funding Availability for fiscal year 2009: *Provided further,* That each applicant for the Lead Hazard Program Notices of Funding Availability for fiscal year 2009 shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds: *Provided further,* That recipients of funds under this heading shall expend at least 50 percent of such funds within 2 years of the date on which funds become available to such jurisdictions for obligation, and expend 100 percent of such funds within 3 years of such date: *Provided further,* That if a recipient fails to comply with the 2-year expenditure requirement, the Secretary shall recapture all remaining funds awarded to the recipient and reallocate such funds to recipients that are in compliance with those requirements: *Provided further,* That if a recipient fails to comply with the 3-year expenditure requirement, the Secretary shall recapture the balance of the funds awarded to the recipient: *Provided further,* That in administering funds appropriated or otherwise made available under this heading, the Secretary may waive or specify alternative requirements for any provision of any statute or regulation in connection with the obligation by the Secretary or the use of these funds (except for requirements related to fair housing, nondiscrimination, labor standards and the environment), upon a finding that such a waiver is necessary to expedite or facilitate the use of such funds: *Provided further,* That of the funds made available under this heading, up to .5 percent shall be available for staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities: *Provided further,* That funds set aside in the previous proviso shall remain available until September 30, 2012: *Provided further,* That any funds made available under this heading used by the Secretary for personnel expenses related to administering funding under this heading shall be transferred to "Personnel Compensation and Benefits, Office of Lead Hazard Control and Healthy Homes" and shall retain the terms and conditions of this account, including reprogramming provisions, except that the period of availability set forth in the previous proviso shall govern such transferred funds: *Provided further,* That any funds made available under this heading used by the Secretary for training or other administrative expenses shall be transferred

Plans.
Strategy.

Deadlines.

Waiver authority.

to "Administration, Operations, and Management", for non-personnel expenses of the Department of Housing and Urban Development: *Provided further,* That any funds made available under this heading used by the Secretary for technology shall be transferred to "Working Capital Fund".

MANAGEMENT AND ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

For an additional amount for the necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $15,000,000, to remain available until September 30, 2013: *Provided,* That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1202. FHA LOAN LIMITS FOR 2009. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

SEC. 1203. GSE CONFORMING LOAN LIMITS FOR 2009. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during calendar year 2009, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C.

1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)), respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during 2009, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

SEC. 1204. FHA REVERSE MORTGAGE LOAN LIMITS FOR 2009. For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2009, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

Health Information Technology for Economic and Clinical Health Act.

TITLE XIII—HEALTH INFORMATION TECHNOLOGY

SEC. 13001. SHORT TITLE; TABLE OF CONTENTS OF TITLE.

42 USC 201 note.

(a) SHORT TITLE.—This title (and title IV of division B) may be cited as the "Health Information Technology for Economic and Clinical Health Act" or the "HITECH Act".

(b) TABLE OF CONTENTS OF TITLE.—The table of contents of this title is as follows:

Sec. 13001. Short title; table of contents of title.

Subtitle A—Promotion of Health Information Technology

PART 1—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

Sec. 13101. ONCHIT; standards development and adoption.

"TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

"Sec. 3000. Definitions.

"Subtitle A—Promotion of Health Information Technology

"Sec. 3001. Office of the National Coordinator for Health Information Technology.
"Sec. 3002. HIT Policy Committee.
"Sec. 3003. HIT Standards Committee.
"Sec. 3004. Process for adoption of endorsed recommendations; adoption of initial set of standards, implementation specifications, and certification criteria.
"Sec. 3005. Application and use of adopted standards and implementation specifications by Federal agencies.
"Sec. 3006. Voluntary application and use of adopted standards and implementation specifications by private entities.
"Sec. 3007. Federal health information technology.
"Sec. 3008. Transitions.
"Sec. 3009. Miscellaneous provisions.
Sec. 13102. Technical amendment.

PART 2—APPLICATION AND USE OF ADOPTED HEALTH INFORMATION TECHNOLOGY STANDARDS; REPORTS

Sec. 13111. Coordination of Federal activities with adopted standards and implementation specifications.
Sec. 13112. Application to private entities.
Sec. 13113. Study and reports.

Subtitle B—Testing of Health Information Technology

Sec. 13201. National Institute for Standards and Technology testing.
Sec. 13202. Research and development programs.

Subtitle C—Grants and Loans Funding

Sec. 13301. Grant, loan, and demonstration programs.

"Subtitle B—Incentives for the Use of Health Information Technology

"Sec. 3011. Immediate funding to strengthen the health information technology infrastructure.
"Sec. 3012. Health information technology implementation assistance.
"Sec. 3013. State grants to promote health information technology.
"Sec. 3014. Competitive grants to States and Indian tribes for the development of loan programs to facilitate the widespread adoption of certified EHR technology.
"Sec. 3015. Demonstration program to integrate information technology into clinical education.
"Sec. 3016. Information technology professionals in health care.
"Sec. 3017. General grant and loan provisions.
"Sec. 3018. Authorization for appropriations.

Subtitle D—Privacy

Sec. 13400. Definitions.

PART 1—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

Sec. 13401. Application of security provisions and penalties to business associates of covered entities; annual guidance on security provisions.
Sec. 13402. Notification in the case of breach.
Sec. 13403. Education on health information privacy.
Sec. 13404. Application of privacy provisions and penalties to business associates of covered entities.
Sec. 13405. Restrictions on certain disclosures and sales of health information; accounting of certain protected health information disclosures; access to certain information in electronic format.
Sec. 13406. Conditions on certain contacts as part of health care operations.
Sec. 13407. Temporary breach notification requirement for vendors of personal health records and other non-HIPAA covered entities.
Sec. 13408. Business associate contracts required for certain entities.
Sec. 13409. Clarification of application of wrongful disclosures criminal penalties.
Sec. 13410. Improved enforcement.
Sec. 13411. Audits.

PART 2—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

Sec. 13421. Relationship to other laws.

Sec. 13422. Regulatory references.
Sec. 13423. Effective date.
Sec. 13424. Studies, reports, guidance.

Subtitle A—Promotion of Health Information Technology

PART 1—IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY

SEC. 13101. ONCHIT; STANDARDS DEVELOPMENT AND ADOPTION.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

42 USC 300jj.

"SEC. 3000. DEFINITIONS.

"In this title:

"(1) CERTIFIED EHR TECHNOLOGY.—The term 'certified EHR technology' means a qualified electronic health record that is certified pursuant to section 3001(c)(5) as meeting standards adopted under section 3004 that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

"(2) ENTERPRISE INTEGRATION.—The term 'enterprise integration' means the electronic linkage of health care providers, health plans, the government, and other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law, and such term includes related application protocols and other related standards.

"(3) HEALTH CARE PROVIDER.—The term 'health care provider' includes a hospital, skilled nursing facility, nursing facility, home health entity or other long term care facility, health care clinic, community mental health center (as defined in section 1913(b)(1)), renal dialysis facility, blood center, ambulatory surgical center described in section 1833(i) of the Social Security Act, emergency medical services provider, Federally qualified health center, group practice, a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as described in section 1842(b)(18)(C) of the Social Security Act), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act), tribal organization, or urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), a rural health clinic, a covered entity under section 340B, an ambulatory surgical center described in section 1833(i) of the Social Security Act, a therapist (as defined in section 1848(k)(3)(B)(iii) of the Social Security Act), and any other category of health care facility, entity,

practitioner, or clinician determined appropriate by the Secretary.

"(4) HEALTH INFORMATION.—The term 'health information' has the meaning given such term in section 1171(4) of the Social Security Act.

"(5) HEALTH INFORMATION TECHNOLOGY.—The term 'health information technology' means hardware, software, integrated technologies or related licenses, intellectual property, upgrades, or packaged solutions sold as services that are designed for or support the use by health care entities or patients for the electronic creation, maintenance, access, or exchange of health information

"(6) HEALTH PLAN.—The term 'health plan' has the meaning given such term in section 1171(5) of the Social Security Act.

"(7) HIT POLICY COMMITTEE.—The term 'HIT Policy Committee' means such Committee established under section 3002(a).

"(8) HIT STANDARDS COMMITTEE.—The term 'HIT Standards Committee' means such Committee established under section 3003(a).

"(9) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term 'individually identifiable health information' has the meaning given such term in section 1171(6) of the Social Security Act.

"(10) LABORATORY.—The term 'laboratory' has the meaning given such term in section 353(a).

"(11) NATIONAL COORDINATOR.—The term 'National Coordinator' means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a).

"(12) PHARMACIST.—The term 'pharmacist' has the meaning given such term in section 804(2) of the Federal Food, Drug, and Cosmetic Act.

"(13) QUALIFIED ELECTRONIC HEALTH RECORD.—The term 'qualified electronic health record' means an electronic record of health-related information on an individual that—

"(A) includes patient demographic and clinical health information, such as medical history and problem lists; and

"(B) has the capacity—

"(i) to provide clinical decision support;

"(ii) to support physician order entry;

"(iii) to capture and query information relevant to health care quality; and

"(iv) to exchange electronic health information with, and integrate such information from other sources.

"(14) STATE.—The term 'State' means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"Subtitle A—Promotion of Health Information Technology

42 USC 300jj–11.

"SEC. 3001. OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

"(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services an Office of the National Coordinator for Health Information Technology (referred to in this section as the 'Office'). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

"(b) PURPOSE.—The National Coordinator shall perform the duties under subsection (c) in a manner consistent with the development of a nationwide health information technology infrastructure that allows for the electronic use and exchange of information and that—

"(1) ensures that each patient's health information is secure and protected, in accordance with applicable law;

"(2) improves health care quality, reduces medical errors, reduces health disparities, and advances the delivery of patient-centered medical care;

"(3) reduces health care costs resulting from inefficiency, medical errors, inappropriate care, duplicative care, and incomplete information;

"(4) provides appropriate information to help guide medical decisions at the time and place of care;

"(5) ensures the inclusion of meaningful public input in such development of such infrastructure;

"(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of health care information;

"(7) improves public health activities and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

"(8) facilitates health and clinical research and health care quality;

"(9) promotes early detection, prevention, and management of chronic diseases;

"(10) promotes a more effective marketplace, greater competition, greater systems analysis, increased consumer choice, and improved outcomes in health care services; and

"(11) improves efforts to reduce health disparities.

"(c) DUTIES OF THE NATIONAL COORDINATOR.—

"(1) STANDARDS.—The National Coordinator shall—

"(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

Reports. Deadline.

"(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator; and

"(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3).

"(2) HIT POLICY COORDINATION.—

"(A) IN GENERAL.—The National Coordinator shall coordinate health information technology policy and programs of the Department with those of other relevant executive branch agencies with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability and in a manner towards a coordinated national goal.

"(B) HIT POLICY AND STANDARDS COMMITTEES.—The National Coordinator shall be a leading member in the establishment and operations of the HIT Policy Committee and the HIT Standards Committee and shall serve as a liaison among those two Committees and the Federal Government.

"(3) STRATEGIC PLAN.—

"(A) IN GENERAL.—The National Coordinator shall, in consultation with other appropriate Federal agencies (including the National Institute of Standards and Technology), update the Federal Health IT Strategic Plan (developed as of June 3, 2008) to include specific objectives, milestones, and metrics with respect to the following:

"(i) The electronic exchange and use of health information and the enterprise integration of such information.

"(ii) The utilization of an electronic health record for each person in the United States by 2014.

"(iii) The incorporation of privacy and security protections for the electronic exchange of an individual's individually identifiable health information.

"(iv) Ensuring security methods to ensure appropriate authorization and electronic authentication of health information and specifying technologies or methodologies for rendering health information unusable, unreadable, or indecipherable.

"(v) Specifying a framework for coordination and flow of recommendations and policies under this subtitle among the Secretary, the National Coordinator, the HIT Policy Committee, the HIT Standards Committee, and other health information exchanges and other relevant entities.

"(vi) Methods to foster the public understanding of health information technology.

"(vii) Strategies to enhance the use of health information technology in improving the quality of health care, reducing medical errors, reducing health disparities, improving public health, increasing prevention and coordination with community resources, and improving the continuity of care among health care settings.

"(viii) Specific plans for ensuring that populations with unique needs, such as children, are appropriately

addressed in the technology design, as appropriate, which may include technology that automates enrollment and retention for eligible individuals.

"(B) COLLABORATION.—The strategic plan shall be updated through collaboration of public and private entities.

"(C) MEASURABLE OUTCOME GOALS.—The strategic plan update shall include measurable outcome goals.

"(D) PUBLICATION.—The National Coordinator shall republish the strategic plan, including all updates.

"(4) WEBSITE.—The National Coordinator shall maintain and frequently update an Internet website on which there is posted information on the work, schedules, reports, recommendations, and other information to ensure transparency in promotion of a nationwide health information technology infrastructure.

"(5) CERTIFICATION.—

"(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall keep or recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 13201(b) of the Health Information Technology for Economic and Clinical Health Act.

"(B) CERTIFICATION CRITERIA DESCRIBED.—In this title, the term 'certification criteria' means, with respect to standards and implementation specifications for health information technology, criteria to establish that the technology meets such standards and implementation specifications.

"(6) REPORTS AND PUBLICATIONS.—

"(A) REPORT ON ADDITIONAL FUNDING OR AUTHORITY NEEDED.—Not later than 12 months after the date of the enactment of this title, the National Coordinator shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on any additional funding or authority the Coordinator or the HIT Policy Committee or HIT Standards Committee requires to evaluate and develop standards, implementation specifications, and certification criteria, or to achieve full participation of stakeholders in the adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

"(B) IMPLEMENTATION REPORT.—The National Coordinator shall prepare a report that identifies lessons learned from major public and private health care systems in their implementation of health information technology, including information on whether the technologies and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers.

"(C) ASSESSMENT OF IMPACT OF HIT ON COMMUNITIES WITH HEALTH DISPARITIES AND UNINSURED, UNDERINSURED, AND MEDICALLY UNDERSERVED AREAS.—The National Coordinator shall assess and publish the impact of health

information technology in communities with health disparities and in areas with a high proportion of individuals who are uninsured, underinsured, and medically underserved individuals (including urban and rural areas) and identify practices to increase the adoption of such technology by health care providers in such communities, and the use of health information technology to reduce and better manage chronic diseases.

"(D) EVALUATION OF BENEFITS AND COSTS OF THE ELECTRONIC USE AND EXCHANGE OF HEALTH INFORMATION.—The National Coordinator shall evaluate and publish evidence on the benefits and costs of the electronic use and exchange of health information and assess to whom these benefits and costs accrue.

"(E) RESOURCE REQUIREMENTS.—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including—

"(i) the required level of Federal funding;

"(ii) expectations for regional, State, and private investment;

"(iii) the expected contributions by volunteers to activities for the utilization of such records; and

"(iv) the resources needed to establish a health information technology workforce sufficient to support this effort (including education programs in medical informatics and health information management).

"(7) ASSISTANCE.—The National Coordinator may provide financial assistance to consumer advocacy groups and not-for-profit entities that work in the public interest for purposes of defraying the cost to such groups and entities to participate under, whether in whole or in part, the National Technology Transfer Act of 1995 (15 U.S.C. 272 note).

"(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall establish a governance mechanism for the nationwide health information network. Establishment.

"(d) DETAIL OF FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

"(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

"(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

"(B) be in addition to any other staff of the Department employed by the National Coordinator.

"(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

"(e) CHIEF PRIVACY OFFICER OF THE OFFICE OF THE NATIONAL COORDINATOR.—Not later than 12 months after the date of the enactment of this title, the Secretary shall appoint a Chief Privacy Officer of the Office of the National Coordinator, whose duty it Deadline.

shall be to advise the National Coordinator on privacy, security, and data stewardship of electronic health information and to coordinate with other Federal agencies (and similar privacy officers in such agencies), with State and regional efforts, and with foreign countries with regard to the privacy, security, and data stewardship of electronic individually identifiable health information.

42 USC 300jj–12.

"SEC. 3002. HIT POLICY COMMITTEE.

"(a) ESTABLISHMENT.—There is established a HIT Policy Committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure, including implementation of the strategic plan described in section 3001(c)(3).

"(b) DUTIES.—

"(1) RECOMMENDATIONS ON HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—The HIT Policy Committee shall recommend a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the strategic plan under section 3001(c)(3) and that includes the recommendations under paragraph (2). The Committee shall update such recommendations and make new recommendations as appropriate.

Recommendations.

"(2) SPECIFIC AREAS OF STANDARD DEVELOPMENT.—

"(A) IN GENERAL.—The HIT Policy Committee shall recommend the areas in which standards, implementation specifications, and certification criteria are needed for the electronic exchange and use of health information for purposes of adoption under section 3004 and shall recommend an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria among the areas so recommended. Such standards and implementation specifications shall include named standards, architectures, and software schemes for the authentication and security of individually identifiable health information and other information as needed to ensure the reproducible development of common solutions across disparate entities.

"(B) AREAS REQUIRED FOR CONSIDERATION.—For purposes of subparagraph (A), the HIT Policy Committee shall make recommendations for at least the following areas:

"(i) Technologies that protect the privacy of health information and promote security in a qualified electronic health record, including for the segmentation and protection from disclosure of specific and sensitive individually identifiable health information with the goal of minimizing the reluctance of patients to seek care (or disclose information about a condition) because of privacy concerns, in accordance with applicable law, and for the use and disclosure of limited data sets of such information.

"(ii) A nationwide health information technology infrastructure that allows for the electronic use and accurate exchange of health information.

"(iii) The utilization of a certified electronic health record for each person in the United States by 2014.

"(iv) Technologies that as a part of a qualified electronic health record allow for an accounting of disclosures made by a covered entity (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) for purposes of treatment, payment, and health care operations (as such terms are defined for purposes of such regulations).

"(v) The use of certified electronic health records to improve the quality of health care, such as by promoting the coordination of health care and improving continuity of health care among health care providers, by reducing medical errors, by improving population health, by reducing health disparities, by reducing chronic disease, and by advancing research and education.

"(vi) Technologies that allow individually identifiable health information to be rendered unusable, unreadable, or indecipherable to unauthorized individuals when such information is transmitted in the nationwide health information network or physically transported outside of the secured, physical perimeter of a health care provider, health plan, or health care clearinghouse.

"(vii) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, primary language, and gender information.

"(viii) Technologies that address the needs of children and other vulnerable populations.

"(C) OTHER AREAS FOR CONSIDERATION.—In making recommendations under subparagraph (A), the HIT Policy Committee may consider the following additional areas:

"(i) The appropriate uses of a nationwide health information infrastructure, including for purposes of—

"(I) the collection of quality data and public reporting;

"(II) biosurveillance and public health;

"(III) medical and clinical research; and

"(IV) drug safety.

"(ii) Self-service technologies that facilitate the use and exchange of patient information and reduce wait times.

"(iii) Telemedicine technologies, in order to reduce travel requirements for patients in remote areas.

"(iv) Technologies that facilitate home health care and the monitoring of patients recuperating at home.

"(v) Technologies that help reduce medical errors.

"(vi) Technologies that facilitate the continuity of care among health settings.

"(vii) Technologies that meet the needs of diverse populations.

"(viii) Methods to facilitate secure access by an individual to such individual's protected health information.

"(ix) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family

member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia.

"(x) Any other technology that the HIT Policy Committee finds to be among the technologies with the greatest potential to improve the quality and efficiency of health care.

"(3) FORUM.—The HIT Policy Committee shall serve as a forum for broad stakeholder input with specific expertise in policies relating to the matters described in paragraphs (1) and (2).

"(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

"(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

"(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

Applicability.

"(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.

"(c) MEMBERSHIP AND OPERATIONS.—

"(1) IN GENERAL.—The National Coordinator shall take a leading position in the establishment and operations of the HIT Policy Committee.

"(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

"(A) 3 members shall be appointed by the Secretary, 1 of whom shall be appointed to represent the Department of Health and Human Services and 1 of whom shall be a public health official.

"(B) 1 member shall be appointed by the majority leader of the Senate.

"(C) 1 member shall be appointed by the minority leader of the Senate.

"(D) 1 member shall be appointed by the Speaker of the House of Representatives.

"(E) 1 member shall be appointed by the minority leader of the House of Representatives.

President.

"(F) Such other members as shall be appointed by the President as representatives of other relevant Federal agencies.

"(G) 13 members shall be appointed by the Comptroller General of the United States of whom—

"(i) 3 members shall advocates for patients or consumers;

"(ii) 2 members shall represent health care providers, one of which shall be a physician;

"(iii) 1 member shall be from a labor organization representing health care workers;

"(iv) 1 member shall have expertise in health information privacy and security;

"(v) 1 member shall have expertise in improving the health of vulnerable populations;

"(vi) 1 member shall be from the research community;

"(vii) 1 member shall represent health plans or other third-party payers;

"(viii) 1 member shall represent information technology vendors;

"(ix) 1 member shall represent purchasers or employers; and

"(x) 1 member shall have expertise in health care quality measurement and reporting.

"(3) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

"(4) TERMS.—

"(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

"(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

"(5) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an opportunity for the participation in activities of the Committee of outside advisors, including individuals with expertise in the development of policies for the electronic exchange and use of health information, including in the areas of health information privacy and security.

"(6) QUORUM.—A majority of the member of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

"(7) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 45 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint, the Secretary is authorized to appoint such members. Deadline.

"(8) CONSIDERATION.—The National Coordinator shall ensure that the relevant and available recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.

"(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the HIT Policy Committee.

"(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Federal Register, publication. Web posting.

Technology of all policy recommendations made by the HIT Policy Committee under this section.

42 USC 300jj–13.

"SEC. 3003. HIT STANDARDS COMMITTEE.

"(a) ESTABLISHMENT.—There is established a committee to be known as the HIT Standards Committee to recommend to the National Coordinator standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption under section 3004, consistent with the implementation of the strategic plan described in section 3001(c)(3) and beginning with the areas listed in section 3002(b)(2)(B) in accordance with policies developed by the HIT Policy Committee.

"(b) DUTIES.—

"(1) STANDARDS DEVELOPMENT.—

Recommendations.

"(A) IN GENERAL.—The HIT Standards Committee shall recommend to the National Coordinator standards, implementation specifications, and certification criteria described in subsection (a) that have been developed, harmonized, or recognized by the HIT Standards Committee. The HIT Standards Committee shall update such recommendations and make new recommendations as appropriate, including in response to a notification sent under section 3004(a)(2)(B). Such recommendations shall be consistent with the latest recommendations made by the HIT Policy Committee.

"(B) HARMONIZATION.—The HIT Standards Committee recognize harmonized or updated standards from an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

"(C) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In the development, harmonization, or recognition of standards and implementation specifications, the HIT Standards Committee shall, as appropriate, provide for the testing of such standards and specifications by the National Institute for Standards and Technology under section 13201(a) of the Health Information Technology for Economic and Clinical Health Act.

"(D) CONSISTENCY.—The standards, implementation specifications, and certification criteria recommended under this subsection shall be consistent with the standards for information transactions and data elements adopted pursuant to section 1173 of the Social Security Act.

"(2) FORUM.—The HIT Standards Committee shall serve as a forum for the participation of a broad range of stakeholders to provide input on the development, harmonization, and recognition of standards, implementation specifications, and certification criteria necessary for the development and adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

Deadline.

"(3) SCHEDULE.—Not later than 90 days after the date of the enactment of this title, the HIT Standards Committee shall develop a schedule for the assessment of policy recommendations developed by the HIT Policy Committee under

section 3002. The HIT Standards Committee shall update such schedule annually. The Secretary shall publish such schedule in the Federal Register.

Deadline.
Federal Register, publication.

"(4) PUBLIC INPUT.—The HIT Standards Committee shall conduct open public meetings and develop a process to allow for public comment on the schedule described in paragraph (3) and recommendations described in this subsection. Under such process comments shall be submitted in a timely manner after the date of publication of a recommendation under this subsection.

"(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant and available recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.

"(c) MEMBERSHIP AND OPERATIONS.—

"(1) IN GENERAL.—The National Coordinator shall take a leading position in the establishment and operations of the HIT Standards Committee.

"(2) MEMBERSHIP.—The membership of the HIT Standards Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

"(3) PARTICIPATION.—The members of the HIT Standards Committee appointed under this subsection shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of such Committee.

"(4) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an opportunity for the participation in activities of the Committee of outside advisors, including individuals with expertise in the development of standards for the electronic exchange and use of health information, including in the areas of health information privacy and security.

"(5) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

"(6) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

"(d) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the HIT Standards Committee.

"(e) PUBLICATION.—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all recommendations made by the HIT Standards Committee under this section.

Federal Register, publication.
Web posting.

42 USC 300jj–14.

"SEC. 3004. PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS; ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.

"(a) PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS.—

Deadline.

"(1) REVIEW OF ENDORSED STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—Not later than 90 days after the date of receipt of standards, implementation specifications, or certification criteria endorsed under section 3001(c), the Secretary, in consultation with representatives of other relevant Federal agencies, shall jointly review such standards, implementation specifications, or certification criteria and shall determine whether or not to propose adoption of such standards, implementation specifications, or certification criteria.

"(2) DETERMINATION TO ADOPT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—If the Secretary determines—

"(A) to propose adoption of any grouping of such standards, implementation specifications, or certification criteria, the Secretary shall, by regulation under section 553 of title 5, United States Code, determine whether or not to adopt such grouping of standards, implementation specifications, or certification criteria; or

Notification.

"(B) not to propose adoption of any grouping of standards, implementation specifications, or certification criteria, the Secretary shall notify the National Coordinator and the HIT Standards Committee in writing of such determination and the reasons for not proposing the adoption of such recommendation.

Federal Register, publication.

"(3) PUBLICATION.—The Secretary shall provide for publication in the Federal Register of all determinations made by the Secretary under paragraph (1).

"(b) ADOPTION OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—

Deadline.

"(1) IN GENERAL.—Not later than December 31, 2009, the Secretary shall, through the rulemaking process consistent with subsection (a)(2)(A), adopt an initial set of standards, implementation specifications, and certification criteria for the areas required for consideration under section 3002(b)(2)(B). The rulemaking for the initial set of standards, implementation specifications, and certification criteria may be issued on an interim, final basis.

"(2) APPLICATION OF CURRENT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.—The standards, implementation specifications, and certification criteria adopted before the date of the enactment of this title through the process existing through the Office of the National Coordinator for Health Information Technology may be applied towards meeting the requirement of paragraph (1).

"(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).

"SEC. 3005. APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY FEDERAL AGENCIES. 42 USC 300jj–15.

"For requirements relating to the application and use by Federal agencies of the standards and implementation specifications adopted under section 3004, see section 13111 of the Health Information Technology for Economic and Clinical Health Act.

"SEC. 3006. VOLUNTARY APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY PRIVATE ENTITIES. 42 USC 300jj–16.

"(a) IN GENERAL.—Except as provided under section 13112 of the HITECH Act, nothing in such Act or in the amendments made by such Act shall be construed—

"(1) to require a private entity to adopt or comply with a standard or implementation specification adopted under section 3004; or

"(2) to provide a Federal agency authority, other than the authority such agency may have under other provisions of law, to require a private entity to comply with such a standard or implementation specification.

"(b) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to require that a private entity that enters into a contract with the Federal Government apply or use the standards and implementation specifications adopted under section 3004 with respect to activities not related to the contract.

"SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY. 42 USC 300jj–17.

"(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary determines through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.

"(b) CERTIFICATION.—In making such electronic health record technology publicly available, the National Coordinator shall ensure that the qualified electronic health record technology described in subsection (a) is certified under the program developed under section 3001(c)(3) to be in compliance with applicable standards adopted under section 3003(a).

"(c) AUTHORIZATION TO CHARGE A NOMINAL FEE.—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the health information technology system developed or approved under subsection (a) and (b). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided under this section.

"SEC. 3008. TRANSITIONS. 42 USC 300jj–18.

"(a) ONCHIT.—To the extent consistent with section 3001, all functions, personnel, assets, liabilities, and administrative actions applicable to the National Coordinator for Health Information Technology appointed under Executive Order No. 13335 or the Office of such National Coordinator on the date before the

date of the enactment of this title shall be transferred to the National Coordinator appointed under section 3001(a) and the Office of such National Coordinator as of the date of the enactment of this title.

"(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the AHIC Successor, Inc. doing business as the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with section 3002 and 3003 so as to allow the Secretary to recognize such AHIC Successor, Inc. as the HIT Policy Committee or the HIT Standards Committee.

"(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.

42 USC 300jj–19.

"SEC. 3009. MISCELLANEOUS PROVISIONS.

"(a) RELATION TO HIPAA PRIVACY AND SECURITY LAW.—

"(1) IN GENERAL.—With respect to the relation of this title to HIPAA privacy and security law:

"(A) This title may not be construed as having any effect on the authorities of the Secretary under HIPAA privacy and security law.

"(B) The purposes of this title include ensuring that the health information technology standards and implementation specifications adopted under section 3004 take into account the requirements of HIPAA privacy and security law.

"(2) DEFINITION.—For purposes of this section, the term 'HIPAA privacy and security law' means—

"(A) the provisions of part C of title XI of the Social Security Act, section 264 of the Health Insurance Portability and Accountability Act of 1996, and subtitle D of title IV of the Health Information Technology for Economic and Clinical Health Act; and

"(B) regulations under such provisions.

"(b) FLEXIBILITY.—In administering the provisions of this title, the Secretary shall have flexibility in applying the definition of health care provider under section 3000(3), including the authority to omit certain entities listed in such definition when applying such definition under this title, where appropriate.".

SEC. 13102. TECHNICAL AMENDMENT.

Section 1171(5) of the Social Security Act (42 U.S.C. 1320d) is amended by striking "or C" and inserting "C, or D".

PART 2—APPLICATION AND USE OF ADOPTED HEALTH INFORMATION TECHNOLOGY STANDARDS; REPORTS

42 USC 17901.

SEC. 13111. COORDINATION OF FEDERAL ACTIVITIES WITH ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS.

(a) SPENDING ON HEALTH INFORMATION TECHNOLOGY SYSTEMS.—As each agency (as defined by the Director of the Office of Management and Budget, in consultation with the Secretary

of Health and Human Services) implements, acquires, or upgrades health information technology systems used for the direct exchange of individually identifiable health information between agencies and with non-Federal entities, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004 of the Public Health Service Act, as added by section 13101.

(b) FEDERAL INFORMATION COLLECTION ACTIVITIES.—With respect to a standard or implementation specification adopted under section 3004 of the Public Health Service Act, as added by section 13101, the President shall take measures to ensure that Federal activities involving the broad collection and submission of health information are consistent with such standard or implementation specification, respectively, within three years after the date of such adoption.

(c) APPLICATION OF DEFINITIONS.—The definitions contained in section 3000 of the Public Health Service Act, as added by section 13101, shall apply for purposes of this part.

SEC. 13112. APPLICATION TO PRIVATE ENTITIES. 42 USC 17902.

Each agency (as defined in such Executive Order issued on August 22, 2006, relating to promoting quality and efficient health care in Federal government administered or sponsored health care programs) shall require in contracts or agreements with health care providers, health plans, or health insurance issuers that as each provider, plan, or issuer implements, acquires, or upgrades health information technology systems, it shall utilize, where available, health information technology systems and products that meet standards and implementation specifications adopted under section 3004 of the Public Health Service Act, as added by section 13101.

SEC. 13113. STUDY AND REPORTS. 42 USC 17903.

(a) REPORT ON ADOPTION OF NATIONWIDE SYSTEM.—Not later than 2 years after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report that—

(1) describes the specific actions that have been taken by the Federal Government and private entities to facilitate the adoption of a nationwide system for the electronic use and exchange of health information;

(2) describes barriers to the adoption of such a nationwide system; and

(3) contains recommendations to achieve full implementation of such a nationwide system.

(b) REIMBURSEMENT INCENTIVE STUDY AND REPORT.—

(1) STUDY.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving health care quality in Federally qualified health centers, rural health clinics, and free clinics.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on the study carried out under paragraph (1).

(c) AGING SERVICES TECHNOLOGY STUDY AND REPORT.—

Contracts.

(1) IN GENERAL.—The Secretary of Health and Human Services shall carry out, or contract with a private entity to carry out, a study of matters relating to the potential use of new aging services technology to assist seniors, individuals with disabilities, and their caregivers throughout the aging process.

(2) MATTERS TO BE STUDIED.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) methods for identifying current, emerging, and future health technology that can be used to meet the needs of seniors and individuals with disabilities and their caregivers across all aging services settings, as specified by the Secretary;

(ii) methods for fostering scientific innovation with respect to aging services technology within the business and academic communities; and

(iii) developments in aging services technology in other countries that may be applied in the United States; and

(B) identification of—

(i) barriers to innovation in aging services technology and devising strategies for removing such barriers; and

(ii) barriers to the adoption of aging services technology by health care providers and consumers and devising strategies to removing such barriers.

(3) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of jurisdiction of the House of Representatives and of the Senate a report on the study carried out under paragraph (1).

(4) DEFINITIONS.—For purposes of this subsection:

(A) AGING SERVICES TECHNOLOGY.—The term "aging services technology" means health technology that meets the health care needs of seniors, individuals with disabilities, and the caregivers of such seniors and individuals.

(B) SENIOR.—The term "senior" has such meaning as specified by the Secretary.

Subtitle B—Testing of Health Information Technology

42 USC 17911.

SEC. 13201. NATIONAL INSTITUTE FOR STANDARDS AND TECHNOLOGY TESTING.

(a) PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—In coordination with the HIT Standards Committee established under section 3003 of the Public Health Service Act, as added by section 13101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute for Standards and Technology shall test such standards and implementation specifications, as appropriate, in order to assure the efficient implementation and use of such standards and implementation specifications.

(b) VOLUNTARY TESTING PROGRAM.—In coordination with the HIT Standards Committee established under section 3003 of the

Public Health Service Act, as added by section 13101, with respect to the development of standards and implementation specifications under such section, the Director of the National Institute of Standards and Technology shall support the establishment of a conformance testing infrastructure, including the development of technical test beds. The development of this conformance testing infrastructure may include a program to accredit independent, non-Federal laboratories to perform testing.

SEC. 13202. RESEARCH AND DEVELOPMENT PROGRAMS. 42 USC 17912.

(a) HEALTH CARE INFORMATION ENTERPRISE INTEGRATION RESEARCH CENTERS.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology, in consultation with the Director of the National Science Foundation and other appropriate Federal agencies, shall establish a program of assistance to institutions of higher education (or consortia thereof which may include nonprofit entities and Federal Government laboratories) to establish multidisciplinary Centers for Health Care Information Enterprise Integration. Establishment.

(2) REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis. Grants.

(3) PURPOSE.—The purposes of the Centers described in paragraph (1) shall be—

(A) to generate innovative approaches to health care information enterprise integration by conducting cutting-edge, multidisciplinary research on the systems challenges to health care delivery; and

(B) the development and use of health information technologies and other complementary fields.

(4) RESEARCH AREAS.—Research areas may include—

(A) interfaces between human information and communications technology systems;

(B) voice-recognition systems;

(C) software that improves interoperability and connectivity among health information systems;

(D) software dependability in systems critical to health care delivery;

(E) measurement of the impact of information technologies on the quality and productivity of health care;

(F) health information enterprise management;

(G) health information technology security and integrity; and

(H) relevant health information technology to reduce medical errors.

(5) APPLICATIONS.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director of the National Institute of Standards and Technology at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center established pursuant to assistance under paragraph (1) and the respective contributions of the participating entities;

(B) how the Center will promote active collaboration among scientists and engineers from different disciplines, such as information technology, biologic sciences, management, social sciences, and other appropriate disciplines;

(C) technology transfer activities to demonstrate and diffuse the research results, technologies, and knowledge; and

(D) how the Center will contribute to the education and training of researchers and other professionals in fields relevant to health information enterprise integration.

(b) NATIONAL INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—The National High-Performance Computing Program established by section 101 of the High-Performance Computing Act of 1991 (15 U.S.C. 5511) shall include Federal research and development programs related to health information technology.

Subtitle C—Grants and Loans Funding

SEC. 13301. GRANT, LOAN, AND DEMONSTRATION PROGRAMS.

Title XXX of the Public Health Service Act, as added by section 13101, is amended by adding at the end the following new subtitle:

"Subtitle B—Incentives for the Use of Health Information Technology

42 USC 300jj–31.

"SEC. 3011. IMMEDIATE FUNDING TO STRENGTHEN THE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.

"(a) IN GENERAL.—The Secretary shall, using amounts appropriated under section 3018, invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the strategic plan developed by the National Coordinator (and as available) under section 3001. The Secretary shall invest funds through the different agencies with expertise in such goals, such as the Office of the National Coordinator for Health Information Technology, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers of Medicare & Medicaid Services, the Centers for Disease Control and Prevention, and the Indian Health Service to support the following:

"(1) Health information technology architecture that will support the nationwide electronic exchange and use of health information in a secure, private, and accurate manner, including connecting health information exchanges, and which may include updating and implementing the infrastructure necessary within different agencies of the Department of Health and Human Services to support the electronic use and exchange of health information.

"(2) Development and adoption of appropriate certified electronic health records for categories of health care providers not eligible for support under title XVIII or XIX of the Social Security Act for the adoption of such records.

"(3) Training on and dissemination of information on best practices to integrate health information technology, including

electronic health records, into a provider's delivery of care, consistent with best practices learned from the Health Information Technology Research Center developed under section 3012(b), including community health centers receiving assistance under section 330, covered entities under section 340B, and providers participating in one or more of the programs under titles XVIII, XIX, and XXI of the Social Security Act (relating to Medicare, Medicaid, and the State Children's Health Insurance Program).

"(4) Infrastructure and tools for the promotion of telemedicine, including coordination among Federal agencies in the promotion of telemedicine.

"(5) Promotion of the interoperability of clinical data repositories or registries.

"(6) Promotion of technologies and best practices that enhance the protection of health information by all holders of individually identifiable health information.

"(7) Improvement and expansion of the use of health information technology by public health departments.

"(b) COORDINATION.—The Secretary shall ensure funds under this section are used in a coordinated manner with other health information promotion activities.

"(c) ADDITIONAL USE OF FUNDS.—In addition to using funds as provided in subsection (a), the Secretary may use amounts appropriated under section 3018 to carry out health information technology activities that are provided for under laws in effect on the date of the enactment of this title.

"(d) STANDARDS FOR ACQUISITION OF HEALTH INFORMATION TECHNOLOGY.—To the greatest extent practicable, the Secretary shall ensure that where funds are expended under this section for the acquisition of health information technology, such funds shall be used to acquire health information technology that meets applicable standards adopted under section 3004. Where it is not practicable to expend funds on health information technology that meets such applicable standards, the Secretary shall ensure that such health information technology meets applicable standards otherwise adopted by the Secretary.

"SEC. 3012. HEALTH INFORMATION TECHNOLOGY IMPLEMENTATION ASSISTANCE.

42 USC 300jj–32.

"(a) HEALTH INFORMATION TECHNOLOGY EXTENSION PROGRAM.—To assist health care providers to adopt, implement, and effectively use certified EHR technology that allows for the electronic exchange and use of health information, the Secretary, acting through the Office of the National Coordinator, shall establish a health information technology extension program to provide health information technology assistance services to be carried out through the Department of Health and Human Services. The National Coordinator shall consult with other Federal agencies with demonstrated experience and expertise in information technology services, such as the National Institute of Standards and Technology, in developing and implementing this program.

Consultation.

"(b) HEALTH INFORMATION TECHNOLOGY RESEARCH CENTER.—

"(1) IN GENERAL.—The Secretary shall create a Health Information Technology Research Center (in this section referred to as the 'Center') to provide technical assistance and develop or recognize best practices to support and accelerate

Establishment.

efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004.

"(2) INPUT.—The Center shall incorporate input from—

"(A) other Federal agencies with demonstrated experience and expertise in information technology services such as the National Institute of Standards and Technology;

"(B) users of health information technology, such as providers and their support and clerical staff and others involved in the care and care coordination of patients, from the health care and health information technology industry; and

"(C) others as appropriate.

"(3) PURPOSES.—The purposes of the Center are to—

"(A) provide a forum for the exchange of knowledge and experience;

"(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

"(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology that allows for the electronic exchange and use of information including through the regional centers described in subsection (c);

"(D) provide technical assistance for the establishment and evaluation of regional and local health information networks to facilitate the electronic exchange of information across health care settings and improve the quality of health care;

"(E) provide technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information; and

"(F) learn about effective strategies to adopt and utilize health information technology in medically underserved communities.

"(c) HEALTH INFORMATION TECHNOLOGY REGIONAL EXTENSION CENTERS.—

"(1) IN GENERAL.—The Secretary shall provide assistance for the creation and support of regional centers (in this subsection referred to as 'regional centers') to provide technical assistance and disseminate best practices and other information learned from the Center to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004. Activities conducted under this subsection shall be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 3001.

"(2) AFFILIATION.—Regional centers shall be affiliated with any United States-based nonprofit institution or organization, or group thereof, that applies and is awarded financial assistance under this section. Individual awards shall be decided on the basis of merit.

"(3) OBJECTIVE.—The objective of the regional centers is to enhance and promote the adoption of health information technology through—

"(A) assistance with the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to healthcare providers nationwide;

"(B) broad participation of individuals from industry, universities, and State governments;

"(C) active dissemination of best practices and research on the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to health care providers in order to improve the quality of healthcare and protect the privacy and security of health information;

"(D) participation, to the extent practicable, in health information exchanges;

"(E) utilization, when appropriate, of the expertise and capability that exists in Federal agencies other than the Department; and

"(F) integration of health information technology, including electronic health records, into the initial and ongoing training of health professionals and others in the healthcare industry that would be instrumental to improving the quality of healthcare through the smooth and accurate electronic use and exchange of health information.

"(4) REGIONAL ASSISTANCE.—Each regional center shall aim to provide assistance and education to all providers in a region, but shall prioritize any direct assistance first to the following:

"(A) Public or not-for-profit hospitals or critical access hospitals.

"(B) Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act).

"(C) Entities that are located in rural and other areas that serve uninsured, underinsured, and medically underserved individuals (regardless of whether such area is urban or rural).

"(D) Individual or small group practices (or a consortium thereof) that are primarily focused on primary care.

"(5) FINANCIAL SUPPORT.—The Secretary may provide financial support to any regional center created under this subsection for a period not to exceed four years. The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such a center, except in an instance of national economic conditions which would render this cost-share requirement detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

"(6) NOTICE OF PROGRAM DESCRIPTION AND AVAILABILITY OF FUNDS.—The Secretary shall publish in the Federal Register, not later than 90 days after the date of the enactment of this title, a draft description of the program for establishing regional centers under this subsection. Such description shall include the following: Federal Register, publication. Deadline.

"(A) A detailed explanation of the program and the programs goals.

Procedures.
Criteria.

"(B) Procedures to be followed by the applicants.

"(C) Criteria for determining qualified applicants.

"(D) Maximum support levels expected to be available to centers under the program.

"(7) APPLICATION REVIEW.—The Secretary shall subject each application under this subsection to merit review. In making a decision whether to approve such application and provide financial support, the Secretary shall consider at a minimum the merits of the application, including those portions of the application regarding—

"(A) the ability of the applicant to provide assistance under this subsection and utilization of health information technology appropriate to the needs of particular categories of health care providers;

"(B) the types of service to be provided to health care providers;

"(C) geographical diversity and extent of service area; and

"(D) the percentage of funding and amount of in-kind commitment from other sources.

"(8) BIENNIAL EVALUATION.—Each regional center which receives financial assistance under this subsection shall be evaluated biennially by an evaluation panel appointed by the Secretary. Each evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and of Federal officials. Each evaluation panel shall measure the involved center's performance against the objective specified in paragraph (3). The Secretary shall not continue to provide funding to a regional center unless its evaluation is overall positive.

"(9) CONTINUING SUPPORT.—After the second year of assistance under this subsection, a regional center may receive additional support under this subsection if it has received positive evaluations and a finding by the Secretary that continuation of Federal funding to the center was in the best interest of provision of health information technology extension services.

42 USC 300jj–33.

"SEC. 3013. STATE GRANTS TO PROMOTE HEALTH INFORMATION TECHNOLOGY.

"(a) IN GENERAL.—The Secretary, acting through the National Coordinator, shall establish a program in accordance with this section to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards.

"(b) PLANNING GRANTS.—The Secretary may award a grant to a State or qualified State-designated entity (as described in subsection (f)) that submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, for the purpose of planning activities described in subsection (d).

"(c) IMPLEMENTATION GRANTS.—The Secretary may award a grant to a State or qualified State designated entity that—

"(1) has submitted, and the Secretary has approved, a plan described in subsection (e) (regardless of whether such plan was prepared using amounts awarded under subsection (b); and

"(2) submits an application at such time, in such manner, and containing such information as the Secretary may specify.

"(d) USE OF FUNDS.—Amounts received under a grant under subsection (c) shall be used to conduct activities to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards through activities that include—

"(1) enhancing broad and varied participation in the authorized and secure nationwide electronic use and exchange of health information;

"(2) identifying State or local resources available towards a nationwide effort to promote health information technology;

"(3) complementing other Federal grants, programs, and efforts towards the promotion of health information technology;

"(4) providing technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information;

"(5) promoting effective strategies to adopt and utilize health information technology in medically underserved communities;

"(6) assisting patients in utilizing health information technology;

"(7) encouraging clinicians to work with Health Information Technology Regional Extension Centers as described in section 3012, to the extent they are available and valuable;

"(8) supporting public health agencies' authorized use of and access to electronic health information;

"(9) promoting the use of electronic health records for quality improvement including through quality measures reporting; and

"(10) such other activities as the Secretary may specify.

"(e) PLAN.—

"(1) IN GENERAL.—A plan described in this subsection is a plan that describes the activities to be carried out by a State or by the qualified State-designated entity within such State to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards and implementation specifications.

"(2) REQUIRED ELEMENTS.—A plan described in paragraph (1) shall—

"(A) be pursued in the public interest;

"(B) be consistent with the strategic plan developed by the National Coordinator, (and, as available) under section 3001;

"(C) include a description of the ways the State or qualified State-designated entity will carry out the activities described in subsection (b); and

"(D) contain such elements as the Secretary may require.

"(f) QUALIFIED STATE-DESIGNATED ENTITY.—For purposes of this section, to be a qualified State-designated entity, with respect to a State, an entity shall—

"(1) be designated by the State as eligible to receive awards under this section;

"(2) be a not-for-profit entity with broad stakeholder representation on its governing board;

"(3) demonstrate that one of its principal goals is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information;

"(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation by stakeholders; and

"(5) conform to such other requirements as the Secretary may establish.

"(g) REQUIRED CONSULTATION.—In carrying out activities described in subsections (b) and (c), a State or qualified State-designated entity shall consult with and consider the recommendations of—

"(1) health care providers (including providers that provide services to low income and underserved populations);

"(2) health plans;

"(3) patient or consumer organizations that represent the population to be served;

"(4) health information technology vendors;

"(5) health care purchasers and employers;

"(6) public health agencies;

"(7) health professions schools, universities and colleges;

"(8) clinical researchers;

"(9) other users of health information technology such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and

"(10) such other entities, as may be determined appropriate by the Secretary.

Deadline. Evaluation.

"(h) CONTINUOUS IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants under this section, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will lead towards the greatest improvement in quality of care, decrease in costs, and the most effective authorized and secure electronic exchange of health information.

"(i) REQUIRED MATCH.—

"(1) IN GENERAL.—For a fiscal year (beginning with fiscal year 2011), the Secretary may not make a grant under this section to a State unless the State agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant awarded under subsection (c) in an amount equal to—

"(A) for fiscal year 2011, not less than $1 for each $10 of Federal funds provided under the grant;

"(B) for fiscal year 2012, not less than $1 for each $7 of Federal funds provided under the grant; and

"(C) for fiscal year 2013 and each subsequent fiscal year, not less than $1 for each $3 of Federal funds provided under the grant.

"(2) AUTHORITY TO REQUIRE STATE MATCH FOR FISCAL YEARS BEFORE FISCAL YEAR 2011.—For any fiscal year during the grant program under this section before fiscal year 2011, the Secretary may determine the extent to which there shall be required a non-Federal contribution from a State receiving a grant under this section.

"SEC. 3014. COMPETITIVE GRANTS TO STATES AND INDIAN TRIBES FOR THE DEVELOPMENT OF LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF CERTIFIED EHR TECHNOLOGY. 42 USC 300jj–34.

"(a) IN GENERAL.—The National Coordinator may award competitive grants to eligible entities for the establishment of programs for loans to health care providers to conduct the activities described in subsection (e).

"(b) ELIGIBLE ENTITY DEFINED.—For purposes of this subsection, the term 'eligible entity' means a State or Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act) that—

"(1) submits to the National Coordinator an application at such time, in such manner, and containing such information as the National Coordinator may require;

"(2) submits to the National Coordinator a strategic plan in accordance with subsection (d) and provides to the National Coordinator assurances that the entity will update such plan annually in accordance with such subsection;

"(3) provides assurances to the National Coordinator that the entity will establish a Loan Fund in accordance with subsection (c);

"(4) provides assurances to the National Coordinator that the entity will not provide a loan from the Loan Fund to a health care provider unless the provider agrees to—

"(A) submit reports on quality measures adopted by the Federal Government (by not later than 90 days after the date on which such measures are adopted), to— Reports. Deadline.

"(i) the Administrator of the Centers for Medicare & Medicaid Services (or his or her designee), in the case of an entity participating in the Medicare program under title XVIII of the Social Security Act or the Medicaid program under title XIX of such Act; or

"(ii) the Secretary in the case of other entities;

"(B) demonstrate to the satisfaction of the Secretary (through criteria established by the Secretary) that any certified EHR technology purchased, improved, or otherwise financially supported under a loan under this section is used to exchange health information in a manner that, in accordance with law and standards (as adopted under section 3004) applicable to the exchange of information, improves the quality of health care, such as promoting care coordination; and

"(C) comply with such other requirements as the entity or the Secretary may require;

"(D) include a plan on how health care providers involved intend to maintain and support the certified EHR technology over time;

"(E) include a plan on how the health care providers involved intend to maintain and support the certified EHR technology that would be purchased with such loan, including the type of resources expected to be involved and any such other information as the State or Indian Tribe, respectively, may require; and

"(5) agrees to provide matching funds in accordance with subsection (h).

"(c) ESTABLISHMENT OF FUND.—For purposes of subsection (b)(3), an eligible entity shall establish a certified EHR technology loan fund (referred to in this subsection as a 'Loan Fund') and comply with the other requirements contained in this section. A grant to an eligible entity under this section shall be deposited in the Loan Fund established by the eligible entity. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any Loan Fund.

"(d) STRATEGIC PLAN.—

"(1) IN GENERAL.—For purposes of subsection (b)(2), a strategic plan of an eligible entity under this subsection shall identify the intended uses of amounts available to the Loan Fund of such entity.

"(2) CONTENTS.—A strategic plan under paragraph (1), with respect to a Loan Fund of an eligible entity, shall include for a year the following:

"(A) A list of the projects to be assisted through the Loan Fund during such year.

"(B) A description of the criteria and methods established for the distribution of funds from the Loan Fund during the year.

"(C) A description of the financial status of the Loan Fund as of the date of submission of the plan.

"(D) The short-term and long-term goals of the Loan Fund.

"(e) USE OF FUNDS.—Amounts deposited in a Loan Fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, making reimbursements described in subsection (g)(4)(A), or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the Loan Fund established under subsection (c). Loans under this section may be used by a health care provider to—

"(1) facilitate the purchase of certified EHR technology;

"(2) enhance the utilization of certified EHR technology (which may include costs associated with upgrading health information technology so that it meets criteria necessary to be a certified EHR technology);

"(3) train personnel in the use of such technology; or

"(4) improve the secure electronic exchange of health information.

"(f) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a Loan Fund under this section may only be used for the following:

"(1) To award loans that comply with the following:

"(A) The interest rate for each loan shall not exceed the market interest rate.

"(B) The principal and interest payments on each loan shall commence not later than 1 year after the date the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

"(C) The Loan Fund shall be credited with all payments of principal and interest on each loan awarded from the Loan Fund.

"(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible

for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

"(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the eligible entity if the proceeds of the sale of the bonds will be deposited into the Loan Fund.

"(4) To earn interest on the amounts deposited into the Loan Fund.

"(5) To make reimbursements described in subsection (g)(4)(A).

"(g) ADMINISTRATION OF LOAN FUNDS.—

"(1) COMBINED FINANCIAL ADMINISTRATION.—An eligible entity may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with applicable State law, the financial administration of a Loan Fund established under this subsection with the financial administration of any other revolving fund established by the entity if otherwise not prohibited by the law under which the Loan Fund was established.

"(2) COST OF ADMINISTERING FUND.—Each eligible entity may annually use not to exceed 4 percent of the funds provided to the entity under a grant under this section to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a Loan Fund which are incurred after the date of the enactment of this title.

"(3) GUIDANCE AND REGULATIONS.—The National Coordinator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including— Publication.

"(A) provisions to ensure that each eligible entity commits and expends funds allotted to the entity under this section as efficiently as possible in accordance with this title and applicable State laws; and

"(B) guidance to prevent waste, fraud, and abuse.

"(4) PRIVATE SECTOR CONTRIBUTIONS.—

"(A) IN GENERAL.—A Loan Fund established under this section may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection. An eligible entity may agree to reimburse a private sector entity for any contribution made under this subparagraph, except that the amount of such reimbursement may not be greater than the principal amount of the contribution made.

"(B) AVAILABILITY OF INFORMATION.—An eligible entity shall make publicly available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

"(h) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—The National Coordinator may not make a grant under subsection (a) to an eligible entity unless the entity agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash to the costs of carrying out the activities for which the

grant is awarded in an amount equal to not less than $1 for each $5 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that an eligible entity has provided pursuant to subparagraph (A), the National Coordinator may not include any amounts provided to the entity by the Federal Government.

"(i) EFFECTIVE DATE.—The Secretary may not make an award under this section prior to January 1, 2010.

42 USC 300jj–35.

"SEC. 3015. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

"(a) IN GENERAL.—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating certified EHR technology in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

"(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

"(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

Strategic plan.

"(2) submit to the Secretary a strategic plan for integrating certified EHR technology in the clinical education of health professionals to reduce medical errors, increase access to prevention, reduce chronic diseases, and enhance health care quality;

"(3) be—

"(A) a school of medicine, osteopathic medicine, dentistry, or pharmacy, a graduate program in behavioral or mental health, or any other graduate health professions school;

"(B) a graduate school of nursing or physician assistant studies;

"(C) a consortium of two or more schools described in subparagraph (A) or (B); or

"(D) an institution with a graduate medical education program in medicine, osteopathic medicine, dentistry, pharmacy, nursing, or physician assistance studies;

"(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate certified EHR technology, in the delivery of health care services; and

"(5) provide matching funds in accordance with subsection (d).

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity shall—

"(A) use grant funds in collaboration with 2 or more disciplines; and

"(B) use grant funds to integrate certified EHR technology into community-based clinical education.

"(2) LIMITATION.—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

"(d) FINANCIAL SUPPORT.—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

"(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable. Publication.

"(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

"(1) describes the specific projects established under this section; and

"(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

"SEC. 3016. INFORMATION TECHNOLOGY PROFESSIONALS IN HEALTH CARE. 42 USC 300jj–36.

"(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Science Foundation, shall provide assistance to institutions of higher education (or consortia thereof) to establish or expand medical health informatics education programs, including certification, undergraduate, and masters degree programs, for both health care and information technology students to ensure the rapid and effective utilization and development of health information technologies (in the United States health care infrastructure).

"(b) ACTIVITIES.—Activities for which assistance may be provided under subsection (a) may include the following:

"(1) Developing and revising curricula in medical health informatics and related disciplines.

"(2) Recruiting and retaining students to the program involved.

"(3) Acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use.

"(4) Establishing or enhancing bridge programs in the health informatics fields between community colleges and universities.

"(c) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give preference to the following:

"(1) Existing education and training programs.

"(2) Programs designed to be completed in less than six months.

"SEC. 3017. GENERAL GRANT AND LOAN PROVISIONS. 42 USC 300jj–37.

"(a) REPORTS.—The Secretary may require that an entity receiving assistance under this subtitle shall submit to the Secretary, not later than the date that is 1 year after the date of receipt of such assistance, a report that includes—

"(1) an analysis of the effectiveness of the activities for which the entity receives such assistance, as compared to the goals for such activities; and

"(2) an analysis of the impact of the project on health care quality and safety.

Evaluation. Deadline.

"(b) REQUIREMENT TO IMPROVE QUALITY OF CARE AND DECREASE IN COSTS.—The National Coordinator shall annually evaluate the activities conducted under this subtitle and shall, in awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the National Coordinator, will result in the greatest improvement in the quality and efficiency of health care.

42 USC 300jj–38.

"SEC. 3018. AUTHORIZATION FOR APPROPRIATIONS.

"For the purposes of carrying out this subtitle, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013.".

Subtitle D—Privacy

42 USC 17921.

SEC. 13400. DEFINITIONS.

In this subtitle, except as specified otherwise:

(1) BREACH.—

(A) IN GENERAL.—The term "breach" means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security or privacy of such information, except where an unauthorized person to whom such information is disclosed would not reasonably have been able to retain such information.

(B) EXCEPTIONS.—The term "breach" does not include—

(i) any unintentional acquisition, access, or use of protected health information by an employee or individual acting under the authority of a covered entity or business associate if—

(I) such acquisition, access, or use was made in good faith and within the course and scope of the employment or other professional relationship of such employee or individual, respectively, with the covered entity or business associate; and

(II) such information is not further acquired, accessed, used, or disclosed by any person; or

(ii) any inadvertent disclosure from an individual who is otherwise authorized to access protected health information at a facility operated by a covered entity or business associate to another similarly situated individual at same facility; and

(iii) any such information received as a result of such disclosure is not further acquired, accessed, used, or disclosed without authorization by any person.

(2) BUSINESS ASSOCIATE.—The term "business associate" has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(3) COVERED ENTITY.—The term "covered entity" has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(4) DISCLOSE.—The terms "disclose" and "disclosure" have the meaning given the term "disclosure" in section 160.103 of title 45, Code of Federal Regulations.

(5) ELECTRONIC HEALTH RECORD.—The term "electronic health record" means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

(6) HEALTH CARE OPERATIONS.—The term "health care operation" has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(7) HEALTH CARE PROVIDER.—The term "health care provider" has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(8) HEALTH PLAN.—The term "health plan" has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(9) NATIONAL COORDINATOR.—The term "National Coordinator" means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a) of the Public Health Service Act, as added by section 13101.

(10) PAYMENT.—The term "payment" has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(11) PERSONAL HEALTH RECORD.—The term "personal health record" means an electronic record of PHR identifiable health information (as defined in section 13407(f)(2)) on an individual that can be drawn from multiple sources and that is managed, shared, and controlled by or primarily for the individual.

(12) PROTECTED HEALTH INFORMATION.—The term "protected health information" has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(13) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(14) SECURITY.—The term "security" has the meaning given such term in section 164.304 of title 45, Code of Federal Regulations.

(15) STATE.—The term "State" means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(16) TREATMENT.—The term "treatment" has the meaning given such term in section 164.501 of title 45, Code of Federal Regulations.

(17) USE.—The term "use" has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations.

(18) VENDOR OF PERSONAL HEALTH RECORDS.—The term "vendor of personal health records" means an entity, other than a covered entity (as defined in paragraph (3)), that offers or maintains a personal health record.

PART 1—IMPROVED PRIVACY PROVISIONS AND SECURITY PROVISIONS

42 USC 17931.

SEC. 13401. APPLICATION OF SECURITY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES; ANNUAL GUIDANCE ON SECURITY PROVISIONS.

(a) APPLICATION OF SECURITY PROVISIONS.—Sections 164.308, 164.310, 164.312, and 164.316 of title 45, Code of Federal Regulations, shall apply to a business associate of a covered entity in the same manner that such sections apply to the covered entity. The additional requirements of this title that relate to security and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any security provision specified in subsection (a), sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner such sections apply to a covered entity that violates such security provision.

(c) ANNUAL GUIDANCE.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary of Health and Human Services shall, after consultation with stakeholders, annually issue guidance on the most effective and appropriate technical safeguards for use in carrying out the sections referred to in subsection (a) and the security standards in subpart C of part 164 of title 45, Code of Federal Regulations, including the use of standards developed under section 3002(b)(2)(B)(vi) of the Public Health Service Act, as added by section 13101 of this Act, as such provisions are in effect as of the date before the enactment of this Act.

42 USC 17932.

SEC. 13402. NOTIFICATION IN THE CASE OF BREACH.

(a) IN GENERAL.—A covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information (as defined in subsection (h)(1)) shall, in the case of a breach of such information that is discovered by the covered entity, notify each individual whose unsecured protected health information has been, or is reasonably believed by the covered entity to have been, accessed, acquired, or disclosed as a result of such breach.

(b) NOTIFICATION OF COVERED ENTITY BY BUSINESS ASSOCIATE.—A business associate of a covered entity that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured protected health information shall, following the discovery of a breach of such information, notify the covered entity of such breach. Such notice shall include the identification of each individual whose unsecured protected health information has been, or is reasonably believed by the business associate to have been, accessed, acquired, or disclosed during such breach.

(c) BREACHES TREATED AS DISCOVERED.—For purposes of this section, a breach shall be treated as discovered by a covered entity or by a business associate as of the first day on which such breach is known to such entity or associate, respectively, (including any

person, other than the individual committing the breach, that is an employee, officer, or other agent of such entity or associate, respectively) or should reasonably have been known to such entity or associate (or person) to have occurred.

(d) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—Subject to subsection (g), all notifications required under this section shall be made without unreasonable delay and in no case later than 60 calendar days after the discovery of a breach by the covered entity involved (or business associate involved in the case of a notification required under subsection (b)). Deadline.

(2) BURDEN OF PROOF.—The covered entity involved (or business associate involved in the case of a notification required under subsection (b)), shall have the burden of demonstrating that all notifications were made as required under this part, including evidence demonstrating the necessity of any delay.

(e) METHODS OF NOTICE.—

(1) INDIVIDUAL NOTICE.—Notice required under this section to be provided to an individual, with respect to a breach, shall be provided promptly and in the following form:

(A) Written notification by first-class mail to the individual (or the next of kin of the individual if the individual is deceased) at the last known address of the individual or the next of kin, respectively, or, if specified as a preference by the individual, by electronic mail. The notification may be provided in one or more mailings as information is available.

(B) In the case in which there is insufficient, or out-of-date contact information (including a phone number, email address, or any other form of appropriate communication) that precludes direct written (or, if specified by the individual under subparagraph (A), electronic) notification to the individual, a substitute form of notice shall be provided, including, in the case that there are 10 or more individuals for which there is insufficient or out-of-date contact information, a conspicuous posting for a period determined by the Secretary on the home page of the Web site of the covered entity involved or notice in major print or broadcast media, including major media in geographic areas where the individuals affected by the breach likely reside. Such a notice in media or web posting will include a toll-free phone number where an individual can learn whether or not the individual's unsecured protected health information is possibly included in the breach. Web posting.

(C) In any case deemed by the covered entity involved to require urgency because of possible imminent misuse of unsecured protected health information, the covered entity, in addition to notice provided under subparagraph (A), may provide information to individuals by telephone or other means, as appropriate.

(2) MEDIA NOTICE.—Notice shall be provided to prominent media outlets serving a State or jurisdiction, following the discovery of a breach described in subsection (a), if the unsecured protected health information of more than 500 residents of such State or jurisdiction is, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(3) NOTICE TO SECRETARY.—Notice shall be provided to the Secretary by covered entities of unsecured protected health information that has been acquired or disclosed in a breach. If the breach was with respect to 500 or more individuals than such notice must be provided immediately. If the breach was with respect to less than 500 individuals, the covered entity may maintain a log of any such breach occurring and annually submit such a log to the Secretary documenting such breaches occurring during the year involved.

List.

(4) POSTING ON HHS PUBLIC WEBSITE.—The Secretary shall make available to the public on the Internet website of the Department of Health and Human Services a list that identifies each covered entity involved in a breach described in subsection (a) in which the unsecured protected health information of more than 500 individuals is acquired or disclosed.

(f) CONTENT OF NOTIFICATION.—Regardless of the method by which notice is provided to individuals under this section, notice of a breach shall include, to the extent possible, the following:

(1) A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known.

(2) A description of the types of unsecured protected health information that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code).

(3) The steps individuals should take to protect themselves from potential harm resulting from the breach.

(4) A brief description of what the covered entity involved is doing to investigate the breach, to mitigate losses, and to protect against any further breaches.

(5) Contact procedures for individuals to ask questions or learn additional information, which shall include a toll-free telephone number, an e-mail address, Web site, or postal address.

(g) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—If a law enforcement official determines that a notification, notice, or posting required under this section would impede a criminal investigation or cause damage to national security, such notification, notice, or posting shall be delayed in the same manner as provided under section 164.528(a)(2) of title 45, Code of Federal Regulations, in the case of a disclosure covered under such section.

(h) UNSECURED PROTECTED HEALTH INFORMATION.—

(1) DEFINITION.—

(A) IN GENERAL.—Subject to subparagraph (B), for purposes of this section, the term "unsecured protected health information" means protected health information that is not secured through the use of a technology or methodology specified by the Secretary in the guidance issued under paragraph (2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under paragraph (2) by the date specified in such paragraph, for purposes of this section, the term "unsecured protected health information" shall mean protected health information that is not secured by a technology standard that renders protected health information unusable,

unreadable, or indecipherable to unauthorized individuals and is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(2) GUIDANCE.—For purposes of paragraph (1) and section 13407(f)(3), not later than the date that is 60 days after the date of the enactment of this Act, the Secretary shall, after consultation with stakeholders, issue (and annually update) guidance specifying the technologies and methodologies that render protected health information unusable, unreadable, or indecipherable to unauthorized individuals, including the use of standards developed under section 3002(b)(2)(B)(vi) of the Public Health Service Act, as added by section 13101 of this Act. Deadlines.

(i) REPORT TO CONGRESS ON BREACHES.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report containing the information described in paragraph (2) regarding breaches for which notice was provided to the Secretary under subsection (e)(3).

(2) INFORMATION.—The information described in this paragraph regarding breaches specified in paragraph (1) shall include—

(A) the number and nature of such breaches; and

(B) actions taken in response to such breaches.

(j) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Secretary of Health and Human Services shall promulgate interim final regulations by not later than the date that is 180 days after the date of the enactment of this title. The provisions of this section shall apply to breaches that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations. Applicability.

SEC. 13403. EDUCATION ON HEALTH INFORMATION PRIVACY. 42 USC 17933.

(a) REGIONAL OFFICE PRIVACY ADVISORS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall designate an individual in each regional office of the Department of Health and Human Services to offer guidance and education to covered entities, business associates, and individuals on their rights and responsibilities related to Federal privacy and security requirements for protected health information. Deadline. Designation.

(b) EDUCATION INITIATIVE ON USES OF HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this Act, the Office for Civil Rights within the Department of Health and Human Services shall develop and maintain a multi-faceted national education initiative to enhance public transparency regarding the uses of protected health information, including programs to educate individuals about the potential uses of their protected health information, the effects of such uses, and the rights of individuals with respect to such uses. Such programs shall be conducted in a variety of languages and present information in a clear and understandable manner. Deadline.

42 USC 17934.

SEC. 13404. APPLICATION OF PRIVACY PROVISIONS AND PENALTIES TO BUSINESS ASSOCIATES OF COVERED ENTITIES.

(a) APPLICATION OF CONTRACT REQUIREMENTS.—In the case of a business associate of a covered entity that obtains or creates protected health information pursuant to a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations, with such covered entity, the business associate may use and disclose such protected health information only if such use or disclosure, respectively, is in compliance with each applicable requirement of section 164.504(e) of such title. The additional requirements of this subtitle that relate to privacy and that are made applicable with respect to covered entities shall also be applicable to such a business associate and shall be incorporated into the business associate agreement between the business associate and the covered entity.

(b) APPLICATION OF KNOWLEDGE ELEMENTS ASSOCIATED WITH CONTRACTS.—Section 164.504(e)(1)(ii) of title 45, Code of Federal Regulations, shall apply to a business associate described in subsection (a), with respect to compliance with such subsection, in the same manner that such section applies to a covered entity, with respect to compliance with the standards in sections 164.502(e) and 164.504(e) of such title, except that in applying such section 164.504(e)(1)(ii) each reference to the business associate, with respect to a contract, shall be treated as a reference to the covered entity involved in such contract.

(c) APPLICATION OF CIVIL AND CRIMINAL PENALTIES.—In the case of a business associate that violates any provision of subsection (a) or (b), the provisions of sections 1176 and 1177 of the Social Security Act (42 U.S.C. 1320d–5, 1320d–6) shall apply to the business associate with respect to such violation in the same manner as such provisions apply to a person who violates a provision of part C of title XI of such Act.

42 USC 17935.

SEC. 13405. RESTRICTIONS ON CERTAIN DISCLOSURES AND SALES OF HEALTH INFORMATION; ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES; ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.

(a) REQUESTED RESTRICTIONS ON CERTAIN DISCLOSURES OF HEALTH INFORMATION.—In the case that an individual requests under paragraph (a)(1)(i)(A) of section 164.522 of title 45, Code of Federal Regulations, that a covered entity restrict the disclosure of the protected health information of the individual, notwithstanding paragraph (a)(1)(ii) of such section, the covered entity must comply with the requested restriction if—

(1) except as otherwise required by law, the disclosure is to a health plan for purposes of carrying out payment or health care operations (and is not for purposes of carrying out treatment); and

(2) the protected health information pertains solely to a health care item or service for which the health care provider involved has been paid out of pocket in full.

(b) DISCLOSURES REQUIRED TO BE LIMITED TO THE LIMITED DATA SET OR THE MINIMUM NECESSARY.—

(1) IN GENERAL.—

(A) IN GENERAL.—Subject to subparagraph (B), a covered entity shall be treated as being in compliance with

section 164.502(b)(1) of title 45, Code of Federal Regulations, with respect to the use, disclosure, or request of protected health information described in such section, only if the covered entity limits such protected health information, to the extent practicable, to the limited data set (as defined in section 164.514(e)(2) of such title) or, if needed by such entity, to the minimum necessary to accomplish the intended purpose of such use, disclosure, or request, respectively.

(B) GUIDANCE.—Not later than 18 months after the date of the enactment of this section, the Secretary shall issue guidance on what constitutes "minimum necessary" for purposes of subpart E of part 164 of title 45, Code of Federal Regulation. In issuing such guidance the Secretary shall take into consideration the guidance under section 13424(c) and the information necessary to improve patient outcomes and to detect, prevent, and manage chronic disease. Deadline.

(C) SUNSET.—Subparagraph (A) shall not apply on and after the effective date on which the Secretary issues the guidance under subparagraph (B).

(2) DETERMINATION OF MINIMUM NECESSARY.—For purposes of paragraph (1), in the case of the disclosure of protected health information, the covered entity or business associate disclosing such information shall determine what constitutes the minimum necessary to accomplish the intended purpose of such disclosure.

(3) APPLICATION OF EXCEPTIONS.—The exceptions described in section 164.502(b)(2) of title 45, Code of Federal Regulations, shall apply to the requirement under paragraph (1) as of the effective date described in section 13423 in the same manner that such exceptions apply to section 164.502(b)(1) of such title before such date.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as affecting the use, disclosure, or request of protected health information that has been de-identified.

(c) ACCOUNTING OF CERTAIN PROTECTED HEALTH INFORMATION DISCLOSURES REQUIRED IF COVERED ENTITY USES ELECTRONIC HEALTH RECORD.—

"(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

"(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

"(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

"(2) REGULATIONS.—The Secretary shall promulgate regulations on what information shall be collected about each disclosure referred to in paragraph (1), not later than 6 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section Deadline.

3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of the individuals in learning the circumstances under which their protected health information is being disclosed and takes into account the administrative burden of accounting for such disclosures.

"(3) PROCESS.—In response to an request from an individual for an accounting, a covered entity shall elect to provide either an—

"(A) accounting, as specified under paragraph (1), for disclosures of protected health information that are made by such covered entity and by a business associate acting on behalf of the covered entity; or

"(B) accounting, as specified under paragraph (1), for disclosures that are made by such covered entity and provide a list of all business associates acting on behalf of the covered entity, including contact information for such associates (such as mailing address, phone, and email address).

A business associate included on a list under subparagraph (B) shall provide an accounting of disclosures (as required under paragraph (1) for a covered entity) made by the business associate upon a request made by an individual directly to the business associate for such an accounting.

Applicability.

"(4) EFFECTIVE DATE.—

"(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

"(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

"(i) January 1, 2011; or

"(ii) the date that it acquires an electronic health record.

"(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date is necessary, but in no case may the date specified under—

"(i) subparagraph (A) be later than 2016; or

"(ii) subparagraph (B) be later than 2013."

(d) PROHIBITION ON SALE OF ELECTRONIC HEALTH RECORDS OR PROTECTED HEALTH INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a covered entity or business associate shall not directly or indirectly receive remuneration in exchange for any protected health information of an individual unless the covered entity obtained from the individual, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization that includes, in accordance with such section, a specification

of whether the protected health information can be further exchanged for remuneration by the entity receiving protected health information of that individual.

(2) EXCEPTIONS.—Paragraph (1) shall not apply in the following cases:

(A) The purpose of the exchange is for public health activities (as described in section 164.512(b) of title 45, Code of Federal Regulations).

(B) The purpose of the exchange is for research (as described in sections 164.501 and 164.512(i) of title 45, Code of Federal Regulations) and the price charged reflects the costs of preparation and transmittal of the data for such purpose.

(C) The purpose of the exchange is for the treatment of the individual, subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.

(D) The purpose of the exchange is the health care operation specifically described in subparagraph (iv) of paragraph (6) of the definition of healthcare operations in section 164.501 of title 45, Code of Federal Regulations.

(E) The purpose of the exchange is for remuneration that is provided by a covered entity to a business associate for activities involving the exchange of protected health information that the business associate undertakes on behalf of and at the specific request of the covered entity pursuant to a business associate agreement.

(F) The purpose of the exchange is to provide an individual with a copy of the individual's protected health information pursuant to section 164.524 of title 45, Code of Federal Regulations.

(G) The purpose of the exchange is otherwise determined by the Secretary in regulations to be similarly necessary and appropriate as the exceptions provided in subparagraphs (A) through (F).

(3) REGULATIONS.—Not later than 18 months after the date of enactment of this title, the Secretary shall promulgate regulations to carry out this subsection. In promulgating such regulations, the Secretary— Deadline.

(A) shall evaluate the impact of restricting the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, on research or public health activities, including those conducted by or for the use of the Food and Drug Administration; and

(B) may further restrict the exception described in paragraph (2)(A) to require that the price charged for the purposes described in such paragraph reflects the costs of the preparation and transmittal of the data for such purpose, if the Secretary finds that such further restriction will not impede such research or public health activities.

(4) EFFECTIVE DATE.—Paragraph (1) shall apply to exchanges occurring on or after the date that is 6 months after the date of the promulgation of final regulations implementing this subsection.

(e) ACCESS TO CERTAIN INFORMATION IN ELECTRONIC FORMAT.—In applying section 164.524 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information of an individual—

(1) the individual shall have a right to obtain from such covered entity a copy of such information in an electronic format and, if the individual chooses, to direct the covered entity to transmit such copy directly to an entity or person designated by the individual, provided that any such choice is clear, conspicuous, and specific; and

(2) notwithstanding paragraph (c)(4) of such section, any fee that the covered entity may impose for providing such individual with a copy of such information (or a summary or explanation of such information) if such copy (or summary or explanation) is in an electronic form shall not be greater than the entity's labor costs in responding to the request for the copy (or summary or explanation).

42 USC 17936.

SEC. 13406. CONDITIONS ON CERTAIN CONTACTS AS PART OF HEALTH CARE OPERATIONS.

(a) MARKETING.—

(1) IN GENERAL.—A communication by a covered entity or business associate that is about a product or service and that encourages recipients of the communication to purchase or use the product or service shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations, unless the communication is made as described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of such title.

(2) PAYMENT FOR CERTAIN COMMUNICATIONS.—A communication by a covered entity or business associate that is described in subparagraph (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of title 45, Code of Federal Regulations, shall not be considered a health care operation for purposes of subpart E of part 164 of title 45, Code of Federal Regulations if the covered entity receives or has received direct or indirect payment in exchange for making such communication, except where—

(A)(i) such communication describes only a drug or biologic that is currently being prescribed for the recipient of the communication; and

(ii) any payment received by such covered entity in exchange for making a communication described in clause (i) is reasonable in amount;

(B) each of the following conditions apply—

(i) the communication is made by the covered entity; and

(ii) the covered entity making such communication obtains from the recipient of the communication, in accordance with section 164.508 of title 45, Code of Federal Regulations, a valid authorization (as described in paragraph (b) of such section) with respect to such communication; or

(C) each of the following conditions apply—

(i) the communication is made by a business associate on behalf of the covered entity; and

(ii) the communication is consistent with the written contract (or other written arrangement described in section 164.502(e)(2) of such title) between such business associate and covered entity.

(3) REASONABLE IN AMOUNT DEFINED.—For purposes of paragraph (2), the term "reasonable in amount" shall have the meaning given such term by the Secretary by regulation.

(4) DIRECT OR INDIRECT PAYMENT.—For purposes of paragraph (2), the term "direct or indirect payment" shall not include any payment for treatment (as defined in section 164.501 of title 45, Code of Federal Regulations) of an individual.

(b) OPPORTUNITY TO OPT OUT OF FUNDRAISING.—The Secretary shall by rule provide that any written fundraising communication that is a healthcare operation as defined under section 164.501 of title 45, Code of Federal Regulations, shall, in a clear and conspicuous manner, provide an opportunity for the recipient of the communications to elect not to receive any further such communication. When an individual elects not to receive any further such communication, such election shall be treated as a revocation of authorization under section 164.508 of title 45, Code of Federal Regulations. Regulations.

(c) EFFECTIVE DATE.—This section shall apply to written communications occurring on or after the effective date specified under section 13423.

SEC. 13407. TEMPORARY BREACH NOTIFICATION REQUIREMENT FOR VENDORS OF PERSONAL HEALTH RECORDS AND OTHER NON-HIPAA COVERED ENTITIES. 42 USC 17937.

(a) IN GENERAL.—In accordance with subsection (c), each vendor of personal health records, following the discovery of a breach of security of unsecured PHR identifiable health information that is in a personal health record maintained or offered by such vendor, and each entity described in clause (ii), (iii), or (iv) of section 13424(b)(1)(A), following the discovery of a breach of security of such information that is obtained through a product or service provided by such entity, shall—

(1) notify each individual who is a citizen or resident of the United States whose unsecured PHR identifiable health information was acquired by an unauthorized person as a result of such a breach of security; and

(2) notify the Federal Trade Commission.

(b) NOTIFICATION BY THIRD PARTY SERVICE PROVIDERS.—A third party service provider that provides services to a vendor of personal health records or to an entity described in clause (ii), (iii). or (iv) of section 13424(b)(1)(A) in connection with the offering or maintenance of a personal health record or a related product or service and that accesses, maintains, retains, modifies, records, stores, destroys, or otherwise holds, uses, or discloses unsecured PHR identifiable health information in such a record as a result of such services shall, following the discovery of a breach of security of such information, notify such vendor or entity, respectively, of such breach. Such notice shall include the identification of each individual whose unsecured PHR identifiable health information

has been, or is reasonably believed to have been, accessed, acquired, or disclosed during such breach.

(c) APPLICATION OF REQUIREMENTS FOR TIMELINESS, METHOD, AND CONTENT OF NOTIFICATIONS.—Subsections (c), (d), (e), and (f) of section 13402 shall apply to a notification required under subsection (a) and a vendor of personal health records, an entity described in subsection (a) and a third party service provider described in subsection (b), with respect to a breach of security under subsection (a) of unsecured PHR identifiable health information in such records maintained or offered by such vendor, in a manner specified by the Federal Trade Commission.

(d) NOTIFICATION OF THE SECRETARY.—Upon receipt of a notification of a breach of security under subsection (a)(2), the Federal Trade Commission shall notify the Secretary of such breach.

(e) ENFORCEMENT.—A violation of subsection (a) or (b) shall be treated as an unfair and deceptive act or practice in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57*a*(a)(1)(B)) regarding unfair or deceptive acts or practices.

(f) DEFINITIONS.—For purposes of this section:

(1) BREACH OF SECURITY.—The term "breach of security" means, with respect to unsecured PHR identifiable health information of an individual in a personal health record, acquisition of such information without the authorization of the individual.

(2) PHR IDENTIFIABLE HEALTH INFORMATION.—The term "PHR identifiable health information" means individually identifiable health information, as defined in section 1171(6) of the Social Security Act (42 U.S.C. 1320d(6)), and includes, with respect to an individual, information—

(A) that is provided by or on behalf of the individual; and

(B) that identifies the individual or with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(3) UNSECURED PHR IDENTIFIABLE HEALTH INFORMATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "unsecured PHR identifiable health information" means PHR identifiable health information that is not protected through the use of a technology or methodology specified by the Secretary in the guidance issued under section 13402(h)(2).

(B) EXCEPTION IN CASE TIMELY GUIDANCE NOT ISSUED.—In the case that the Secretary does not issue guidance under section 13402(h)(2) by the date specified in such section, for purposes of this section, the term "unsecured PHR identifiable health information" shall mean PHR identifiable health information that is not secured by a technology standard that renders protected health information unusable, unreadable, or indecipherable to unauthorized individuals and that is developed or endorsed by a standards developing organization that is accredited by the American National Standards Institute.

(g) REGULATIONS; EFFECTIVE DATE; SUNSET.—

(1) REGULATIONS; EFFECTIVE DATE.—To carry out this section, the Federal Trade Commission shall promulgate interim final regulations by not later than the date that is 180 days

after the date of the enactment of this section. The provisions of this section shall apply to breaches of security that are discovered on or after the date that is 30 days after the date of publication of such interim final regulations. Applicability.

(2) SUNSET.—If Congress enacts new legislation establishing requirements for notification in the case of a breach of security, that apply to entities that are not covered entities or business associates, the provisions of this section shall not apply to breaches of security discovered on or after the effective date of regulations implementing such legislation.

SEC. 13408. BUSINESS ASSOCIATE CONTRACTS REQUIRED FOR CERTAIN ENTITIES. 42 USC 17938.

Each organization, with respect to a covered entity, that provides data transmission of protected health information to such entity (or its business associate) and that requires access on a routine basis to such protected health information, such as a Health Information Exchange Organization, Regional Health Information Organization, E-prescribing Gateway, or each vendor that contracts with a covered entity to allow that covered entity to offer a personal health record to patients as part of its electronic health record, is required to enter into a written contract (or other written arrangement) described in section 164.502(e)(2) of title 45, Code of Federal Regulations and a written contract (or other arrangement) described in section 164.308(b) of such title, with such entity and shall be treated as a business associate of the covered entity for purposes of the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this title.

SEC. 13409. CLARIFICATION OF APPLICATION OF WRONGFUL DISCLOSURES CRIMINAL PENALTIES.

Section 1177(a) of the Social Security Act (42 U.S.C. 1320d–6(a)) is amended by adding at the end the following new sentence: "For purposes of the previous sentence, a person (including an employee or other individual) shall be considered to have obtained or disclosed individually identifiable health information in violation of this part if the information is maintained by a covered entity (as defined in the HIPAA privacy regulation described in section 1180(b)(3)) and the individual obtained or disclosed such information without authorization.".

SEC. 13410. IMPROVED ENFORCEMENT. 42 USC 17939.

(a) IN GENERAL.—

(1) NONCOMPLIANCE DUE TO WILLFUL NEGLECT.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended—

(A) in subsection (b)(1), by striking "the act constitutes an offense punishable under section 1177" and inserting "a penalty has been imposed under section 1177 with respect to such act"; and

(B) by adding at the end the following new subsection:

"(c) NONCOMPLIANCE DUE TO WILLFUL NEGLECT.—

"(1) IN GENERAL.—A violation of a provision of this part due to willful neglect is a violation for which the Secretary is required to impose a penalty under subsection (a)(1).

"(2) REQUIRED INVESTIGATION.—For purposes of paragraph (1), the Secretary shall formally investigate any complaint of

a violation of a provision of this part if a preliminary investigation of the facts of the complaint indicate such a possible violation due to willful neglect.".

(2) ENFORCEMENT UNDER SOCIAL SECURITY ACT.—Any violation by a covered entity under thus subtitle is subject to enforcement and penalties under section 1176 and 1177 of the Social Security Act.

(b) EFFECTIVE DATE; REGULATIONS.—

(1) The amendments made by subsection (a) shall apply to penalties imposed on or after the date that is 24 months after the date of the enactment of this title.

Deadline.

(2) Not later than 18 months after the date of the enactment of this title, the Secretary of Health and Human Services shall promulgate regulations to implement such amendments.

(c) DISTRIBUTION OF CERTAIN CIVIL MONETARY PENALTIES COLLECTED.—

(1) IN GENERAL.—Subject to the regulation promulgated pursuant to paragraph (3), any civil monetary penalty or monetary settlement collected with respect to an offense punishable under this subtitle or section 1176 of the Social Security Act (42 U.S.C. 1320d–5) insofar as such section relates to privacy or security shall be transferred to the Office for Civil Rights of the Department of Health and Human Services to be used for purposes of enforcing the provisions of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act.

(2) GAO REPORT.—Not later than 18 months after the date of the enactment of this title, the Comptroller General shall submit to the Secretary a report including recommendations for a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(3) ESTABLISHMENT OF METHODOLOGY TO DISTRIBUTE PERCENTAGE OF CMPS COLLECTED TO HARMED INDIVIDUALS.—

Deadline.

Not later than 3 years after the date of the enactment of this title, the Secretary shall establish by regulation and based on the recommendations submitted under paragraph (2), a methodology under which an individual who is harmed by an act that constitutes an offense referred to in paragraph (1) may receive a percentage of any civil monetary penalty or monetary settlement collected with respect to such offense.

(4) APPLICATION OF METHODOLOGY.—The methodology under paragraph (3) shall be applied with respect to civil monetary penalties or monetary settlements imposed on or after the effective date of the regulation.

(d) TIERED INCREASE IN AMOUNT OF CIVIL MONETARY PENALTIES.—

(1) IN GENERAL.—Section 1176(a)(1) of the Social Security Act (42 U.S.C. 1320d–5(a)(1)) is amended by striking "who violates a provision of this part a penalty of not more than" and all that follows and inserting the following: "who violates a provision of this part—

"(A) in the case of a violation of such provision in which it is established that the person did not know (and

by exercising reasonable diligence would not have known) that such person violated such provision, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(A) but not to exceed the amount described in paragraph (3)(D);

"(B) in the case of a violation of such provision in which it is established that the violation was due to reasonable cause and not to willful neglect, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(B) but not to exceed the amount described in paragraph (3)(D); and

"(C) in the case of a violation of such provision in which it is established that the violation was due to willful neglect—

"(i) if the violation is corrected as described in subsection (b)(3)(A), a penalty in an amount that is at least the amount described in paragraph (3)(C) but not to exceed the amount described in paragraph (3)(D); and

"(ii) if the violation is not corrected as described in such subsection, a penalty in an amount that is at least the amount described in paragraph (3)(D).

In determining the amount of a penalty under this section for a violation, the Secretary shall base such determination on the nature and extent of the violation and the nature and extent of the harm resulting from such violation.".

(2) TIERS OF PENALTIES DESCRIBED.—Section 1176(a) of such Act (42 U.S.C. 1320d–5(a)) is further amended by adding at the end the following new paragraph:

"(3) TIERS OF PENALTIES DESCRIBED.—For purposes of paragraph (1), with respect to a violation by a person of a provision of this part—

"(A) the amount described in this subparagraph is $100 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $25,000;

"(B) the amount described in this subparagraph is $1,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $100,000;

"(C) the amount described in this subparagraph is $10,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $250,000; and

"(D) the amount described in this subparagraph is $50,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed $1,500,000.".

(3) CONFORMING AMENDMENTS.—Section 1176(b) of such Act (42 U.S.C. 1320d–5(b)) is amended—

(A) by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(B) in paragraph (2), as so redesignated—

(i) in subparagraph (A), by striking "in subparagraph (B), a penalty may not be imposed under subsection (a) if" and all that follows through "the failure to comply is corrected" and inserting "in subparagraph (B) or subsection (a)(1)(C), a penalty may not be imposed under subsection (a) if the failure to comply is corrected"; and

(ii) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)" each place it appears.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this title.

(e) ENFORCEMENT THROUGH STATE ATTORNEYS GENERAL.—

(1) IN GENERAL.—Section 1176 of the Social Security Act (42 U.S.C. 1320d–5) is amended by adding at the end the following new subsection:

"(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—

"(1) CIVIL ACTION.—Except as provided in subsection (b), in any case in which the attorney general of a State has reason to believe that an interest of one or more of the residents of that State has been or is threatened or adversely affected by any person who violates a provision of this part, the attorney general of the State, as parens patriae, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction—

"(A) to enjoin further such violation by the defendant; or

"(B) to obtain damages on behalf of such residents of the State, in an amount equal to the amount determined under paragraph (2).

"(2) STATUTORY DAMAGES.—

"(A) IN GENERAL.—For purposes of paragraph (1)(B), the amount determined under this paragraph is the amount calculated by multiplying the number of violations by up to $100. For purposes of the preceding sentence, in the case of a continuing violation, the number of violations shall be determined consistent with the HIPAA privacy regulations (as defined in section 1180(b)(3)) for violations of subsection (a).

"(B) LIMITATION.—The total amount of damages imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed $25,000.

"(C) REDUCTION OF DAMAGES.—In assessing damages under subparagraph (A), the court may consider the factors the Secretary may consider in determining the amount of a civil money penalty under subsection (a) under the HIPAA privacy regulations.

"(3) ATTORNEY FEES.—In the case of any successful action under paragraph (1), the court, in its discretion, may award the costs of the action and reasonable attorney fees to the State.

Records.

"(4) NOTICE TO SECRETARY.—The State shall serve prior written notice of any action under paragraph (1) upon the Secretary and provide the Secretary with a copy of its complaint, except in any case in which such prior notice is not

feasible, in which case the State shall serve such notice immediately upon instituting such action. The Secretary shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein; and

"(C) to file petitions for appeal.

"(5) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

"(6) VENUE; SERVICE OF PROCESS.—

"(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) maintains a physical place of business.

"(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Secretary has instituted an action against a person under subsection (a) with respect to a specific violation of this part, no State attorney general may bring an action under this subsection against the person with respect to such violation during the pendency of that action.

"(8) APPLICATION OF CMP STATUTE OF LIMITATION.—A civil action may not be instituted with respect to a violation of this part unless an action to impose a civil money penalty may be instituted under subsection (a) with respect to such violation consistent with the second sentence of section 1128A(c)(1).".

(2) CONFORMING AMENDMENTS.—Subsection (b) of such section, as amended by subsection (d)(3), is amended—

(A) in paragraph (1), by striking "A penalty may not be imposed under subsection (a)" and inserting "No penalty may be imposed under subsection (a) and no damages obtained under subsection (d)";

(B) in paragraph (2)(A)—

(i) after "subsection (a)(1)(C),", by striking "a penalty may not be imposed under subsection (a)" and inserting "no penalty may be imposed under subsection (a) and no damages obtained under subsection (d)"; and

(ii) in clause (ii), by inserting "or damages" after "the penalty";

(C) in paragraph (2)(B)(i), by striking "The period" and inserting "With respect to the imposition of a penalty by the Secretary under subsection (a), the period"; and

(D) in paragraph (3), by inserting "and any damages under subsection (d)" after "any penalty under subsection (a)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to violations occurring after the date of the enactment of this Act.

(f) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Such section is further amended by adding at the end the following new subsection:

"(e) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Nothing in this section shall be construed as preventing the Office for Civil Rights of the Department of Health and Human Services from continuing, in its discretion, to use corrective action without a penalty in cases where the person did not know (and by exercising reasonable diligence would not have known) of the violation involved.".

42 USC 17940.

SEC. 13411. AUDITS.

The Secretary shall provide for periodic audits to ensure that covered entities and business associates that are subject to the requirements of this subtitle and subparts C and E of part 164 of title 45, Code of Federal Regulations, as such provisions are in effect as of the date of enactment of this Act, comply with such requirements.

PART 2—RELATIONSHIP TO OTHER LAWS; REGULATORY REFERENCES; EFFECTIVE DATE; REPORTS

42 USC 17951.

SEC. 13421. RELATIONSHIP TO OTHER LAWS.

(a) APPLICATION OF HIPAA STATE PREEMPTION.—Section 1178 of the Social Security Act (42 U.S.C. 1320d–7) shall apply to a provision or requirement under this subtitle in the same manner that such section applies to a provision or requirement under part C of title XI of such Act or a standard or implementation specification adopted or established under sections 1172 through 1174 of such Act.

(b) HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT.—The standards governing the privacy and security of individually identifiable health information promulgated by the Secretary under sections 262(a) and 264 of the Health Insurance Portability and Accountability Act of 1996 shall remain in effect to the extent that they are consistent with this subtitle. The Secretary shall by rule amend such Federal regulations as required to make such regulations consistent with this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle shall constitute a waiver of any privilege otherwise applicable to an individual with respect to the protected health information of such individual.

42 USC 17952.

SEC. 13422. REGULATORY REFERENCES.

Each reference in this subtitle to a provision of the Code of Federal Regulations refers to such provision as in effect on the date of the enactment of this title (or to the most recent update of such provision).

42 USC 17953.

SEC. 13423. EFFECTIVE DATE.

Except as otherwise specifically provided, the provisions of part I shall take effect on the date that is 12 months after the date of the enactment of this title.

42 USC 17954.

SEC. 13424. STUDIES, REPORTS, GUIDANCE.

(a) REPORT ON COMPLIANCE.—

(1) IN GENERAL.—For the first year beginning after the date of the enactment of this Act and annually thereafter, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report concerning complaints of alleged violations of law, including the provisions of this subtitle as well as the provisions of subparts C and E of part 164 of title 45, Code of Federal Regulations, (as such provisions are in effect as of the date of enactment of this Act) relating to privacy and security of health information that are received by the Secretary during the year for which the report is being prepared. Each such report shall include, with respect to such complaints received during the year—

(A) the number of such complaints;

(B) the number of such complaints resolved informally, a summary of the types of such complaints so resolved, and the number of covered entities that received technical assistance from the Secretary during such year in order to achieve compliance with such provisions and the types of such technical assistance provided;

(C) the number of such complaints that have resulted in the imposition of civil monetary penalties or have been resolved through monetary settlements, including the nature of the complaints involved and the amount paid in each penalty or settlement;

(D) the number of compliance reviews conducted and the outcome of each such review;

(E) the number of subpoenas or inquiries issued;

(F) the Secretary's plan for improving compliance with and enforcement of such provisions for the following year; and

(G) the number of audits performed and a summary of audit findings pursuant to section 13411.

(2) AVAILABILITY TO PUBLIC.—Each report under paragraph (1) shall be made available to the public on the Internet website of the Department of Health and Human Services. Web posting.

(b) STUDY AND REPORT ON APPLICATION OF PRIVACY AND SECURITY REQUIREMENTS TO NON-HIPAA COVERED ENTITIES.—

(1) STUDY.—Not later than one year after the date of the enactment of this title, the Secretary, in consultation with the Federal Trade Commission, shall conduct a study, and submit a report under paragraph (2), on privacy and security requirements for entities that are not covered entities or business associates as of the date of the enactment of this title, including—

(A) requirements relating to security, privacy, and notification in the case of a breach of security or privacy (including the applicability of an exemption to notification in the case of individually identifiable health information that has been rendered unusable, unreadable, or indecipherable through technologies or methodologies recognized by appropriate professional organization or standard setting bodies to provide effective security for the information) that should be applied to—

(i) vendors of personal health records;

(ii) entities that offer products or services through the website of a vendor of personal health records;

(iii) entities that are not covered entities and that offer products or services through the websites of covered entities that offer individuals personal health records;

(iv) entities that are not covered entities and that access information in a personal health record or send information to a personal health record; and

(v) third party service providers used by a vendor or entity described in clause (i), (ii), (iii), or (iv) to assist in providing personal health record products or services;

(B) a determination of which Federal government agency is best equipped to enforce such requirements recommended to be applied to such vendors, entities, and service providers under subparagraph (A); and

(C) a timeframe for implementing regulations based on such findings.

(2) REPORT.—The Secretary shall submit to the Committee on Finance, the Committee on Health, Education, Labor, and Pensions, and the Committee on Commerce of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the findings of the study under paragraph (1) and shall include in such report recommendations on the privacy and security requirements described in such paragraph.

(c) GUIDANCE ON IMPLEMENTATION SPECIFICATION TO DE-IDENTIFY PROTECTED HEALTH INFORMATION.—Not later than 12 months after the date of the enactment of this title, the Secretary shall, in consultation with stakeholders, issue guidance on how best to implement the requirements for the de-identification of protected health information under section 164.514(b) of title 45, Code of Federal Regulations.

(d) GAO REPORT ON TREATMENT DISCLOSURES.—Not later than one year after the date of the enactment of this title, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives a report on the best practices related to the disclosure among health care providers of protected health information of an individual for purposes of treatment of such individual. Such report shall include an examination of the best practices implemented by States and by other entities, such as health information exchanges and regional health information organizations, an examination of the extent to which such best practices are successful with respect to the quality of the resulting health care provided to the individual and with respect to the ability of the health care provider to manage such best practices, and an examination of the use of electronic informed consent for disclosing protected health information for treatment, payment, and health care operations.

(e) REPORT REQUIRED.—Not later than 5 years after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the provisions of this

Act on health insurance premiums, overall health care costs, adoption of electronic health records by providers, and reduction in medical errors and other quality improvements.

(f) STUDY.—The Secretary shall study the definition of "psychotherapy notes" in section 164.501 of title 45, Code of Federal Regulations, with regard to including test data that is related to direct responses, scores, items, forms, protocols, manuals, or other materials that are part of a mental health evaluation, as determined by the mental health professional providing treatment or evaluation in such definitions and may, based on such study, issue regulations to revise such definition.

TITLE XIV—STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

For necessary expenses for a State Fiscal Stabilization Fund, $53,600,000,000, which shall be administered by the Department of Education.

GENERAL PROVISIONS—THIS TITLE

SEC. 14001. ALLOCATIONS.

(a) OUTLYING AREAS.—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of 1 percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

(b) ADMINISTRATION AND OVERSIGHT.—The Secretary may, in addition, reserve up to $14,000,000 for administration and oversight of this title, including for program evaluation.

(c) RESERVATION FOR ADDITIONAL PROGRAMS.—After reserving funds under subsections (a) and (b), the Secretary shall reserve $5,000,000,000 for grants under sections 14006 and 14007. Grants.

(d) STATE ALLOCATIONS.—After carrying out subsections (a), (b), and (c), the Secretary shall allocate the remaining funds made available to carry out this title to the States as follows:

(1) 61 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 39 percent on the basis of their relative total population.

(e) STATE GRANTS.—From funds allocated under subsection (d), the Secretary shall make grants to the Governor of each State.

(f) REALLOCATION.—The Governor shall return to the Secretary any funds received under subsection (e) that the Governor does not award as subgrants or otherwise commit within two years of receiving such funds, and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (d).

SEC. 14002. STATE USES OF FUNDS.

(a) EDUCATION FUND.—

(1) IN GENERAL.—For each fiscal year, the Governor shall use 81.8 percent of the State's allocation under section 14001(d) for the support of elementary, secondary, and postsecondary education and, as applicable, early childhood education programs and services.

(2) RESTORING STATE SUPPORT FOR EDUCATION.—

(A) IN GENERAL.—The Governor shall first use the funds described in paragraph (1)—

(i) to provide the amount of funds, through the State's primary elementary and secondary funding formulae, that is needed—

(I) to restore, in each of fiscal years 2009, 2010, and 2011, the level of State support provided through such formulae to the greater of the fiscal year 2008 or fiscal year 2009 level; and

(II) where applicable, to allow existing State formulae increases to support elementary and secondary education for fiscal years 2010 and 2011 to be implemented and allow funding for phasing in State equity and adequacy adjustments, if such increases were enacted pursuant to State law prior to October 1, 2008.

(ii) to provide, in each of fiscal years 2009, 2010, and 2011, the amount of funds to public institutions of higher education in the State that is needed to restore State support for such institutions (excluding tuition and fees paid by students) to the greater of the fiscal year 2008 or fiscal year 2009 level.

(B) SHORTFALL.—If the Governor determines that the amount of funds available under paragraph (1) is insufficient to support, in each of fiscal years 2009, 2010, and 2011, public elementary, secondary, and higher education at the levels described in clauses (i) and (ii) of subparagraph (A), the Governor shall allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in those clauses.

(C) FISCAL YEAR.—For purposes of this paragraph, the term "fiscal year" shall have the meaning given such term under State law.

(3) SUBGRANTS TO IMPROVE BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.—After carrying out paragraph (2), the Governor shall use any funds remaining under paragraph (1) to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for the most recent year for which data are available.

(b) OTHER GOVERNMENT SERVICES.—

(1) IN GENERAL.—The Governor shall use 18.2 percent of the State's allocation under section 14001 for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education, and for modernization, renovation, or repair of public school facilities and institutions of higher education facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(2) AVAILABILITY TO ALL INSTITUTIONS OF HIGHER EDUCATION.—A Governor shall not consider the type or mission of an institution of higher education, and shall consider any institution for funding for modernization, renovation, and repairs within the State that—

(A) qualifies as an institution of higher education, as defined in subsection 14013(3); and

(B) continues to be eligible to participate in the programs under title IV of the Higher Education Act of 1965.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14003. USES OF FUNDS BY LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—A local educational agency that receives funds under this title may use the funds for any activity authorized by the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) ("ESEA"), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) ("IDEA"), the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.), or the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins Act") or for modernization, renovation, or repair of public school facilities, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) PROHIBITION.—A local educational agency may not use funds received under this title for—

(1) payment of maintenance costs;

(2) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public;

(3) purchase or upgrade of vehicles; or

(4) improvement of stand-alone facilities whose purpose is not the education of children, including central office administration or operations or logistical support facilities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall allow a local educational agency to engage in school modernization, renovation, or repair that is inconsistent with State law.

SEC. 14004. USES OF FUNDS BY INSTITUTIONS OF HIGHER EDUCATION.

(a) IN GENERAL.—A public institution of higher education that receives funds under this title shall use the funds for education and general expenditures, and in such a way as to mitigate the need to raise tuition and fees for in-State students, or for modernization, renovation, or repair of institution of higher education facilities that are primarily used for instruction, research, or student housing, including modernization, renovation, and repairs that are consistent with a recognized green building rating system.

(b) PROHIBITION.—An institution of higher education may not use funds received under this title to increase its endowment.

(c) ADDITIONAL PROHIBITION.—No funds awarded under this title may be used for—

(1) the maintenance of systems, equipment, or facilities;

(2) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(3) modernization, renovation, or repair of facilities—

(A) used for sectarian instruction or religious worship; or

(B) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

SEC. 14005. STATE APPLICATIONS.

(a) IN GENERAL.—The Governor of a State desiring to receive an allocation under section 14001 shall submit an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) APPLICATION.—In such application, the Governor shall—

(1) include the assurances described in subsection (d);

(2) provide baseline data that demonstrates the State's current status in each of the areas described in such assurances; and

(3) describe how the State intends to use its allocation, including whether the State will use such allocation to meet maintenance of effort requirements under the ESEA and IDEA and, in such cases, what amount will be used to meet such requirements.

(c) INCENTIVE GRANT APPLICATION.—The Governor of a State seeking a grant under section 14006 shall—

(1) submit an application for consideration;

(2) describe the status of the State's progress in each of the areas described in subsection (d), and the strategies the State is employing to help ensure that students in the subgroups described in section 1111(b)(2)(C)(v)(II) of the ESEA (20 U.S.C. 6311(b)(2)(C)(v)(II)) who have not met the State's proficiency targets continue making progress toward meeting the State's student academic achievement standards;

(3) describe the achievement and graduation rates (as described in section 1111(b)(2)(C)(vi) of the ESEA (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in section 200.19(b)(1) of title 34, Code of Federal Regulations) of public elementary and secondary school students in the State, and the strategies the State is employing to help ensure that all subgroups of students identified in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2)) in the State continue making progress toward meeting the State's student academic achievement standards;

(4) describe how the State would use its grant funding to improve student academic achievement in the State, including how it will allocate the funds to give priority to high-need local educational agencies; and

(5) include a plan for evaluating the State's progress in closing achievement gaps.

(d) ASSURANCES.—An application under subsection (b) shall include the following assurances:

(1) MAINTENANCE OF EFFORT.—

(A) ELEMENTARY AND SECONDARY EDUCATION.—The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for elementary and secondary education at least at the level of such support in fiscal year 2006.

(B) HIGHER EDUCATION.—The State will, in each of fiscal years 2009, 2010, and 2011, maintain State support for public institutions of higher education (not including support for capital projects or for research and development

or tuition and fees paid by students) at least at the level of such support in fiscal year 2006.

(2) ACHIEVING EQUITY IN TEACHER DISTRIBUTION.—The State will take actions to improve teacher effectiveness and comply with section 1111(b)(8)(C) of the ESEA (20 U.S.C. 6311(b)(8)(C)) in order to address inequities in the distribution of highly qualified teachers between high- and low-poverty schools, and to ensure that low-income and minority children are not taught at higher rates than other children by inexperienced, unqualified, or out-of-field teachers.

(3) IMPROVING COLLECTION AND USE OF DATA.—The State will establish a longitudinal data system that includes the elements described in section 6401(e)(2)(D) of the America COMPETES Act (20 U.S.C. 9871).

(4) STANDARDS AND ASSESSMENTS.—The State—

(A) will enhance the quality of the academic assessments it administers pursuant to section 1111(b)(3) of the ESEA (20 U.S.C. 6311(b)(3)) through activities such as those described in section 6112(a) of such Act (20 U.S.C. 7301a(a));

(B) will comply with the requirements of paragraphs (3)(C)(ix) and (6) of section 1111(b) of the ESEA (20 U.S.C. 6311(b)) and section 612(a)(16) of the IDEA (20 U.S.C. 1412(a)(16)) related to the inclusion of children with disabilities and limited English proficient students in State assessments, the development of valid and reliable assessments for those students, and the provision of accommodations that enable their participation in State assessments; and

(C) will take steps to improve State academic content standards and student academic achievement standards consistent with section 6401(e)(1)(9)(A)(ii) of the America COMPETES Act.

(5) SUPPORTING STRUGGLING SCHOOLS.—The State will ensure compliance with the requirements of section 1116(a)(7)(C)(iv) and section 1116(a)(8)(B) of the ESEA with respect to schools identified under such sections.

SEC. 14006. STATE INCENTIVE GRANTS.

(a) IN GENERAL.—

(1) RESERVATION.—From the total amount reserved under section 14001(c) that is not used for section 14007, the Secretary may reserve up to 1 percent for technical assistance to States to assist them in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(2) REMAINDER.—Of the remaining funds, the Secretary shall, in fiscal year 2010, make grants to States that have made significant progress in meeting the objectives of paragraphs (2), (3), (4), and (5) of section 14005(d).

(b) BASIS FOR GRANTS.—The Secretary shall determine which States receive grants under this section, and the amount of those grants, on the basis of information provided in State applications under section 14005 and such other criteria as the Secretary determines appropriate, which may include a State's need for assistance to help meet the objective of paragraphs (2), (3), (4), and (5) of section 14005(d).

(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each State receiving a grant under this section shall use at least 50 percent of the grant to provide local educational agencies in the State with subgrants based on their relative shares of funding under part A of title I of the ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

SEC. 14007. INNOVATION FUND.

(a) IN GENERAL.—

(1) ELIGIBLE ENTITIES.—For the purposes of this section, the term "eligible entity" means—

(A) a local educational agency; or

(B) a partnership between a nonprofit organization and—

(i) one or more local educational agencies; or

(ii) a consortium of schools.

(2) PROGRAM ESTABLISHED.—From the total amount reserved under section 14001(c), the Secretary may reserve up to $650,000,000 to establish an Innovation Fund, which shall consist of academic achievement awards that recognize eligible entities that meet the requirements described in subsection (b).

(3) BASIS FOR AWARDS.—The Secretary shall make awards to eligible entities that have made significant gains in closing the achievement gap as described in subsection (b)(1)—

(A) to allow such eligible entities to expand their work and serve as models for best practices;

(B) to allow such eligible entities to work in partnership with the private sector and the philanthropic community; and

(C) to identify and document best practices that can be shared, and taken to scale based on demonstrated success.

(b) ELIGIBILITY.—To be eligible for such an award, an eligible entity shall—

(1) have significantly closed the achievement gaps between groups of students described in section 1111(b)(2) of the ESEA (20 U.S.C. 6311(b)(2));

(2) have exceeded the State's annual measurable objectives consistent with such section 1111(b)(2) for 2 or more consecutive years or have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section through another measure, such as measures described in section 1111(c)(2) of the ESEA;

(3) have made significant improvement in other areas, such as graduation rates or increased recruitment and placement of high-quality teachers and school leaders, as demonstrated with meaningful data; and

(4) demonstrate that they have established partnerships with the private sector, which may include philanthropic organizations, and that the private sector will provide matching funds in order to help bring results to scale.

(c) SPECIAL RULE.—In the case of an eligible entity that includes a nonprofit organization, the eligible entity shall be considered to have met the eligibility requirements of paragraphs (1), (2), (3) of subsection (b) if such nonprofit organization has a record of meeting such requirements.

SEC. 14008. STATE REPORTS.

For each year of the program under this title, a State receiving funds under this title shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes—

(1) the uses of funds provided under this title within the State;

(2) how the State distributed the funds it received under this title;

(3) the number of jobs that the Governor estimates were saved or created with funds the State received under this title;

(4) tax increases that the Governor estimates were averted because of the availability of funds from this title;

(5) the State's progress in reducing inequities in the distribution of highly qualified teachers, in implementing a State longitudinal data system, and in developing and implementing valid and reliable assessments for limited English proficient students and children with disabilities;

(6) the tuition and fee increases for in-State students imposed by public institutions of higher education in the State during the period of availability of funds under this title, and a description of any actions taken by the State to limit those increases;

(7) the extent to which public institutions of higher education maintained, increased, or decreased enrollment of in-State students, including students eligible for Pell Grants or other need-based financial assistance; and

(8) a description of each modernization, renovation and repair project funded, which shall include the amounts awarded and project costs.

SEC. 14009. EVALUATION.

The Comptroller General of the United States shall conduct evaluations of the programs under sections 14006 and 14007 which shall include, but not be limited to, the criteria used for the awards made, the States selected for awards, award amounts, how each State used the award received, and the impact of this funding on the progress made toward closing achievement gaps.

SEC. 14010. SECRETARY'S REPORT TO CONGRESS.

The Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, not less than 6 months following the submission of State reports, that evaluates the information provided in the State reports under section 14008 and the information required by section 14005(b)(3) including State-by-State information.

SEC. 14011. PROHIBITION ON PROVISION OF CERTAIN ASSISTANCE.

No recipient of funds under this title shall use such funds to provide financial assistance to students to attend private elementary or secondary schools.

SEC. 14012. FISCAL RELIEF.

(a) IN GENERAL.—For the purpose of relieving fiscal burdens on States and local educational agencies that have experienced Waiver authority.

a precipitous decline in financial resources, the Secretary of Education may waive or modify any requirement of this title relating to maintaining fiscal effort.

(b) DURATION.—A waiver or modification under this section shall be for any of fiscal year 2009, fiscal year 2010, or fiscal year 2011, as determined by the Secretary.

(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State or local educational agency receiving such waiver or modification will not provide for elementary and secondary education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State or local educational agency than the amount provided for such purpose in the preceding fiscal year.

(d) MAINTENANCE OF EFFORT.—Upon prior approval from the Secretary, a State or local educational agency that receives funds under this title may treat any portion of such funds that is used for elementary, secondary, or postsecondary education as non-Federal funds for the purpose of any requirement to maintain fiscal effort under any other program, including part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), administered by the Secretary.

(e) SUBSEQUENT LEVEL OF EFFORT.—Notwithstanding (d), the level of effort required by a State or local educational agency for the following fiscal year shall not be reduced.

SEC. 14013. DEFINITIONS.

Except as otherwise provided in this title, as used in this title—

(1) the terms "elementary education" and "secondary education" have the meaning given such terms under State law;

(2) the term "high-need local educational agency" means a local educational agency—

(A) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

(B) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line;

(3) the term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

(4) the term "Secretary" means the Secretary of Education;

(5) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(6) any other term used that is defined in section 9101 of the ESEA (20 U.S.C. 7801) shall have the meaning given the term in such section.

TITLE XV—ACCOUNTABILITY AND TRANSPARENCY

SEC. 1501. DEFINITIONS.

In this title:

(1) AGENCY.—The term "agency" has the meaning given under section 551 of title 5, United States Code.

(2) BOARD.—The term "Board" means the Recovery Accountability and Transparency Board established in section 1521.

(3) CHAIRPERSON.—The term "Chairperson" means the Chairperson of the Board.

(4) COVERED FUNDS.—The term "covered funds" means any funds that are expended or obligated from appropriations made under this Act.

(5) PANEL.—The term "Panel" means the Recovery Independent Advisory Panel established in section 1541.

Subtitle A—Transparency and Oversight Requirements

SEC. 1511. CERTIFICATIONS.

With respect to covered funds made available to State or local governments for infrastructure investments, the Governor, mayor, or other chief executive, as appropriate, shall certify that the infrastructure investment has received the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Such certification shall include a description of the investment, the estimated total cost, and the amount of covered funds to be used, and shall be posted on a website and linked to the website established by section 1526. A State or local agency may not receive infrastructure investment funding from funds made available in this Act unless this certification is made and posted.

Web posting.

SEC. 1512. REPORTS ON USE OF FUNDS.

Jobs Accountability Act.

(a) SHORT TITLE.—This section may be cited as the "Jobs Accountability Act".

(b) DEFINITIONS.—In this section:

(1) RECIPIENT.—The term "recipient"—

(A) means any entity that receives recovery funds directly from the Federal Government (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(2) RECOVERY FUNDS.—The term "recovery funds" means any funds that are made available from appropriations made under this Act.

(c) RECIPIENT REPORTS.—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from a Federal agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity;

(D) an estimate of the number of jobs created and the number of jobs retained by the project or activity; and

(E) for infrastructure investments made by State and local governments, the purpose, total cost, and rationale of the agency for funding the infrastructure investment with funds made available under this Act, and name of the person to contact at the agency if there are concerns with the infrastructure investment.

(4) Detailed information on any subcontracts or subgrants awarded by the recipient to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

(d) AGENCY REPORTS.—Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) OTHER REPORTS.—The Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 45 days after such reports are submitted.

(f) COMPLIANCE.—Within 180 days of enactment, as a condition of receipt of funds under this Act, Federal agencies shall require any recipient of such funds to provide the information required under subsection (c).

(g) GUIDANCE.—Federal agencies, in coordination with the Director of the Office of Management and Budget, shall provide for user-friendly means for recipients of covered funds to meet the requirements of this section.

(h) REGISTRATION.—Funding recipients required to report information per subsection (c)(4) must register with the Central Contractor Registration database or complete other registration requirements as determined by the Director of the Office of Management and Budget.

SEC. 1513. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit quarterly reports to the Committees on Appropriations of the Senate and House of Representatives that detail the impact of programs funded through covered funds on employment, estimated economic growth, and other key economic indicators.

(b) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

Applicability.

(2) LAST REPORT.—The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1530.

SEC. 1514. INSPECTOR GENERAL REVIEWS.

(a) REVIEWS.—Any inspector general of a Federal department or executive agency shall review, as appropriate, any concerns raised by the public about specific investments using funds made available in this Act. Any findings of such reviews not related to an ongoing criminal proceeding shall be relayed immediately to the head of the department or agency concerned. In addition, the findings of such reviews, along with any audits conducted by any inspector general of funds made available in this Act, shall be posted on the inspector general's website and linked to the website established by section 1526, except that portions of reports may be redacted to the extent the portions would disclose information that is protected from public disclosure under sections 552 and 552a of title 5, United States Code. Web posting.

SEC. 1515. ACCESS OF OFFICES OF INSPECTOR GENERAL TO CERTAIN RECORDS AND EMPLOYEES.

(a) ACCESS.—With respect to each contract or grant awarded using covered funds, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1978 (5 U.S.C. App.), is authorized—

(1) to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract, that pertain to, and involve transactions relating to, the contract, subcontract, grant, or subgrant; and

(2) to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.

(b) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be interpreted to limit or restrict in any way any existing authority of an inspector general.

Subtitle B—Recovery Accountability and Transparency Board

SEC. 1521. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

SEC. 1522. COMPOSITION OF BOARD.

(a) CHAIRPERSON.—

(1) DESIGNATION OR APPOINTMENT.—The President shall— President.

(A) designate the Deputy Director for Management of the Office of Management and Budget to serve as Chairperson of the Board;

(B) designate another Federal officer who was appointed by the President to a position that required the advice and consent of the Senate, to serve as Chairperson of the Board; or

(C) appoint an individual as the Chairperson of the Board, by and with the advice and consent of the Senate.

(2) COMPENSATION.—

(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1)(A)

or (B) to serve as Chairperson, that Federal officer may not receive additional compensation for services performed as Chairperson.

(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1)(C), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) MEMBERS.—The members of the Board shall include—

(1) the Inspectors General of the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration; and

(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds.

SEC. 1523. FUNCTIONS OF THE BOARD.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

(2) SPECIFIC FUNCTIONS.—The functions of the Board shall include—

(A) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(B) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters it considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

(D) reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

(E) reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

(F) reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409).

(b) REPORTS.—

(1) FLASH AND OTHER REPORTS.—The Board shall submit to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, reports, to be known as "flash reports", on potential management and funding problems that require immediate attention. The Board also shall submit to Congress such other reports as the Board considers appropriate on the use and benefits of funds made available in this Act.

(2) QUARTERLY REPORTS.—The Board shall submit quarterly reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

(3) ANNUAL REPORTS.—The Board shall submit annual reports to the President and Congress, including the Committees on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

(4) PUBLIC AVAILABILITY.—

Web posting.

(A) IN GENERAL.—All reports submitted under this subsection shall be made publicly available and posted on the website established by section 1526.

(B) REDACTIONS.—Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

(A) whether the agency agrees or disagrees with the recommendations; and

(B) any actions the agency will take to implement the recommendations.

SEC. 1524. POWERS OF THE BOARD.

Audits.

(a) IN GENERAL.—The Board shall conduct audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agency to avoid duplication and overlap of work.

(b) AUDITS AND REVIEWS.—The Board may—

(1) conduct its own independent audits and reviews relating to covered funds; and

(2) collaborate on audits and reviews relating to covered funds with any inspector general of an agency.

(c) AUTHORITIES.—

(1) AUDITS AND REVIEWS.—In conducting audits and reviews, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.). Additionally, the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) STANDARDS AND GUIDELINES.—The Board shall carry out the powers under subsections (a) and (b) in accordance

with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) PUBLIC HEARINGS.—The Board may hold public hearings and Board personnel may conduct necessary inquiries. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits, reviews, or other activities related to oversight by the Board of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

SEC. 1525. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.

(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term "Chairperson of the Board" shall be substituted for the term "head of a temporary organization".

(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

(B) no period of appointment may exceed the date on which the Board terminates under section 1530.

(b) INFORMATION AND ASSISTANCE.—

(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report

the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay.

(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 1526. BOARD WEBSITE.

(a) ESTABLISHMENT.—The Board shall establish and maintain, no later than 30 days after enactment of this Act, a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds. Deadline. Public information.

(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following: Contracts. Grants.

(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

(2) The website shall provide accountability information, including findings from audits, inspectors general, and the Government Accountability Office.

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds.

(4) The website shall provide detailed data on contracts awarded by the Federal Government that expend covered funds, including information about the competitiveness of the contracting process, information about the process that was used for the award of contracts, and for contracts over $500,000 a summary of the contract.

(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

(7) The website shall include detailed information on Federal Government contracts and grants that expend covered funds, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282), allowing aggregate reporting on awards below $25,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

(8) The website shall provide a link to estimates of the jobs sustained or created by the Act.

(9) The website shall provide a link to information about announcements of grant competitions and solicitations for contracts to be awarded.

(10) The website shall include appropriate links to other government websites with information concerning covered funds, including Federal agency and State websites.

Plans.

(11) The website shall include a plan from each Federal agency for using funds made available in this Act to the agency.

(12) The website shall provide information on Federal allocations of formula grants and awards of competitive grants using covered funds.

(13) The website shall provide information on Federal allocations of mandatory and other entitlement programs by State, county, or other appropriate geographical unit.

(14) To the extent practical, the website shall provide, organized by the location of the job opportunities involved, links to and information about how to access job opportunities, including, if possible, links to or information about local employment agencies, job banks operated by State workforce agencies, the Department of Labor's CareerOneStop website, State, local and other public agencies receiving Federal funding, and private firms contracted to perform work with Federal funding, in order to direct job seekers to job opportunities created by this Act.

(15) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

SEC. 1527. INDEPENDENCE OF INSPECTORS GENERAL.

(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

Deadline. Reports.

(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part. The inspector general's decision shall be final.

SEC. 1528. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Comptroller General of the United States and State auditors.

SEC. 1529. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this subtitle.

SEC. 1530. TERMINATION OF THE BOARD.

The Board shall terminate on September 30, 2013.

Subtitle C—Recovery Independent Advisory Panel

SEC. 1541. ESTABLISHMENT OF RECOVERY INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established the Recovery Independent Advisory Panel.

(b) MEMBERSHIP.—The Panel shall be composed of 5 members who shall be appointed by the President. President.

(c) QUALIFICATIONS.—Members shall be appointed on the basis of expertise in economics, public finance, contracting, accounting, or any other relevant field.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting. Deadline.

(e) MEETINGS.—The Panel shall meet at the call of the Chairperson of the Panel.

(f) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among its members.

SEC. 1542. DUTIES OF THE PANEL.

The Panel shall make recommendations to the Board on actions the Board could take to prevent fraud, waste, and abuse relating to covered funds. Recommendations.

SEC. 1543. POWERS OF THE PANEL.

(a) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any agency such information as the Panel considers necessary to carry out this subtitle. Upon request of the Chairperson of the Panel, the head of such agency shall furnish such information to the Panel.

(c) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as agencies of the Federal Government.

(d) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

SEC. 1544. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Panel with administrative support services, including the provision of office space and facilities.

SEC. 1545. TERMINATION OF THE PANEL.

The Panel shall terminate on September 30, 2013.

SEC. 1546. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this subtitle.

Subtitle D—Additional Accountability and Transparency Requirements

SEC. 1551. AUTHORITY TO ESTABLISH SEPARATE FUNDING ACCOUNTS.

Waiver authority.

Although this Act provides supplemental appropriations for programs, projects, and activities in existing Treasury accounts,

to facilitate tracking these funds through Treasury and agency accounting systems, the Secretary of the Treasury shall ensure that all funds appropriated in this Act shall be established in separate Treasury accounts, unless a waiver from this provision is approved by the Director of the Office of Management and Budget.

SEC. 1552. SET-ASIDE FOR STATE AND LOCAL GOVERNMENT REPORTING AND RECORDKEEPING.

Federal agencies receiving funds under this Act, may, after following the notice and comment rulemaking requirements under the Administrative Procedures Act (5 U.S.C. 500), reasonably adjust applicable limits on administrative expenditures for Federal awards to help award recipients defray the costs of data collection requirements initiated pursuant to this Act.

SEC. 1553. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)— Deadline.

Determination.

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

Reports.

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the inspector general provides a written explanation (subject to the authority to exclude information under paragraph (4)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension.

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (4)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(3) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph.

(4) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the investigation file of

the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the "Privacy Act"). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(3), the person alleging the reprisal and the non-Federal employer shall have access to the investigative file of the inspector general in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation, unless the inspector general determines that disclosure of law enforcement techniques, procedures, or information could reasonably be expected to risk circumvention of the law or disclose the identity of a confidential source.

(5) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The head of an agency may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

Deadline.
Determination.
Relief orders.

(2) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

Deadlines.

(3) CIVIL ACTION.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(4) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (2), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (2) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

Deadline.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this section:

(1) ABUSE OF AUTHORITY.—The term "abuse of authority" means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term "covered funds" means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term "employee"—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term "non-Federal employer"—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor,

subcontractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term "State or local government" means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SEC. 1554. SPECIAL CONTRACTING PROVISIONS.

To the maximum extent possible, contracts funded under this Act shall be awarded as fixed-price contracts through the use of competitive procedures. A summary of any contract awarded with such funds that is not fixed-price and not awarded using competitive procedures shall be posted in a special section of the website established in section 1526.

TITLE XVI—GENERAL PROVISIONS—THIS ACT

RELATIONSHIP TO OTHER APPROPRIATIONS

SEC. 1601. Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329).

PREFERENCE FOR QUICK-START ACTIVITIES

SEC. 1602. In using funds made available in this Act for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit.

PERIOD OF AVAILABILITY

SEC. 1603. All funds appropriated in this Act shall remain available for obligation until September 30, 2010, unless expressly provided otherwise in this Act.

LIMIT ON FUNDS

SEC. 1604. None of the funds appropriated or otherwise made available in this Act may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

BUY AMERICAN

SEC. 1605. USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS. (a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

Waiver authority.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

Federal Register, publication.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

Applicability.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

WAGE RATE REQUIREMENTS

Contracts.

SEC. 1606. Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

ADDITIONAL FUNDING DISTRIBUTION AND ASSURANCE OF APPROPRIATE USE OF FUNDS

Deadline.

SEC. 1607. (a) CERTIFICATION BY GOVERNOR.—Not later than 45 days after the date of enactment of this Act, for funds provided to any State or agency thereof, the Governor of the State shall certify that: (1) the State will request and use funds provided by this Act; and (2) the funds will be used to create jobs and promote economic growth.

(b) ACCEPTANCE BY STATE LEGISLATURE.—If funds provided to any State in any division of this Act are not accepted for use by the Governor, then acceptance by the State legislature, by means of the adoption of a concurrent resolution, shall be sufficient to provide funding to such State.

(c) DISTRIBUTION.—After the adoption of a State legislature's concurrent resolution, funding to the State will be for distribution to local governments, councils of government, public entities, and public-private entities within the State either by formula or at the State's discretion.

ECONOMIC STABILIZATION CONTRACTING

SEC. 1608. REFORM OF CONTRACTING PROCEDURES UNDER EESA. Section 107(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5217(b)) is amended by inserting "and individuals with disabilities and businesses owned by individuals with disabilities (for purposes of this subsection the term 'individual with disability' has the same meaning as the term 'handicapped individual' as that term is defined in section 3(f) of the Small Business Act (15 U.S.C. 632(f))," after "(12 U.S.C. 1441a(r)(4)),".

SEC. 1609. (a) FINDINGS.—

(1) The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;

(2) When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the "direction" for the country to "regain a productive harmony between man and nature";

(3) The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

(b) Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

President. Reports. Deadlines.

(c) The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days following the date of enactment until September 30, 2011 on the status and progress of projects and activities funded by this Act with respect to compliance with National Environmental Policy Act requirements and documentation.

SEC. 1610. (a) None of the funds appropriated or otherwise made available by this Act, for projects initiated after the effective date of this Act, may be used by an executive agency to enter into any Federal contract unless such contract is entered into in accordance with the Federal Property and Administrative Services Act (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

(b) All projects to be conducted under the authority of the Indian Self-Determination and Education Assistance Act, the Tribally-Controlled Schools Act, the Sanitation and Facilities Act, the

Native American Housing and Self-Determination Assistance Act and the Buy-Indian Act shall be identified by the appropriate Secretary and the appropriate Secretary shall incorporate provisions to ensure that the agreement conforms with the provisions of this Act regarding the timing for use of funds and transparency, oversight, reporting, and accountability, including review by the Inspectors General, the Accountability and Transparency Board, and Government Accountability Office, consistent with the objectives of this Act.

Employ American Workers Act.

SEC. 1611. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING. (a) SHORT TITLE.—This section may be cited as the "Employ American Workers Act".

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)) unless the recipient is in compliance with the requirements for an H–1B dependent employer (as defined in section 212(n)(3) of such Act (8 U.S.C. 1182(n)(3))), except that the second sentence of section 212(n)(1)(E)(ii) of such Act shall not apply.

(2) DEFINED TERM.—In this subsection, the term "hire" means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 2-year period beginning on the date of the enactment of this Act.

SEC. 1612. During the current fiscal year not to exceed 1 percent of any appropriation made available by this Act may be transferred by an agency head between such appropriations funded in this Act of that department or agency: *Provided,* That such appropriations shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred: *Provided further,* That the agency head shall notify the Committees on Appropriations of the Senate and House of Representatives of the transfer 15 days in advance: *Provided further,* That notice of any transfer made pursuant to this authority be posted on the website established by the Recovery Act Accountability and Transparency Board 15 days following such transfer: *Provided further,* That the authority contained in this section is in addition to transfer authorities otherwise available under current law: *Provided further,* That the authority provided in this section shall not apply to any appropriation that is subject to transfer provisions included elsewhere in this Act.

Notification. Deadline.

Notification. Web posting. Deadline.

DIVISION B—TAX, UNEMPLOYMENT, HEALTH, STATE FISCAL RELIEF, AND OTHER PROVISIONS

TITLE I—TAX PROVISIONS

American Recovery and Reinvestment Tax Act of 2009.

SEC. 1000. SHORT TITLE, ETC.

26 USC 1 note.

(a) SHORT TITLE.—This title may be cited as the "American Recovery and Reinvestment Tax Act of 2009".

26 USC 1 *et seq*.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this title is as follows:

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Sec. 1000. Short title, etc.

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Sec. 1002. Temporary increase in earned income tax credit.
Sec. 1003. Temporary increase of refundable portion of child credit.
Sec. 1004. American opportunity tax credit.
Sec. 1005. Computer technology and equipment allowed as a qualified higher education expense for section 529 accounts in 2009 and 2010.
Sec. 1006. Extension of and increase in first-time homebuyer credit; waiver of requirement to repay.
Sec. 1007. Suspension of tax on portion of unemployment compensation.
Sec. 1008. Additional deduction for State sales tax and excise tax on the purchase of certain motor vehicles.

PART II—ALTERNATIVE MINIMUM TAX RELIEF

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Subtitle B—Energy Incentives

PART I—RENEWABLE ENERGY INCENTIVES

Sec. 1101. Extension of credit for electricity produced from certain renewable resources.
Sec. 1102. Election of investment credit in lieu of production credit.
Sec. 1103. Repeal of certain limitations on credit for renewable energy property.
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PART II—INCREASED ALLOCATIONS OF NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS

Sec. 1111. Increased limitation on issuance of new clean renewable energy bonds.
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PART III—ENERGY CONSERVATION INCENTIVES

Sec. 1121. Extension and modification of credit for nonbusiness energy property.
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PART IV—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

Sec. 1131. Application of monitoring requirements to carbon dioxide used as a tertiary injectant.

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Sec. 1232. Modifications of rules for original issue discount on certain high yield obligations.

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Subtitle A—Tax Relief for Individuals and Families

PART I—GENERAL TAX RELIEF

SEC. 1001. MAKING WORK PAY CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by inserting after section 36 the following new section:

"SEC. 36A. MAKING WORK PAY CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed

by this subtitle for the taxable year an amount equal to the lesser of—

"(1) 6.2 percent of earned income of the taxpayer, or

"(2) $400 ($800 in the case of a joint return).

"(b) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(1) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph and subsection (c)) for the taxable year shall be reduced (but not below zero) by 2 percent of so much of the taxpayer's modified adjusted gross income as exceeds $75,000 ($150,000 in the case of a joint return).

"(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) REDUCTION FOR CERTAIN OTHER PAYMENTS.—The credit allowed under subsection (a) for any taxable year shall be reduced by the amount of any payments received by the taxpayer during such taxable year under section 2201, and any credit allowed to the taxpayer under section 2202, of the American Recovery and Reinvestment Tax Act of 2009.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—

"(A) IN GENERAL.—The term 'eligible individual' means any individual other than—

"(i) any nonresident alien individual,

"(ii) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

"(iii) an estate or trust.

"(B) IDENTIFICATION NUMBER REQUIREMENT.—Such term shall not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's social security account number, and

"(ii) in the case of a joint return, the social security account number of one of the taxpayers on such return.

For purposes of the preceding sentence, the social security account number shall not include a TIN issued by the Internal Revenue Service.

"(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

"(e) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2010.".

26 USC 36A note.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section with respect to taxable years beginning in 2009 and 2010. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession. Effective dates.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section for taxable years beginning in 2009 and 2010 if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession. Effective dates.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 36A of the Internal Revenue Code of 1986 (as added by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 36A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, 26 USC 36A note.

for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

26 USC 6213. (d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2) is amended by striking "and" at the end of subparagraph (L)(ii), by striking the period at the end of subparagraph (M) and inserting ", and", and by adding at the end the following new subparagraph:

"(N) an omission of the reduction required under section 36A(c) with respect to the credit allowed under section 36A or an omission of the correct social security account number required under section 36A(d)(1)(B).".

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting "36A," after "36,".

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting "36A," after "36,".

(3) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 36 the following new item:

"Sec. 36A. Making work pay credit.".

26 USC 36A note. (f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

SEC. 1002. TEMPORARY INCREASE IN EARNED INCOME TAX CREDIT.

26 USC 32. (a) IN GENERAL.—Subsection (b) of section 32 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

"(A) INCREASED CREDIT PERCENTAGE FOR 3 OR MORE QUALIFYING CHILDREN.—In the case of a taxpayer with 3 or more qualifying children, the credit percentage is 45 percent.

"(B) REDUCTION OF MARRIAGE PENALTY.—

"(i) IN GENERAL.—The dollar amount in effect under paragraph (2)(B) shall be $5,000.

"(ii) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in 2010, the $5,000 amount in clause (i) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Applicability. "(iii) ROUNDING.—Subparagraph (A) of subsection (j)(2) shall apply after taking into account any increase under clause (ii).".

26 USC 32 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1003. TEMPORARY INCREASE OF REFUNDABLE PORTION OF CHILD CREDIT.

(a) IN GENERAL.—Paragraph (4) of section 24(d) is amended to read as follows: 26 USC 24.

"(4) SPECIAL RULE FOR 2009 AND 2010.—Notwithstanding paragraph (3), in the case of any taxable year beginning in 2009 or 2010, the dollar amount in effect for such taxable year under paragraph (1)(B)(i) shall be $3,000.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 24 note.

SEC. 1004. AMERICAN OPPORTUNITY TAX CREDIT.

(a) IN GENERAL.—Section 25A (relating to Hope scholarship credit) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) AMERICAN OPPORTUNITY TAX CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

"(1) INCREASE IN CREDIT.—The Hope Scholarship Credit shall be an amount equal to the sum of—

"(A) 100 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed $2,000, plus

"(B) 25 percent of such expenses so paid as exceeds $2,000 but does not exceed $4,000.

"(2) CREDIT ALLOWED FOR FIRST 4 YEARS OF POST-SECONDARY EDUCATION.—Subparagraphs (A) and (C) of subsection (b)(2) shall be applied by substituting '4' for '2'. Applicability.

"(3) QUALIFIED TUITION AND RELATED EXPENSES TO INCLUDE REQUIRED COURSE MATERIALS.—Subsection (f)(1)(A) shall be applied by substituting 'tuition, fees, and course materials' for 'tuition and fees'.

"(4) INCREASE IN AGI LIMITS FOR HOPE SCHOLARSHIP CREDIT.—In lieu of applying subsection (d) with respect to the Hope Scholarship Credit, such credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

"(A) the excess of—

"(i) the taxpayer's modified adjusted gross income (as defined in subsection (d)(3)) for such taxable year, over

"(ii) $80,000 ($160,000 in the case of a joint return), bears to

"(B) $10,000 ($20,000 in the case of a joint return).

"(5) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 26, 25B, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

"(6) PORTION OF CREDIT MADE REFUNDABLE.—40 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after application of paragraph (4) and without regard to this paragraph and section 26(a)(2) or paragraph (5), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.

"(7) COORDINATION WITH MIDWESTERN DISASTER AREA BENEFITS.—In the case of a taxpayer with respect to whom section 702(a)(1)(B) of the Heartland Disaster Tax Relief Act of 2008 applies for any taxable year, such taxpayer may elect to waive the application of this subsection to such taxpayer for such taxable year.".

(b) CONFORMING AMENDMENTS.—

26 USC 24.

(1) Section 24(b)(3)(B) is amended by inserting "25A(i)," after "23,".

(2) Section 25(e)(1)(C)(ii) is amended by inserting "25A(i)," after "24,".

(3) Section 26(a)(1) is amended by inserting "25A(i)," after "24,".

(4) Section 25B(g)(2) is amended by inserting "25A(i)," after "23,".

(5) Section 904(i) is amended by inserting "25A(i)," after "24,".

(6) Section 1400C(d)(2) is amended by inserting "25A(i)," after "24,".

(7) Section 6211(b)(4)(A) is amended by inserting "25A by reason of subsection (i)(6) thereof," after "24(d),".

(8) Section 1324(b)(2) of title 31, United States Code, is amended by inserting "25A," before "35".

26 USC 25A note.

(c) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

Effective dates.

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of section 25A(i)(6) of the Internal Revenue Code of 1986 (as added by this section) with respect to taxable years beginning in 2009 and 2010. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

Effective dates.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the application of section 25A(i)(6) of such Code (as so added) for taxable years beginning in 2009 and 2010 if a mirror code tax

system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—Section 25A(i)(6) of such Code (as added by this section) shall not apply to a bona fide resident of any possession of the United States.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term "possession of the United States" includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 25A of the Internal Revenue Code of 1986 by reason of subsection (i)(6) of such section (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 24 note.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates. 26 USC 24 note.

(f) TREASURY STUDIES REGARDING EDUCATION INCENTIVES.—

(1) STUDY REGARDING COORDINATION WITH NON-TAX STUDENT FINANCIAL ASSISTANCE.—The Secretary of the Treasury and the Secretary of Education, or their delegates, shall—

(A) study how to coordinate the credit allowed under section 25A of the Internal Revenue Code of 1986 with the Federal Pell Grant program under section 401 of the Higher Education Act of 1965 to maximize their effectiveness at promoting college affordability, and

(B) examine ways to expedite the delivery of the tax credit.

(2) STUDY REGARDING INCLUSION OF COMMUNITY SERVICE REQUIREMENTS.—The Secretary of the Treasury and the Secretary of Education, or their delegates, shall study the feasibility of requiring including community service as a condition of taking their tuition and related expenses into account under section 25A of the Internal Revenue Code of 1986.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the studies conducted under this paragraph.

SEC. 1005. COMPUTER TECHNOLOGY AND EQUIPMENT ALLOWED AS A QUALIFIED HIGHER EDUCATION EXPENSE FOR SECTION 529 ACCOUNTS IN 2009 AND 2010.

26 USC 529.

(a) IN GENERAL.—Section 529(e)(3)(A) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii), and by adding at the end the following:

"(iii) expenses paid or incurred in 2009 or 2010 for the purchase of any computer technology or equipment (as defined in section 170(e)(6)(F)(i)) or Internet access and related services, if such technology, equipment, or services are to be used by the beneficiary and the beneficiary's family during any of the years the beneficiary is enrolled at an eligible educational institution.

Clause (iii) shall not include expenses for computer software designed for sports, games, or hobbies unless the software is predominantly educational in nature.".

26 USC 529 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred after December 31, 2008.

SEC. 1006. EXTENSION OF AND INCREASE IN FIRST-TIME HOMEBUYER CREDIT; WAIVER OF REQUIREMENT TO REPAY.

(a) EXTENSION.—

(1) IN GENERAL.—Section 36(h) is amended by striking "July 1, 2009" and inserting "December 1, 2009".

(2) CONFORMING AMENDMENT.—Section 36(g) is amended by striking "July 1, 2009" and inserting "December 1, 2009".

(b) INCREASE.—

(1) IN GENERAL.—Section 36(b) is amended by striking "$7,500" each place it appears and inserting "$8,000".

(2) CONFORMING AMENDMENT.—Section 36(b)(1)(B) is amended by striking "$3,750" and inserting "$4,000".

(c) WAIVER OF RECAPTURE.—

(1) IN GENERAL.—Paragraph (4) of section 36(f) is amended by adding at the end the following new subparagraph:

"(D) WAIVER OF RECAPTURE FOR PURCHASES IN 2009.—

Time period.

In the case of any credit allowed with respect to the purchase of a principal residence after December 31, 2008, and before December 1, 2009—

"(i) paragraph (1) shall not apply, and

Applicability.

"(ii) paragraph (2) shall apply only if the disposition or cessation described in paragraph (2) with respect to such residence occurs during the 36-month period beginning on the date of the purchase of such residence by the taxpayer.".

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 is amended by striking "subsection (c)" and inserting "subsections (c) and (f)(4)(D)".

(d) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—

(1) IN GENERAL.—Subsection (e) of section 1400C is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH NATIONAL FIRST-TIME HOMEBUYERS CREDIT.—No credit shall be allowed under this section to any taxpayer with respect to the purchase of a residence after December 31, 2008, and before December 1, 2009, if a credit

Time period.

under section 36 is allowable to such taxpayer (or the taxpayer's spouse) with respect to such purchase.".

(2) CONFORMING AMENDMENT.—Section 36(d) is amended by striking paragraph (1). 26 USC 36.

(e) REMOVAL OF PROHIBITION ON FINANCING BY MORTGAGE REVENUE BONDS.—Section 36(d), as amended by subsection (c)(2), is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after December 31, 2008. 26 USC 36 note.

SEC. 1007. SUSPENSION OF TAX ON PORTION OF UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

"(c) SPECIAL RULE FOR 2009.—In the case of any taxable year beginning in 2009, gross income shall not include so much of the unemployment compensation received by an individual as does not exceed $2,400.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 85 note.

SEC. 1008. ADDITIONAL DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN MOTOR VEHICLES.

(a) IN GENERAL.—Subsection (a) of section 164 is amended by inserting after paragraph (5) the following new paragraph:

"(6) Qualified motor vehicle taxes.".

(b) QUALIFIED MOTOR VEHICLE TAXES.—Subsection (b) of section 164 is amended by adding at the end the following new paragraph:

"(6) QUALIFIED MOTOR VEHICLE TAXES.—

"(A) IN GENERAL.—For purposes of this section, the term 'qualified motor vehicle taxes' means any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle.

"(B) LIMITATION BASED ON VEHICLE PRICE.—The amount of any State or local sales or excise tax imposed on the purchase of a qualified motor vehicle taken into account under subparagraph (A) shall not exceed the portion of such tax attributable to so much of the purchase price as does not exceed $49,500.

"(C) INCOME LIMITATION.—The amount otherwise taken into account under subparagraph (A) (after the application of subparagraph (B)) for any taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so treated as—

"(i) the excess (if any) of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $125,000 ($250,000 in the case of a joint return), bears to

"(ii) $10,000.

For purposes of the preceding sentence, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year (determined without regard to sections 911, 931, and 933).

"(D) QUALIFIED MOTOR VEHICLE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'qualified motor vehicle' means—

"(I) a passenger automobile or light truck which is treated as a motor vehicle for purposes of title II of the Clean Air Act, the gross vehicle weight rating of which is not more than 8,500 pounds, and the original use of which commences with the taxpayer,

"(II) a motorcycle the gross vehicle weight rating of which is not more than 8,500 pounds and the original use of which commences with the taxpayer, and

"(III) a motor home the original use of which commences with the taxpayer.

"(ii) OTHER TERMS.—The terms 'motorcycle' and 'motor home' have the meanings given such terms under section 571.3 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of this paragraph).

"(E) QUALIFIED MOTOR VEHICLE TAXES NOT INCLUDED IN COST OF ACQUIRED PROPERTY.—The last sentence of subsection (a) shall not apply to any qualified motor vehicle taxes.

"(F) COORDINATION WITH GENERAL SALES TAX.—This paragraph shall not apply in the case of a taxpayer who makes an election under paragraph (5) for the taxable year.

"(G) TERMINATION.—This paragraph shall not apply to purchases after December 31, 2009.".

(c) DEDUCTION ALLOWED TO NONITEMIZERS.—

26 USC 63.

(1) IN GENERAL.—Paragraph (1) of section 63(c) is amended by striking "and" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", and", and by adding at the end the following new subparagraph:

"(E) the motor vehicle sales tax deduction.".

(2) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(9) MOTOR VEHICLE SALES TAX DEDUCTION.—For purposes of paragraph (1), the term 'motor vehicle sales tax deduction' means the amount allowable as a deduction under section 164(a)(6). Such term shall not include any amount taken into account under section 62(a).".

(d) TREATMENT OF DEDUCTION UNDER ALTERNATIVE MINIMUM TAX.—The last sentence of section 56(b)(1)(E) is amended by striking "section 63(c)(1)(D)" and inserting "subparagraphs (D) and (E) of section 63(c)(1)".

26 USC 56 note.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases on or after the date of the enactment of this Act in taxable years ending after such date.

PART II—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 1011. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended— 26 USC 26.

(1) by striking "or 2008" and inserting "2008, or 2009", and

(2) by striking "**2008**" in the heading thereof and inserting "**2009**".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 26 note.

SEC. 1012. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($69,950 in the case of taxable years beginning in 2008)" in subparagraph (A) and inserting "($70,950 in the case of taxable years beginning in 2009)", and

(2) by striking "($46,200 in the case of taxable years beginning in 2008)" in subparagraph (B) and inserting "($46,700 in the case of taxable years beginning in 2009)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 55 note.

Subtitle B—Energy Incentives

PART I—RENEWABLE ENERGY INCENTIVES

SEC. 1101. EXTENSION OF CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subsection (d) of section 45 is amended—

(1) by striking "2010" in paragraph (1) and inserting "2013",

(2) by striking "2011" each place it appears in paragraphs (2), (3), (4), (6), (7) and (9) and inserting "2014", and

(3) by striking "2012" in paragraph (11)(B) and inserting "2014".

(b) TECHNICAL AMENDMENT.—Paragraph (5) of section 45(d) is amended by striking "and before" and all that follows and inserting " and before October 3, 2008.".

(c) EFFECTIVE DATE.— 26 USC 45 note.

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendment made by subsection (b) shall take effect as if included in section 102 of the Energy Improvement and Extension Act of 2008.

SEC. 1102. ELECTION OF INVESTMENT CREDIT IN LIEU OF PRODUCTION CREDIT.

(a) IN GENERAL.—Subsection (a) of section 48 is amended by adding at the end the following new paragraph:

"(5) ELECTION TO TREAT QUALIFIED FACILITIES AS ENERGY PROPERTY.—

"(A) IN GENERAL.—In the case of any qualified property which is part of a qualified investment credit facility—

"(i) such property shall be treated as energy property for purposes of this section, and

"(ii) the energy percentage with respect to such property shall be 30 percent.

"(B) DENIAL OF PRODUCTION CREDIT.—No credit shall be allowed under section 45 for any taxable year with respect to any qualified investment credit facility.

"(C) QUALIFIED INVESTMENT CREDIT FACILITY.—For purposes of this paragraph, the term 'qualified investment credit facility' means any of the following facilities if no credit has been allowed under section 45 with respect to such facility and the taxpayer makes an irrevocable election to have this paragraph apply to such facility:

"(i) WIND FACILITIES.—Any qualified facility (within the meaning of section 45) described in paragraph (1) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, or 2012.

"(ii) OTHER FACILITIES.—Any qualified facility (within the meaning of section 45) described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d) if such facility is placed in service in 2009, 2010, 2011, 2012, or 2013.

"(D) QUALIFIED PROPERTY.—For purposes of this paragraph, the term 'qualified property' means property—

"(i) which is—

"(I) tangible personal property, or

"(II) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified investment credit facility, and

"(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.".

26 USC 48 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2008.

SEC. 1103. REPEAL OF CERTAIN LIMITATIONS ON CREDIT FOR RENEWABLE ENERGY PROPERTY.

26 USC 48.

(a) REPEAL OF LIMITATION ON CREDIT FOR QUALIFIED SMALL WIND ENERGY PROPERTY.—Paragraph (4) of section 48(c) is amended by striking subparagraph (B) and by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C).

(b) REPEAL OF LIMITATION ON PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—

(1) IN GENERAL.—Section 48(a)(4) is amended by adding at the end the following new subparagraph:

"(D) TERMINATION.—This paragraph shall not apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).".

(2) CONFORMING AMENDMENTS.—

(A) Section 25C(e)(1) is amended by striking "(8), and (9)" and inserting "and (8)".

(B) Section 25D(e) is amended by striking paragraph (9).

(C) Section 48A(b)(2) is amended by inserting "(without regard to subparagraph (D) thereof)" after "section 48(a)(4)". 26 USC 48A.

(D) Section 48B(b)(2) is amended by inserting "(without regard to subparagraph (D) thereof)" after "section 48(a)(4)".

(c) EFFECTIVE DATE.— Applicability. 26 USC 25C.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to periods after December 31, 2008, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

(2) CONFORMING AMENDMENTS.—The amendments made by subparagraphs (A) and (B) of subsection (b)(2) shall apply to taxable years beginning after December 31, 2008.

SEC. 1104. COORDINATION WITH RENEWABLE ENERGY GRANTS.

Section 48 is amended by adding at the end the following new subsection:

"(d) COORDINATION WITH DEPARTMENT OF TREASURY GRANTS.—In the case of any property with respect to which the Secretary makes a grant under section 1603 of the American Recovery and Reinvestment Tax Act of 2009—

"(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under this section or section 45 with respect to such property for the taxable year in which such grant is made or any subsequent taxable year.

"(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such property for any taxable year ending before such grant is made—

"(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

"(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

"(C) the amount of such grant shall be determined without regard to any reduction in the basis of such property by reason of such credit.

"(3) TREATMENT OF GRANTS.—Any such grant shall—

"(A) not be includible in the gross income of the taxpayer, but

"(B) shall be taken into account in determining the basis of the property to which such grant relates, except that the basis of such property shall be reduced under section 50(c) in the same manner as a credit allowed under subsection (a).".

PART II—INCREASED ALLOCATIONS OF NEW CLEAN RENEWABLE ENERGY BONDS AND QUALIFIED ENERGY CONSERVATION BONDS

SEC. 1111. INCREASED LIMITATION ON ISSUANCE OF NEW CLEAN RENEWABLE ENERGY BONDS.

26 USC 54C.

Subsection (c) of section 54C is amended by adding at the end the following new paragraph:

"(4) ADDITIONAL LIMITATION.—The national new clean renewable energy bond limitation shall be increased by $1,600,000,000. Such increase shall be allocated by the Secretary consistent with the rules of paragraphs (2) and (3).".

SEC. 1112. INCREASED LIMITATION ON ISSUANCE OF QUALIFIED ENERGY CONSERVATION BONDS.

(a) IN GENERAL.—Section 54D(d) is amended by striking "$800,000,000" and inserting "$3,200,000,000".

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—

(1) IN GENERAL.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting "(including the use of loans, grants, or other repayment mechanisms to implement such programs)" after "green community programs".

(2) SPECIAL RULES FOR BONDS FOR IMPLEMENTING GREEN COMMUNITY PROGRAMS.—Subsection (e) of section 54D is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULES FOR BONDS TO IMPLEMENT GREEN COMMUNITY PROGRAMS.—In the case of any bond issued for the purpose of providing loans, grants, or other repayment mechanisms for capital expenditures to implement green community programs, such bond shall not be treated as a private activity bond for purposes of paragraph (3).".

PART III—ENERGY CONSERVATION INCENTIVES

SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

"(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

"(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

"(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed $1,500.".

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows: 26 USC 25C.

"(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.".

(2) CENTRAL AIR CONDITIONERS.—Subparagraph (C) of section 25C(d)(3) is amended by striking "2006" and inserting "2009".

(3) WATER HEATERS.—Subparagraph (D) of section 25C(d)(3) is amended to read as follows:

"(D) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.".

(4) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by inserting ", as measured using a lower heating value" after "75 percent".

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

"(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or".

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

"(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) unless such component is equal to or below a U factor of 0.30 and SHGC of 0.30.".

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting "and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009" after "such dwelling unit". 26 USC 25C.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

(f) EFFECTIVE DATES.— Applicability. 26 USC 25C note.

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by paragraphs (1), (2), and (3) of subsection (b) and subsections (c) and (d) shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1122. MODIFICATION OF CREDIT FOR RESIDENTIAL ENERGY EFFICIENT PROPERTY.

(a) REMOVAL OF CREDIT LIMITATION FOR PROPERTY PLACED IN SERVICE.—

(1) IN GENERAL.—Paragraph (1) of section 25D(b) is amended to read as follows:

"(1) MAXIMUM CREDIT FOR FUEL CELLS.—In the case of any qualified fuel cell property expenditure, the credit allowed under subsection (a) (determined without regard to subsection (c)) for any taxable year shall not exceed $500 with respect to each half kilowatt of capacity of the qualified fuel cell property (as defined in section 48(c)(1)) to which such expenditure relates.".

(2) CONFORMING AMENDMENT.—Paragraph (4) of section 25D(e) is amended—

(A) by striking all that precedes subparagraph (B) and inserting the following:

"(4) FUEL CELL EXPENDITURE LIMITATIONS IN CASE OF JOINT OCCUPANCY.—In the case of any dwelling unit with respect to which qualified fuel cell property expenditures are made and which is jointly occupied and used during any calendar year as a residence by two or more individuals, the following rules shall apply: Regulations. Applicability.

"(A) MAXIMUM EXPENDITURES FOR FUEL CELLS.—The maximum amount of such expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) with respect to which such expenditures relate.", and

(B) by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 25D note.

SEC. 1123. TEMPORARY INCREASE IN CREDIT FOR ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.

(a) IN GENERAL.—Section 30C(e) is amended by adding at the end the following new paragraph: 26 USC 30C.

"(6) SPECIAL RULE FOR PROPERTY PLACED IN SERVICE DURING 2009 AND 2010.—In the case of property placed in service in taxable years beginning after December 31, 2008, and before January 1, 2011—

"(A) in the case of any such property which does not relate to hydrogen— Applicability.

"(i) subsection (a) shall be applied by substituting '50 percent' for '30 percent',

"(ii) subsection (b)(1) shall be applied by substituting '$50,000' for '$30,000', and

"(iii) subsection (b)(2) shall be applied by substituting '$2,000' for '$1,000', and

"(B) in the case of any such property which relates to hydrogen, subsection (b)(1) shall be applied by substituting '$200,000' for '$30,000'.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 30C note.

PART IV—MODIFICATION OF CREDIT FOR CARBON DIOXIDE SEQUESTRATION

SEC. 1131. APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.

(a) IN GENERAL.—Section 45Q(a)(2) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) disposed of by the taxpayer in secure geological storage.".

(b) CONFORMING AMENDMENTS.—

(1) Section 45Q(d)(2) is amended—

(A) by striking "subsection (a)(1)(B)" and inserting "paragraph (1)(B) or (2)(C) of subsection (a)",

(B) by striking "and unminable coal seems" and inserting ", oil and gas reservoirs, and unminable coal seams", and

(C) by inserting "the Secretary of Energy, and the Secretary of the Interior," after "Environmental Protection Agency".

(2) Section 45Q(a)(1)(B) is amended by inserting "and not used by the taxpayer as described in paragraph (2)(B)" after "storage".

(3) Section 45Q(e) is amended by striking "captured and disposed of or used as a tertiary injectant" and inserting "taken into account in accordance with subsection (a)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act. 26 USC 45Q note.

PART V—PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES

SEC. 1141. CREDIT FOR NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

26 USC 30D.

(a) IN GENERAL.—Section 30D is amended to read as follows:

"SEC. 30D. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credit amounts determined under subsection (b) with respect to each new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—

"(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) and (3) with respect to such vehicle.

"(2) BASE AMOUNT.—The amount determined under this paragraph is $2,500.

"(3) BATTERY CAPACITY.—In the case of a vehicle which draws propulsion energy from a battery with not less than 5 kilowatt hours of capacity, the amount determined under this paragraph is $417, plus $417 for each kilowatt hour of capacity in excess of 5 kilowatt hours. The amount determined under this paragraph shall not exceed $5,000.

"(c) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under subpart A (other than this section and sections 23 and 25D) and section 27 for the taxable year.

"(d) NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'new qualified plug-in electric drive motor vehicle' means a motor vehicle—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is made by a manufacturer,

"(D) which is treated as a motor vehicle for purposes of title II of the Clean Air Act,

"(E) which has a gross vehicle weight rating of less than 14,000 pounds, and

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of not less than 4 kilowatt hours, and

"(ii) is capable of being recharged from an external source of electricity.

"(2) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.

"(3) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

"(e) LIMITATION ON NUMBER OF NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE FOR CREDIT.—

"(1) IN GENERAL.—In the case of a new qualified plug-in electric drive motor vehicle sold during the phaseout period, only the applicable percentage of the credit otherwise allowable under subsection (a) shall be allowed.

"(2) PHASEOUT PERIOD.—For purposes of this subsection, the phaseout period is the period beginning with the second calendar quarter following the calendar quarter which includes the first date on which the number of new qualified plug-in electric drive motor vehicles manufactured by the manufacturer of the vehicle referred to in paragraph (1) sold for use in the United States after December 31, 2009, is at least 200,000.

"(3) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 50 percent for the first 2 calendar quarters of the phaseout period,

"(B) 25 percent for the 3d and 4th calendar quarters of the phaseout period, and

"(C) 0 percent for each calendar quarter thereafter.

"(4) CONTROLLED GROUPS.—Rules similar to the rules of section 30B(f)(4) shall apply for purposes of this subsection. Regulations. Applicability.

"(f) SPECIAL RULES.—

"(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under

subsection (a) shall be reduced by the amount of such credit so allowed.

"(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowed under subsection (a) for such vehicle.

"(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)).

"(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

Regulations. "(5) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(7) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A motor vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

"(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (or applicable air quality provisions of State law in the case of a State which has adopted such provision under a waiver under section 209(b) of the Clean Air Act), and

"(B) the motor vehicle safety provisions of sections 30101 through 30169 of title 49, United States Code.".

(b) CONFORMING AMENDMENTS.—

26 USC 30B. (1) Section 30B(d)(3)(D) is amended by striking "subsection (d) thereof" and inserting "subsection (c) thereof".

(2) Section 38(b)(35) is amended by striking "30D(d)(1)" and inserting "30D(c)(1)".

(3) Section 1016(a)(25) is amended by striking "section 30D(e)(4)" and inserting "section 30D(f)(1)".

(4) Section 6501(m) is amended by striking "section 30D(e)(9)" and inserting "section 30D(e)(4)".

26 USC 30B note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after December 31, 2009.

SEC. 1142. CREDIT FOR CERTAIN PLUG-IN ELECTRIC VEHICLES.

(a) IN GENERAL.—Section 30 is amended to read as follows:

"SEC. 30. CERTAIN PLUG-IN ELECTRIC VEHICLES.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of the cost of any qualified plug-in electric vehicle placed in service by the taxpayer during the taxable year.

"(b) PER VEHICLE DOLLAR LIMITATION.—The amount of the credit allowed under subsection (a) with respect to any vehicle shall not exceed $2,500.

"(c) APPLICATION WITH OTHER CREDITS.—

"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to property of a character subject to an allowance for depreciation shall be treated as a credit listed in section 38(b) for such taxable year (and not allowed under subsection (a)).

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.

"(d) QUALIFIED PLUG-IN ELECTRIC VEHICLE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified plug-in electric vehicle' means a specified vehicle—

"(A) the original use of which commences with the taxpayer,

"(B) which is acquired for use or lease by the taxpayer and not for resale,

"(C) which is made by a manufacturer,

"(D) which is manufactured primarily for use on public streets, roads, and highways,

"(E) which has a gross vehicle weight rating of less than 14,000 pounds, and

"(F) which is propelled to a significant extent by an electric motor which draws electricity from a battery which—

"(i) has a capacity of not less than 4 kilowatt hours (2.5 kilowatt hours in the case of a vehicle with 2 or 3 wheels), and

"(ii) is capable of being recharged from an external source of electricity.

"(2) SPECIFIED VEHICLE.—The term 'specified vehicle' means any vehicle which—

"(A) is a low speed vehicle within the meaning of section 571.3 of title 49, Code of Federal Regulations (as in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009), or

"(B) has 2 or 3 wheels.

"(3) MANUFACTURER.—The term 'manufacturer' has the meaning given such term in regulations prescribed by the Administrator of the Environmental Protection Agency for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

"(4) BATTERY CAPACITY.—The term 'capacity' means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

"(e) SPECIAL RULES.—

"(1) BASIS REDUCTION.—For purposes of this subtitle, the basis of any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

"(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a new qualified plug-in electric drive motor vehicle shall be reduced by the amount of credit allowable under subsection (a) for such vehicle.

"(3) PROPERTY USED BY TAX-EXEMPT ENTITY.—In the case of a vehicle the use of which is described in paragraph (3) or (4) of section 50(b) and which is not subject to a lease, the person who sold such vehicle to the person or entity using such vehicle shall be treated as the taxpayer that placed such vehicle in service, but only if such person clearly discloses to such person or entity in a document the amount of any credit allowable under subsection (a) with respect to such vehicle (determined without regard to subsection (c)).

"(4) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property referred to in section 50(b)(1).

Regulations.

"(5) RECAPTURE.—The Secretary shall, by regulations, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible for such credit.

"(6) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle if the taxpayer elects to not have this section apply to such vehicle.

"(f) TERMINATION.—This section shall not apply to any vehicle acquired after December 31, 2011.".

(b) CONFORMING AMENDMENTS.—

26 USC 24.

(1)(A) Section 24(b)(3)(B) is amended by inserting "30," after "25D,".

(B) Section 25(e)(1)(C)(ii) is amended by inserting "30," after "25D,".

(C) Section 25B(g)(2) is amended by inserting "30," after "25D,".

(D) Section 26(a)(1) is amended by inserting "30," after "25D,".

(E) Section 904(i) is amended by striking "and 25B" and inserting "25B, 30, and 30D".

(F) Section 1400C(d)(2) is amended by striking "and 25D" and inserting "25D, and 30".

(2) Paragraph (1) of section 30B(h) is amended to read as follows:

"(1) MOTOR VEHICLE.—The term 'motor vehicle' means any vehicle which is manufactured primarily for use on public

streets, roads, and highways (not including a vehicle operated exclusively on a rail or rails) and which has at least 4 wheels.".

(3) Section 30C(d)(2)(A) is amended by striking ", 30,". 26 USC 30C.

(4)(A) Section 53(d)(1)(B) is amended by striking clause (iii) and redesignating clause (iv) as clause (iii).

(B) Subclause (II) of section 53(d)(1)(B)(iii), as so redesignated, is amended by striking "increased in the manner provided in clause (iii)".

(5) Section 55(c)(3) is amended by striking "30(b)(3),".

(6) Section 1016(a)(25) is amended by striking "section 30(d)(1)" and inserting "section 30(e)(1)".

(7) Section 6501(m) is amended by striking "section 30(d)(4)" and inserting "section 30(e)(6)".

(8) The item in the table of sections for subpart B of part IV of subchapter A of chapter 1 is amended to read as follows:

"Sec. 30. Certain plug-in electric vehicles.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vehicles acquired after the date of the enactment of this Act. 26 USC 24 note.

(d) TRANSITIONAL RULE.—In the case of a vehicle acquired after the date of the enactment of this Act and before January 1, 2010, no credit shall be allowed under section 30 of the Internal Revenue Code of 1986, as added by this section, if credit is allowable under section 30D of such Code with respect to such vehicle. Time period. 26 USC 30 note.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates. 26 USC 24 note.

SEC. 1143. CONVERSION KITS.

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) PLUG-IN CONVERSION CREDIT.—

"(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed $40,000.

"(2) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—For purposes of this subsection, the term 'qualified plug-in electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D, determined without regard to whether such vehicle is made by a manufacturer or whether the original use of such vehicle commences with the taxpayer).

"(3) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

"(4) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2011.".

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following new paragraph:

26 USC 30B.

"(5) the plug-in conversion credit determined under subsection (i).".

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: ", except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

26 USC 30B note.

SEC. 1144. TREATMENT OF ALTERNATIVE MOTOR VEHICLE CREDIT AS A PERSONAL CREDIT ALLOWED AGAINST AMT.

(a) IN GENERAL.—Paragraph (2) of section 30B(g) is amended to read as follows:

"(2) PERSONAL CREDIT.—

"(A) IN GENERAL.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.

"(B) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall not exceed the excess of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under subpart A (other than this section and sections 23, 25D, 30, and 30D) and section 27 for the taxable year.".

(b) CONFORMING AMENDMENTS.—

(1)(A) Section 24(b)(3)(B), as amended by this Act, is amended by inserting "30B," after "30,".

(B) Section 25(e)(1)(C)(ii), as amended by this Act, is amended by inserting "30B," after "30,".

(C) Section 25B(g)(2), as amended by this Act, is amended by inserting "30B," after "30,".

(D) Section 26(a)(1), as amended by this Act, is amended by inserting "30B," after "30,".

(E) Section 904(i), as amended by this Act, is amended by inserting "30B," after "30".

(F) Section 1400C(d)(2), as amended by this Act, is amended by striking "and 30" and inserting "30, and 30B".

(2) Section 30C(d)(2)(A), as amended by this Act, is amended by striking "sections 27 and 30B" and inserting "section 27".

(3) Section 55(c)(3) is amended by striking "30B(g)(2),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 24 note.

(d) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1)(A) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provision of such Act to which such amendment relates. 26 USC 24 note.

PART VI—PARITY FOR TRANSPORTATION FRINGE BENEFITS

SEC. 1151. INCREASED EXCLUSION AMOUNT FOR COMMUTER TRANSIT BENEFITS AND TRANSIT PASSES.

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by adding at the end the following flush sentence: 26 USC 132.

"In the case of any month beginning on or after the date of the enactment of this sentence and before January 1, 2011, subparagraph (A) shall be applied as if the dollar amount therein were the same as the dollar amount in effect for such month under subparagraph (B).". Applicability.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning on or after the date of the enactment of this section. 26 USC 132 note.

Subtitle C—Tax Incentives for Business

PART I—TEMPORARY INVESTMENT INCENTIVES

SEC. 1201. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) EXTENSION OF SPECIAL ALLOWANCE.—

(1) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(A) by striking "January 1, 2010" and inserting "January 1, 2011", and

(B) by striking "January 1, 2009" each place it appears and inserting "January 1, 2010".

(2) CONFORMING AMENDMENTS.—

(A) The heading for subsection (k) of section 168 is amended by striking "JANUARY 1, 2009" and inserting "JANUARY 1, 2010".

(B) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking "PRE-JANUARY 1, 2009" and inserting "PRE-JANUARY 1, 2010".

(C) Subparagraph (B) of section 168(l)(5) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(D) Subparagraph (C) of section 168(n)(2) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(E) Subparagraph (B) of section 1400N(d)(3) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

(3) TECHNICAL AMENDMENTS.—

(A) Subparagraph (D) of section 168(k)(4) is amended—

(i) by striking "and" at the end of clause (i),

(ii) by redesignating clause (ii) as clause (iii), and

(iii) by inserting after clause (i) the following new clause:

"(ii) 'April 1, 2008' shall be substituted for 'January 1, 2008' in subparagraph (A)(iii)(I) thereof, and".

26 USC 6211.

(B) Subparagraph (A) of section 6211(b)(4) is amended by inserting "168(k)(4)," after "53(e),".

(b) EXTENSION OF ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—

(1) IN GENERAL.—Section 168(k)(4) (relating to election to accelerate the AMT and research credits in lieu of bonus depreciation) is amended—

(A) by striking "2009" and inserting "2010"in subparagraph (D)(iii) (as redesignated by subsection (a)(3)), and

(B) by adding at the end the following new subparagraph:

"(H) SPECIAL RULES FOR EXTENSION PROPERTY.—

"(i) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008—

"(I) the taxpayer may elect not to have this paragraph apply to extension property, but

"(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer a separate bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is extension property and to eligible qualified property which is not extension property.

"(ii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who did not make the election under subparagraph (A) for its first taxable year ending after March 31, 2008—

"(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2008, and each subsequent taxable year, and

"(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is extension property.

"(iii) EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 1201(a) of the American Recovery and Reinvestment Tax Act of 2009 (and the application of such extension to this paragraph pursuant to the amendment made by section 1201(b)(1) of such Act).".

(2) TECHNICAL AMENDMENT.—Section 6211(b)(4)(A) is amended by inserting "168(k)(4)," after "53(e),".

Applicability.
26 USC 168 note.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (a)(3) and (b)(2) shall apply to taxable years ending after March 31, 2008.

SEC. 1202. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended— 26 USC 179.

(1) by striking "2008" and inserting "2008, or 2009", and

(2) by striking "2008" in the heading thereof and inserting "2008, AND 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008. 26 USC 179 note.

PART II—SMALL BUSINESS PROVISIONS

SEC. 1211. 5-YEAR CARRYBACK OF OPERATING LOSSES OF SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

"(H) CARRYBACK FOR 2008 NET OPERATING LOSSES OF SMALL BUSINESSES.—

"(i) IN GENERAL.—If an eligible small business elects the application of this subparagraph with respect to an applicable 2008 net operating loss— Applicability.

"(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

"(III) subparagraph (F) shall not apply.

"(ii) APPLICABLE 2008 NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable 2008 net operating loss' means—

"(I) the taxpayer's net operating loss for any taxable year ending in 2008, or

"(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer's net operating loss for any taxable year beginning in 2008.

"(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable. Any election under this subparagraph may be made only with respect to 1 taxable year.

"(iv) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' has the meaning given such term by subparagraph Applicability.

(F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting '$15,000,000' for '$5,000,000' each place it appears.".

26 USC 172. (b) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k) and by redesignating subsection (l) as subsection (k).

26 USC 172 note. (c) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

26 USC 172 note. (d) EFFECTIVE DATE.—

Applicability. (1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) TRANSITIONAL RULE.—In the case of a net operating loss for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(b)(1)(H) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

Definition. For purposes of this paragraph, the term "applicable date" means the date which is 60 days after the date of the enactment of this Act.

SEC. 1212. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR 2009.—

Applicability. "(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '90 percent' for '100 percent'.

"(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

"(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

Certification. "(II) such individual certifies that more than 50 percent of the gross income shown on the return of such individual for the preceding taxable year was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

"(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

"(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

"(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).".

PART III—INCENTIVES FOR NEW JOBS

SEC. 1221. INCENTIVES TO HIRE UNEMPLOYED VETERANS AND DISCONNECTED YOUTH.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph: 26 USC 51.

"(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS AND DISCONNECTED YOUTH HIRED IN 2009 OR 2010.—

"(A) IN GENERAL.—Any unemployed veteran or disconnected youth who begins work for the employer during 2009 or 2010 shall be treated as a member of a targeted group for purposes of this subpart.

"(B) DEFINITIONS.—For purposes of this paragraph—

"(i) UNEMPLOYED VETERAN.—The term 'unemployed veteran' means any veteran (as defined in paragraph (3)(B), determined without regard to clause (ii) thereof) who is certified by the designated local agency as—

"(I) having been discharged or released from active duty in the Armed Forces at any time during the 5-year period ending on the hiring date, and

"(II) being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.

"(ii) DISCONNECTED YOUTH.—The term 'disconnected youth' means any individual who is certified by the designated local agency—

"(I) as having attained age 16 but not age 25 on the hiring date,

"(II) as not regularly attending any secondary, technical, or post-secondary school during the 6-month period preceding the hiring date,

"(III) as not regularly employed during such 6-month period, and

"(IV) as not readily employable by reason of lacking a sufficient number of basic skills.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2008.

PART IV—RULES RELATING TO DEBT INSTRUMENTS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM BUSINESS INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.

26 USC 108.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

"(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM BUSINESS INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.—

Time periods.

"(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the reacquisition after December 31, 2008, and before January 1, 2011, of an applicable debt instrument shall be includible in gross income ratably over the 5-taxable-year period beginning with—

"(A) in the case of a reacquisition occurring in 2009, the fifth taxable year following the taxable year in which the reacquisition occurs, and

"(B) in the case of a reacquisition occurring in 2010, the fourth taxable year following the taxable year in which the reacquisition occurs.

"(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

"(A) IN GENERAL.—If, as part of a reacquisition to which paragraph (1) applies, any debt instrument is issued for the applicable debt instrument being reacquired (or is treated as so issued under subsection (e)(4) and the regulations thereunder) and there is any original issue discount determined under subpart A of part V of subchapter P of this chapter with respect to the debt instrument so issued—

"(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

"(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the reacquisition of the debt instrument is includible under paragraph (1), and

"(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being reacquired, and

"(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the applicable debt

instrument being reacquired, the deductions shall be disallowed in the order in which the original issue discount is accrued.

"(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to reacquire an applicable debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being reacquired. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to reacquire the outstanding instrument.

Regulations.
Applicability.

"(3) APPLICABLE DEBT INSTRUMENT.—For purposes of this subsection—

"(A) APPLICABLE DEBT INSTRUMENT.—The term 'applicable debt instrument' means any debt instrument which was issued by—

"(i) a C corporation, or

"(ii) any other person in connection with the conduct of a trade or business by such person.

"(B) DEBT INSTRUMENT.—The term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

"(4) REACQUISITION.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'reacquisition' means, with respect to any applicable debt instrument, any acquisition of the debt instrument by—

"(i) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

"(ii) a related person to such debtor.

"(B) ACQUISITION.—The term 'acquisition' shall, with respect to any applicable debt instrument, include an acquisition of the debt instrument for cash, the exchange of the debt instrument for another debt instrument (including an exchange resulting from a modification of the debt instrument), the exchange of the debt instrument for corporate stock or a partnership interest, and the contribution of the debt instrument to capital. Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument.

"(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

"(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

"(B) ELECTION.—

"(i) IN GENERAL.—An election under this subsection with respect to any applicable debt instrument shall be made by including with the return of tax imposed by chapter 1 for the taxable year in which the reacquisition of the debt instrument occurs a statement which—

"(I) clearly identifies such instrument, and

"(II) includes the amount of income to which paragraph (1) applies and such other information as the Secretary may prescribe.

"(ii) ELECTION IRREVOCABLE.—Such election, once made, is irrevocable.

"(iii) PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

"(C) COORDINATION WITH OTHER EXCLUSIONS.—If a taxpayer elects to have this subsection apply to an applicable debt instrument, subparagraphs (A), (B), (C), and (D) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

"(D) ACCELERATION OF DEFERRED ITEMS.—

"(i) IN GENERAL.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 or similar case, the day before the petition is filed).

Applicability.

"(ii) SPECIAL RULE FOR PASS-THRU ENTITIES.—The rule of clause (i) shall also apply in the case of the sale or exchange or redemption of an interest in a partnership, S corporation, or other pass- thru entity by a partner, shareholder, or other person holding an ownership interest in such entity.

"(6) SPECIAL RULE FOR PARTNERSHIPS.—In the case of a partnership, any income deferred under this subsection shall be allocated to the partners in the partnership immediately before the discharge in the manner such amounts would have been included in the distributive shares of such partners under section 704 if such income were recognized at such time. Any decrease in a partner's share of partnership liabilities as a result of such discharge shall not be taken into account for purposes of section 752 at the time of the discharge to the extent it would cause the partner to recognize gain under section 731. Any decrease in partnership liabilities deferred under the preceding sentence shall be taken into account by such partner at the same time, and to the extent remaining in the same amount, as income deferred under this subsection is recognized.

"(7) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules, or other guidance as may be necessary or appropriate for purposes of applying this subsection, including—

"(A) extending the application of the rules of paragraph (5)(D) to other circumstances where appropriate,

"(B) requiring reporting of the election (and such other information as the Secretary may require) on returns of tax for subsequent taxable years, and

"(C) rules for the application of this subsection to partnerships, S corporations, and other pass-thru entities, including for the allocation of deferred deductions.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008. 26 USC 108 note.

SEC. 1232. MODIFICATIONS OF RULES FOR ORIGINAL ISSUE DISCOUNT ON CERTAIN HIGH YIELD OBLIGATIONS.

(a) SUSPENSION OF SPECIAL RULES.—Section 163(e)(5) (relating to special rules for original issue discount on certain high yield obligations) is amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph: 26 USC 163.

"(F) SUSPENSION OF APPLICATION OF PARAGRAPH.—

"(i) TEMPORARY SUSPENSION.—This paragraph shall not apply to any applicable high yield discount obligation issued during the period beginning on September 1, 2008, and ending on December 31, 2009, in exchange (including an exchange resulting from a modification of the debt instrument) for an obligation which is not an applicable high yield discount obligation and the issuer (or obligor) of which is the same as the issuer (or obligor) of such applicable high yield discount obligation. The preceding sentence shall not apply to any obligation the interest on which is interest described in section 871(h)(4) (without regard to subparagraph (D) thereof) or to any obligation issued to a related person (within the meaning of section 108(e)(4)). Time period.

"(ii) SUCCESSIVE APPLICATION.—Any obligation to which clause (i) applies shall not be treated as an applicable high yield discount obligation for purposes of applying this subparagraph to any other obligation issued in exchange for such obligation.

"(iii) SECRETARIAL AUTHORITY TO SUSPEND APPLICATION.—The Secretary may apply this paragraph with respect to debt instruments issued in periods following the period described in clause (i) if the Secretary determines that such application is appropriate in light of distressed conditions in the debt capital markets.".

(b) INTEREST RATE USED IN DETERMINING HIGH YIELD OBLIGATIONS.—The last sentence of section 163(i)(1) is amended—

(1) by inserting "(i)" after "regulation", and

(2) by inserting ", or (ii) permit, on a temporary basis, a rate to be used with respect to any debt instrument which is higher than the applicable Federal rate if the Secretary determines that such rate is appropriate in light of distressed conditions in the debt capital markets" before the period at the end.

(c) EFFECTIVE DATE.— 26 USC 163 note.

(1) SUSPENSION.—The amendments made by subsection (a) shall apply to obligations issued after August 31, 2008, in taxable years ending after such date.

(2) INTEREST RATE AUTHORITY.—The amendments made by subsection (b) shall apply to obligations issued after December 31, 2009, in taxable years ending after such date.

PART V—QUALIFIED SMALL BUSINESS STOCK

SEC. 1241. SPECIAL RULES APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK FOR 2009 AND 2010.

(a) IN GENERAL.—Section 1202(a) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR 2009 AND 2010.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph and before January 1, 2011—

"(A) paragraph (1) shall be applied by substituting '75 percent' for '50 percent', and

"(B) paragraph (2) shall not apply.".

26 USC 1202 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to stock acquired after the date of the enactment of this Act.

PART VI—S CORPORATIONS

SEC. 1251. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

26 USC 1374.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

"(7) RECOGNITION PERIOD.—

"(A) IN GENERAL.—The term 'recognition period' means the 10-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

"(B) SPECIAL RULE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, no tax shall be imposed on the net recognized built-in gain of an S corporation if the 7th taxable year in the recognition period preceded such taxable year. The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.

Applicability.

"(C) SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e)—

Applicability.

"(i) subparagraph (A) shall be applied without regard to the phrase '10-year', and

"(ii) subparagraph (B) shall not apply.".

26 USC 1374 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

PART VII—RULES RELATING TO OWNERSHIP CHANGES

26 USC 382 note.

SEC. 1261. CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Secretary of the Treasury under section 382(m) of the Internal Revenue Code of 1986 does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers.

(2) Internal Revenue Service Notice 2008–83 is inconsistent with the congressional intent in enacting such section 382(m).

(3) The legal authority to prescribe Internal Revenue Service Notice 2008–83 is doubtful.

(4) However, as taxpayers should generally be able to rely on guidance issued by the Secretary of the Treasury legislation is necessary to clarify the force and effect of Internal Revenue Service Notice 2008–83 and restore the proper application under the Internal Revenue Code of 1986 of the limitation on built-in losses following an ownership change of a bank.

(b) DETERMINATION OF FORCE AND EFFECT OF INTERNAL REVENUE SERVICE NOTICE 2008–83 EXEMPTING BANKS FROM LIMITATION ON CERTAIN BUILT–IN LOSSES FOLLOWING OWNERSHIP CHANGE.—

(1) IN GENERAL.—Internal Revenue Service Notice 2008–83—

(A) shall be deemed to have the force and effect of law with respect to any ownership change (as defined in section 382(g) of the Internal Revenue Code of 1986) occurring on or before January 16, 2009, and

(B) shall have no force or effect with respect to any ownership change after such date.

(2) BINDING CONTRACTS.—Notwithstanding paragraph (1), Internal Revenue Service Notice 2008–83 shall have the force and effect of law with respect to any ownership change (as so defined) which occurs after January 16, 2009, if such change—

(A) is pursuant to a written binding contract entered into on or before such date, or

(B) is pursuant to a written agreement entered into on or before such date and such agreement was described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission required by reason of such ownership change.

SEC. 1262. TREATMENT OF CERTAIN OWNERSHIP CHANGES FOR PURPOSES OF LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

(a) IN GENERAL.—Section 382 is amended by adding at the end the following new subsection: 26 USC 382.

"(n) SPECIAL RULE FOR CERTAIN OWNERSHIP CHANGES.—

"(1) IN GENERAL.—The limitation contained in subsection (a) shall not apply in the case of an ownership change which is pursuant to a restructuring plan of a taxpayer which—

"(A) is required under a loan agreement or a commitment for a line of credit entered into with the Department of the Treasury under the Emergency Economic Stabilization Act of 2008, and

"(B) is intended to result in a rationalization of the costs, capitalization, and capacity with respect to the manufacturing workforce of, and suppliers to, the taxpayer and its subsidiaries.

"(2) SUBSEQUENT ACQUISITIONS.—Paragraph (1) shall not apply in the case of any subsequent ownership change unless such ownership change is described in such paragraph.

"(3) LIMITATION BASED ON CONTROL IN CORPORATION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply in the case of any ownership change if, immediately after such ownership change, any person (other than a voluntary employees' beneficiary association under section 501(c)(9)) owns stock of the new loss corporation possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote, or of the total value of the stock of such corporation.

"(B) TREATMENT OF RELATED PERSONS.—

"(i) IN GENERAL.—Related persons shall be treated as a single person for purposes of this paragraph.

"(ii) RELATED PERSONS.—For purposes of clause (i), a person shall be treated as related to another person if—

"(I) such person bears a relationship to such other person described in section 267(b) or 707(b), or

"(II) such persons are members of a group of persons acting in concert.".

26 USC 382 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to ownership changes after the date of the enactment of this Act.

Subtitle D—Manufacturing Recovery Provisions

SEC. 1301. TEMPORARY EXPANSION OF AVAILABILITY OF INDUSTRIAL DEVELOPMENT BONDS TO FACILITIES MANUFACTURING INTANGIBLE PROPERTY.

26 USC 144.

(a) IN GENERAL.—Subparagraph (C) of section 144(a)(12) is amended—

(1) by striking "For purposes of this paragraph, the term" and inserting "For purposes of this paragraph—

"(i) IN GENERAL.—The term", and

(2) by striking the last sentence and inserting the following new clauses:

"(ii) CERTAIN FACILITIES INCLUDED.—Such term includes facilities which are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—

"(I) such facilities are located on the same site as the manufacturing facility, and

"(II) not more than 25 percent of the net proceeds of the issue are used to provide such facilities.

"(iii) SPECIAL RULES FOR BONDS ISSUED IN 2009 AND 2010.—In the case of any issue made after the date of enactment of this clause and before January 1, 2011, clause (ii) shall not apply and the net proceeds from a bond shall be considered to be used to provide a manufacturing facility if such proceeds are used to provide—

"(I) a facility which is used in the creation or production of intangible property which is described in section 197(d)(1)(C)(iii), or

"(II) a facility which is functionally related and subordinate to a manufacturing facility (determined without regard to this subclause) if such facility is located on the same site as the manufacturing facility.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act. 26 USC 144 note.

SEC. 1302. CREDIT FOR INVESTMENT IN ADVANCED ENERGY FACILITIES.

(a) IN GENERAL.—Section 46 (relating to amount of credit) is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4), and by adding at the end the following new paragraph: 26 USC 46.

"(5) the qualifying advanced energy project credit.".

(b) AMOUNT OF CREDIT.—Subpart E of part IV of subchapter A of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48B the following new section:

"SEC. 48C. QUALIFYING ADVANCED ENERGY PROJECT CREDIT.

"(a) IN GENERAL.—For purposes of section 46, the qualifying advanced energy project credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying advanced energy project of the taxpayer.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is the basis of eligible property placed in service by the taxpayer during such taxable year which is part of a qualifying advanced energy project.

"(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

"(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

"(c) DEFINITIONS.—

"(1) QUALIFYING ADVANCED ENERGY PROJECT.—

"(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

"(i) which re-equips, expands, or establishes a manufacturing facility for the production of—

"(I) property designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

"(II) fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

"(III) electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

"(IV) property designed to capture and sequester carbon dioxide emissions,

"(V) property designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies),

"(VI) new qualified plug-in electric drive motor vehicles (as defined by section 30D), qualified plug-in electric vehicles (as defined by section 30(d)), or components which are designed specifically for use with such vehicles, including electric motors, generators, and power control units, or

"(VII) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

"(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

"(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

"(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property—

"(A) which is necessary for the production of property described in paragraph (1)(A)(i),

"(B) which is—

"(i) tangible personal property, or

"(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the qualified investment credit facility, and

"(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable.

"(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

"(1) ESTABLISHMENT.—

Deadline.

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

"(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,300,000,000.

"(2) CERTIFICATION.—

"(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 2-year period beginning on the date the Secretary establishes the program under paragraph (1).

Deadline.

"(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 1 year from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

Deadline.

"(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 3 years from the date of issuance

of the certification in order to place the project in service and if such project is not placed in service by that time period, then the certification shall no longer be valid.

"(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

"(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

"(B) shall take into consideration which projects—

"(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

"(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

"(iii) have the greatest potential for technological innovation and commercial deployment,

"(iv) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

"(v) have the shortest project time from certification to completion.

"(4) REVIEW AND REDISTRIBUTION.—

"(A) REVIEW.—Not later than 4 years after the date of enactment of this section, the Secretary shall review the credits allocated under this section as of such date. Deadline.

"(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

"(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

"(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

"(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

"(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

"(e) DENIAL OF DOUBLE BENEFIT.—A credit shall not be allowed under this section for any qualified investment for which a credit is allowed under section 48, 48A, or 48B.".

(c) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding after clause (iv) the following new clause: 26 USC 49.

"(v) the basis of any property which is part of a qualifying advanced energy project under section 48C.".

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48B the following new item:

"48C. Qualifying advanced energy project credit.".

26 USC 46 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

Subtitle E—Economic Recovery Tools

SEC. 1401. RECOVERY ZONE BONDS.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

"PART III—RECOVERY ZONE BONDS

"Sec. 1400U–1. Allocation of recovery zone bonds.
"Sec. 1400U–2. Recovery zone economic development bonds.
"Sec. 1400U–3. Recovery zone facility bonds.

"SEC. 1400U–1. ALLOCATION OF RECOVERY ZONE BONDS.

"(a) ALLOCATIONS.—

"(1) IN GENERAL.—

"(A) GENERAL ALLOCATION.—The Secretary shall allocate the national recovery zone economic development bond limitation and the national recovery zone facility bond limitation among the States in the proportion that each such State's 2008 State employment decline bears to the aggregate of the 2008 State employment declines for all of the States.

"(B) MINIMUM ALLOCATION.—The Secretary shall adjust the allocations under subparagraph (A) for any calendar year for each State to the extent necessary to ensure that no State receives less than 0.9 percent of the national recovery zone economic development bond limitation and 0.9 percent of the national recovery zone facility bond limitation.

"(2) 2008 STATE EMPLOYMENT DECLINE.—For purposes of this subsection, the term '2008 State employment decline' means, with respect to any State, the excess (if any) of—

"(A) the number of individuals employed in such State determined for December 2007, over

"(B) the number of individuals employed in such State determined for December 2008.

"(3) ALLOCATIONS BY STATES.—

"(A) IN GENERAL.—Each State with respect to which an allocation is made under paragraph (1) shall reallocate such allocation among the counties and large municipalities in such State in the proportion to each such county's or municipality's 2008 employment decline bears to the aggregate of the 2008 employment declines for all the counties and municipalities in such State. A county or municipality

Waiver authority.

may waive any portion of an allocation made under this subparagraph.

"(B) LARGE MUNICIPALITIES.—For purposes of subparagraph (A), the term 'large municipality' means a municipality with a population of more than 100,000.

"(C) DETERMINATION OF LOCAL EMPLOYMENT DECLINES.—For purposes of this paragraph, the employment decline of any municipality or county shall be determined in the same manner as determining the State employment decline under paragraph (2), except that in the case of a municipality any portion of which is in a county, such portion shall be treated as part of such municipality and not part of such county.

"(4) NATIONAL LIMITATIONS.—

"(A) RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.—There is a national recovery zone economic development bond limitation of $10,000,000,000.

"(B) RECOVERY ZONE FACILITY BONDS.—There is a national recovery zone facility bond limitation of $15,000,000,000.

"(b) RECOVERY ZONE.—For purposes of this part, the term 'recovery zone' means—

"(1) any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress,

"(2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and

"(3) any area for which a designation as an empowerment zone or renewal community is in effect.

"SEC. 1400U–2. RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS.

"(a) IN GENERAL.—In the case of a recovery zone economic development bond—

"(1) such bond shall be treated as a qualified bond for purposes of section 6431, and

"(2) subsection (b) of such section shall be applied by substituting '45 percent' for '35 percent'. Applicability.

"(b) RECOVERY ZONE ECONOMIC DEVELOPMENT BOND.—

"(1) IN GENERAL.—For purposes of this section, the term 'recovery zone economic development bond' means any build America bond (as defined in section 54AA(d)) issued before January 1, 2011, as part of issue if—

"(A) 100 percent of the excess of—

"(i) the available project proceeds (as defined in section 54A) of such issue, over

"(ii) the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue,

are to be used for one or more qualified economic development purposes, and

"(B) the issuer designates such bond for purposes of this section.

"(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed

the amount of the recovery zone economic development bond limitation allocated to such issuer under section 1400U–1.

"(c) QUALIFIED ECONOMIC DEVELOPMENT PURPOSE.—For purposes of this section, the term 'qualified economic development purpose' means expenditures for purposes of promoting development or other economic activity in a recovery zone, including—

"(1) capital expenditures paid or incurred with respect to property located in such zone,

"(2) expenditures for public infrastructure and construction of public facilities, and

"(3) expenditures for job training and educational programs.

"SEC. 1400U–3. RECOVERY ZONE FACILITY BONDS.

"(a) IN GENERAL.—For purposes of part IV of subchapter B (relating to tax exemption requirements for State and local bonds), the term 'exempt facility bond' includes any recovery zone facility bond.

"(b) RECOVERY ZONE FACILITY BOND.—

"(1) IN GENERAL.—For purposes of this section, the term 'recovery zone facility bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for recovery zone property,

"(B) such bond is issued before January 1, 2011, and

"(C) the issuer designates such bond for purposes of this section.

"(2) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any issuer under paragraph (1) shall not exceed the amount of recovery zone facility bond limitation allocated to such issuer under section 1400U–1.

"(c) RECOVERY ZONE PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'recovery zone property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was constructed, reconstructed, renovated, or acquired by purchase (as defined in section 179(d)(2)) by the taxpayer after the date on which the designation of the recovery zone took effect,

"(B) the original use of which in the recovery zone commences with the taxpayer, and

"(C) substantially all of the use of which is in the recovery zone and is in the active conduct of a qualified business by the taxpayer in such zone.

"(2) QUALIFIED BUSINESS.—The term 'qualified business' means any trade or business except that—

"(A) the rental to others of real property located in a recovery zone shall be treated as a qualified business only if the property is not residential rental property (as defined in section 168(e)(2)), and

"(B) such term shall not include any trade or business consisting of the operation of any facility described in section 144(c)(6)(B).

"(3) SPECIAL RULES FOR SUBSTANTIAL RENOVATIONS AND SALE-LEASEBACK.—Rules similar to the rules of subsections

Applicability.

(a)(2) and (b) of section 1397D shall apply for purposes of this subsection.

"(d) NONAPPLICATION OF CERTAIN RULES.—Sections 146 (relating to volume cap) and 147(d) (relating to acquisition of existing property not permitted) shall not apply to any recovery zone facility bond.".

(b) CLERICAL AMENDMENT.—The table of parts for subchapter Y of chapter 1 of such Code is amended by adding at the end the following new item:

"PART III. RECOVERY ZONE BONDS.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act. 26 USC 1400U–1 note.

SEC. 1402. TRIBAL ECONOMIC DEVELOPMENT BONDS.

(a) IN GENERAL.—Section 7871 is amended by adding at the end the following new subsection: 26 USC 7871.

"(f) TRIBAL ECONOMIC DEVELOPMENT BONDS.—

"(1) ALLOCATION OF LIMITATION.—

"(A) IN GENERAL.—The Secretary shall allocate the national tribal economic development bond limitation among the Indian tribal governments in such manner as the Secretary, in consultation with the Secretary of the Interior, determines appropriate.

"(B) NATIONAL LIMITATION.—There is a national tribal economic development bond limitation of $2,000,000,000.

"(2) BONDS TREATED AS EXEMPT FROM TAX.—In the case of a tribal economic development bond—

"(A) notwithstanding subsection (c), such bond shall be treated for purposes of this title in the same manner as if such bond were issued by a State,

"(B) the Indian tribal government issuing such bond and any instrumentality of such Indian tribal government shall be treated as a State for purposes of section 141, and

"(C) section 146 shall not apply.

"(3) TRIBAL ECONOMIC DEVELOPMENT BOND.—

"(A) IN GENERAL.—For purposes of this section, the term 'tribal economic development bond' means any bond issued by an Indian tribal government—

"(i) the interest on which would be exempt from tax under section 103 if issued by a State or local government, and

"(ii) which is designated by the Indian tribal government as a tribal economic development bond for purposes of this subsection.

"(B) EXCEPTIONS.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue are used to finance—

"(i) any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any other property actually used in the conduct of such gaming, or

"(ii) any facility located outside the Indian reservation (as defined in section 168(j)(6)).

"(C) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated by any Indian tribal government under subparagraph (A) shall not exceed the amount of national tribal economic development bond limitation allocated to such government under paragraph (1).".

(b) STUDY.—The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the effects of the amendment made by subsection (a). Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury, or the Secretary's delegate, shall report to Congress on the results of the study conducted under this paragraph, including the Secretary's recommendations regarding such amendment.

Deadline. Reports.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

26 USC 7871 note.

SEC. 1403. INCREASE IN NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Section 45D(f)(1) is amended—

26 USC 45.

(1) by striking "and" at the end of subparagraph (C),

(2) by striking ", 2007, 2008, and 2009." in subparagraph (D), and inserting "and 2007,", and

(3) by adding at the end the following new subparagraphs:

"(E) $5,000,000,000 for 2008, and

"(F) $5,000,000,000 for 2009.".

(b) SPECIAL RULE FOR ALLOCATION OF INCREASED 2008 LIMITATION.—The amount of the increase in the new markets tax credit limitation for calendar year 2008 by reason of the amendments made by subsection (a) shall be allocated in accordance with section 45D(f)(2) of the Internal Revenue Code of 1986 to qualified community development entities (as defined in section 45D(c) of such Code) which—

26 USC 45D note.

(1) submitted an allocation application with respect to calendar year 2008, and

(2)(A) did not receive an allocation for such calendar year, or

(B) received an allocation for such calendar year in an amount less than the amount requested in the allocation application.

SEC. 1404. COORDINATION OF LOW-INCOME HOUSING CREDIT AND LOW-INCOME HOUSING GRANTS.

Subsection (i) of section 42 is amended by adding at the end the following new paragraph:

"(9) COORDINATION WITH LOW-INCOME HOUSING GRANTS.—

"(A) REDUCTION IN STATE HOUSING CREDIT CEILING FOR LOW-INCOME HOUSING GRANTS RECEIVED IN 2009.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2009 shall each be reduced by so much of such amount as is taken into account in determining the amount of any grant to such State under section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

"(B) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any grant described in subparagraph (A).".

Subtitle F—Infrastructure Financing Tools

PART I—IMPROVED MARKETABILITY FOR TAX-EXEMPT BONDS

SEC. 1501. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subsection (b) of section 265 is amended by adding at the end the following new paragraph: 26 USC 265.

"(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

"(A) IN GENERAL.—In applying paragraph (2)(A), there shall not be taken into account tax-exempt obligations issued during 2009 or 2010.

"(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the amount determined under paragraph (2)(B).

"(C) REFUNDINGS.—For purposes of this paragraph, a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).".

(b) TREATMENT AS FINANCIAL INSTITUTION PREFERENCE ITEM.—Clause (iv) of section 291(e)(1)(B) is amended by adding at the end the following: "That portion of any obligation not taken into account under paragraph (2)(A) of section 265(b) by reason of paragraph (7) of such section shall be treated for purposes of this section as having been acquired on August 7, 1986.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008. 26 USC 265 note.

SEC. 1502. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Paragraph (3) of section 265(b) (relating to exception for certain tax-exempt obligations) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES FOR OBLIGATIONS ISSUED DURING 2009 AND 2010.—

"(i) INCREASE IN LIMITATION.—In the case of obligations issued during 2009 or 2010, subparagraphs (C)(i), (D)(i), and (D)(iii)(II) shall each be applied by substituting '$30,000,000' for '$10,000,000'. Applicability.

"(ii) QUALIFIED 501(C)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.—In the case of a qualified 501(c)(3) bond (as defined in section 145) issued during 2009 or 2010, this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer. Applicability.

"(iii) SPECIAL RULE FOR QUALIFIED FINANCINGS.—In the case of a qualified financing issue issued during 2009 or 2010—

"(I) subparagraph (F) shall not apply, and

"(II) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt

obligation if the requirements of this paragraph are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue which is issued by the qualified borrower with respect to which such portion relates).

"(iv) QUALIFIED FINANCING ISSUE.—For purposes of this subparagraph, the term 'qualified financing issue' means any composite, pooled, or other conduit financing issue the proceeds of which are used directly or indirectly to make or finance loans to 1 or more ultimate borrowers each of whom is a qualified borrower.

"(v) QUALIFIED PORTION.—For purposes of this subparagraph, the term 'qualified portion' means that portion of the proceeds which are used with respect to each qualified borrower under the issue.

"(vi) QUALIFIED BORROWER.—For purposes of this subparagraph, the term 'qualified borrower' means a borrower which is a State or political subdivision thereof or an organization described in section 501(c)(3) and exempt from taxation under section 501(a).".

26 USC 265 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

26 USC 57.

"(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—

"(I) IN GENERAL.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after December 31, 2008, and before January 1, 2011.

"(II) TREATMENT OF REFUNDING BONDS.—For purposes of subclause (I), a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

"(III) EXCEPTION FOR CERTAIN REFUNDING BONDS.—Subclause (II) shall not apply to any refunding bond which is issued to refund any bond which was issued after December 31, 2003, and before January 1, 2009.".

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED DURING 2009 AND 2010.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

"(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—

"(I) IN GENERAL.—Clause (i) shall not apply in the case of any interest on a bond issued after December 31, 2008, and before January 1, 2011.

"(II) TREATMENT OF REFUNDING BONDS.—For purposes of subclause (I), a refunding bond (whether a current or advance refunding) shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

"(III) EXCEPTION FOR CERTAIN REFUNDING BONDS.—Subclause (II) shall not apply to any refunding bond which is issued to refund any bond which was issued after December 31, 2003, and before January 1, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008. 26 USC 56 note.

SEC. 1504. MODIFICATION TO HIGH SPEED INTERCITY RAIL FACILITY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 142(i) is amended by striking "operate at speeds in excess of" and inserting "be capable of attaining a maximum speed in excess of". 26 USC 142.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act. 26 USC 142 note.

PART II—DELAY IN APPLICATION OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS

SEC. 1511. DELAY IN APPLICATION OF WITHHOLDING TAX ON GOVERNMENT CONTRACTORS. 26 USC 3402 note.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "December 31, 2010" and inserting "December 31, 2011". 26 USC 3402.

PART III—TAX CREDIT BONDS FOR SCHOOLS

SEC. 1521. QUALIFIED SCHOOL CONSTRUCTION BONDS.

(a) IN GENERAL.—Subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"SEC. 54F. QUALIFIED SCHOOL CONSTRUCTION BONDS.

"(a) QUALIFIED SCHOOL CONSTRUCTION BOND.—For purposes of this subchapter, the term 'qualified school construction bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for the construction, rehabilitation, or repair of a public school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

"(2) the bond is issued by a State or local government within the jurisdiction of which such school is located, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (a) by any issuer

shall not exceed the limitation amount allocated under subsection (d) for such calendar year to such issuer.

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified school construction bond limitation for each calendar year. Such limitation is—

"(1) $11,000,000,000 for 2009,

"(2) $11,000,000,000 for 2010, and

"(3) except as provided in subsection (e), zero after 2010.

"(d) ALLOCATION OF LIMITATION.—

"(1) ALLOCATION AMONG STATES.—Except as provided in paragraph (2)(C), the limitation applicable under subsection (c) for any calendar year shall be allocated by the Secretary among the States in proportion to the respective amounts each such State is eligible to receive under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the most recent fiscal year ending before such calendar year. The limitation amount allocated to a State under the preceding sentence shall be allocated by the State to issuers within such State.

"(2) 40 PERCENT OF LIMITATION ALLOCATED AMONG LARGEST SCHOOL DISTRICTS.—

"(A) IN GENERAL.—40 percent of the limitation applicable under subsection (c) for any calendar year shall be allocated under subparagraph (B) by the Secretary among local educational agencies which are large local educational agencies for such year.

"(B) ALLOCATION FORMULA.—The amount to be allocated under subparagraph (A) for any calendar year shall be allocated among large local educational agencies in proportion to the respective amounts each such agency received under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the most recent fiscal year ending before such calendar year.

"(C) REDUCTION IN STATE ALLOCATION.—The allocation to any State under paragraph (1) shall be reduced by the aggregate amount of the allocations under this paragraph to large local educational agencies within such State.

"(D) ALLOCATION OF UNUSED LIMITATION TO STATE.—The amount allocated under this paragraph to a large local educational agency for any calendar year may be reallocated by such agency to the State in which such agency is located for such calendar year. Any amount reallocated to a State under the preceding sentence may be allocated as provided in paragraph (1).

"(E) LARGE LOCAL EDUCATIONAL AGENCY.—For purposes of this paragraph, the term 'large local educational agency' means, with respect to a calendar year, any local educational agency if such agency is—

"(i) among the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, or

"(ii) 1 of not more than 25 local educational agencies (other than those described in clause (i)) that the Secretary of Education determines (based on the

most recent data available satisfactory to the Secretary) are in particular need of assistance, based on a low level of resources for school construction, a high level of enrollment growth, or such other factors as the Secretary deems appropriate.

"(3) ALLOCATIONS TO CERTAIN POSSESSIONS.—The amount to be allocated under paragraph (1) to any possession of the United States other than Puerto Rico shall be the amount which would have been allocated if all allocations under paragraph (1) were made on the basis of respective populations of individuals below the poverty line (as defined by the Office of Management and Budget). In making other allocations, the amount to be allocated under paragraph (1) shall be reduced by the aggregate amount allocated under this paragraph to possessions of the United States.

"(4) ALLOCATIONS FOR INDIAN SCHOOLS.—In addition to the amounts otherwise allocated under this subsection, $200,000,000 for calendar year 2009, and $200,000,000 for calendar year 2010, shall be allocated by the Secretary of the Interior for purposes of the construction, rehabilitation, and repair of schools funded by the Bureau of Indian Affairs. In the case of amounts allocated under the preceding sentence, Indian tribal governments (as defined in section 7701(a)(40)) shall be treated as qualified issuers for purposes of this subchapter.

"(e) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

"(1) the amount allocated under subsection (d) to any State, exceeds

"(2) the amount of bonds issued during such year which are designated under subsection (a) pursuant to such allocation, the limitation amount under such subsection for such State for the following calendar year shall be increased by the amount of such excess. A similar rule shall apply to the amounts allocated under subsection (d)(4).". Applicability.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 54A(d) is amended by striking "or" at the end of subparagraph (C), by inserting "or" at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph: 26 USC 54.

"(E) a qualified school construction bond,".

(2) Subparagraph (C) of section 54A(d)(2) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) in the case of a qualified school construction bond, a purpose specified in section 54F(a)(1).".

(3) The table of sections for subpart I of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 54F. Qualified school construction bonds.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act. 26 USC 54A note.

SEC. 1522. EXTENSION AND EXPANSION OF QUALIFIED ZONE ACADEMY BONDS.

26 USC 54.

(a) IN GENERAL.—Section 54E(c)(1) is amended by striking "and 2009" and inserting "and $1,400,000,000 for 2009 and 2010".

26 USC 54E note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after December 31, 2008.

PART IV—BUILD AMERICA BONDS

SEC. 1531. BUILD AMERICA BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 is amended by adding at the end the following new subpart:

"Subpart J—Build America Bonds

"Sec. 54AA. Build America bonds.

"SEC. 54AA. BUILD AMERICA BONDS.

"(a) IN GENERAL.—If a taxpayer holds a build America bond on one or more interest payment dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—The amount of the credit determined under this subsection with respect to any interest payment date for a build America bond is 35 percent of the amount of interest payable by the issuer with respect to such date .

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) BUILD AMERICA BOND.—

"(1) IN GENERAL.—For purposes of this section, the term 'build America bond' means any obligation (other than a private activity bond) if—

"(A) the interest on such obligation would (but for this section) be excludable from gross income under section 103,

"(B) such obligation is issued before January 1, 2011, and

"(C) the issuer makes an irrevocable election to have this section apply.

"(2) APPLICABLE RULES.—For purposes of applying paragraph (1)—

"(A) for purposes of section 149(b), a build America bond shall not be treated as federally guaranteed by reason of the credit allowed under subsection (a) or section 6431,

"(B) for purposes of section 148, the yield on a build America bond shall be determined without regard to the credit allowed under subsection (a), and

"(C) a bond shall not be treated as a build America bond if the issue price has more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond.

"(e) INTEREST PAYMENT DATE.—For purposes of this section, the term 'interest payment date' means any date on which the holder of record of the build America bond is entitled to a payment of interest under such bond.

"(f) SPECIAL RULES.—

"(1) INTEREST ON BUILD AMERICA BONDS INCLUDIBLE IN GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES.—For purposes of this title, interest on any build America bond shall be includible in gross income.

"(2) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of subsections (f), (g), (h), and (i) of section 54A shall apply for purposes of the credit allowed under subsection (a).

"(g) SPECIAL RULE FOR QUALIFIED BONDS ISSUED BEFORE 2011.—In the case of a qualified bond issued before January 1, 2011—

"(1) ISSUER ALLOWED REFUNDABLE CREDIT.—In lieu of any credit allowed under this section with respect to such bond, the issuer of such bond shall be allowed a credit as provided in section 6431.

"(2) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' means any build America bond issued as part of an issue if—

"(A) 100 percent of the excess of—

"(i) the available project proceeds (as defined in section 54A) of such issue, over

"(ii) the amounts in a reasonably required reserve (within the meaning of section 150(a)(3)) with respect to such issue,

are to be used for capital expenditures, and

"(B) the issuer makes an irrevocable election to have this subsection apply.

"(h) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 6431.".

(b) CREDIT FOR QUALIFIED BONDS ISSUED BEFORE 2011.—Subchapter B of chapter 65 is amended by adding at the end the following new section:

"SEC. 6431. CREDIT FOR QUALIFIED BONDS ALLOWED TO ISSUER.

"(a) IN GENERAL.—In the case of a qualified bond issued before January 1, 2011, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).

"(b) PAYMENT OF CREDIT.—The Secretary shall pay (contemporaneously with each interest payment date under such bond) to the issuer of such bond (or to any person who makes such

interest payments on behalf of the issuer) 35 percent of the interest payable under such bond on such date.

"(c) APPLICATION OF ARBITRAGE RULES.—For purposes of section 148, the yield on a qualified bond shall be reduced by the credit allowed under this section.

"(d) INTEREST PAYMENT DATE.—For purposes of this subsection, the term 'interest payment date' means each date on which interest is payable by the issuer under the terms of the bond.

"(e) QUALIFIED BOND.—For purposes of this subsection, the term 'qualified bond' has the meaning given such term in section 54AA(g).".

(c) CONFORMING AMENDMENTS.—

(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking "or 6428" and inserting "6428, or 6431,".

26 USC 54. (2) Section 54A(c)(1)(B) is amended by striking "subpart C" and inserting "subparts C and J".

(3) Sections 54(c)(2), 1397E(c)(2), and 1400N(l)(3)(B) are each amended by striking "and I" and inserting ", I, and J".

(4) Section 6211(b)(4)(A) is amended by striking "and 6428" and inserting "6428, and 6431".

(5) Section 6401(b)(1) is amended by striking "and I" and inserting "I, and J".

(6) The table of subparts for part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"SUBPART J. BUILD AMERICA BONDS.".

(7) The table of section for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6431. Credit for qualified bonds allowed to issuer.".

26 USC 54AA note. (d) TRANSITIONAL COORDINATION WITH STATE LAW.—Except as otherwise provided by a State after the date of the enactment of this Act, the interest on any build America bond (as defined in section 54AA of the Internal Revenue Code of 1986, as added by this section) and the amount of any credit determined under such section with respect to such bond shall be treated for purposes of the income tax laws of such State as being exempt from Federal income tax.

26 USC 54 note. (e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART V—REGULATED INVESTMENT COMPANIES ALLOWED TO PASS-THRU TAX CREDIT BOND CREDITS

SEC. 1541. REGULATED INVESTMENT COMPANIES ALLOWED TO PASS-THRU TAX CREDIT BOND CREDITS.

(a) IN GENERAL.—Part I of subchapter M of chapter 1 is amended by inserting after section 853 the following new section:

"SEC. 853A. CREDITS FROM TAX CREDIT BONDS ALLOWED TO SHAREHOLDERS.

"(a) GENERAL RULE.—A regulated investment company—

"(1) which holds (directly or indirectly) one or more tax credit bonds on one or more applicable dates during the taxable year, and

"(2) which meets the requirements of section 852(a) for the taxable year,

may elect the application of this section with respect to credits allowable to the investment company during such taxable year with respect to such bonds.

"(b) EFFECT OF ELECTION.—If the election provided in subsection (a) is in effect for any taxable year—

"(1) the regulated investment company shall not be allowed any credits to which subsection (a) applies for such taxable year,

"(2) the regulated investment company shall—

"(A) include in gross income (as interest) for such taxable year an amount equal to the amount that such investment company would have included in gross income with respect to such credits if this section did not apply, and

"(B) increase the amount of the dividends paid deduction for such taxable year by the amount of such income, and

"(3) each shareholder of such investment company shall—

"(A) include in gross income an amount equal to such shareholder's proportionate share of the interest income attributable to such credits, and

"(B) be allowed the shareholder's proportionate share of such credits against the tax imposed by this chapter.

"(c) NOTICE TO SHAREHOLDERS.—For purposes of subsection (b)(3), the shareholder's proportionate share of— Deadline.

"(1) credits described in subsection (a), and

"(2) gross income in respect of such credits,

shall not exceed the amounts so designated by the regulated investment company in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year.

"(d) MANNER OF MAKING ELECTION AND NOTIFYING SHAREHOLDERS.—The election provided in subsection (a) and the notice to shareholders required by subsection (c) shall be made in such manner as the Secretary may prescribe.

"(e) DEFINITIONS AND SPECIAL RULES.—

"(1) DEFINITIONS.—For purposes of this subsection—

"(A) TAX CREDIT BOND.—The term 'tax credit bond' means—

"(i) a qualified tax credit bond (as defined in section 54A(d)),

"(ii) a build America bond (as defined in section 54AA(d)), and

"(iii) any bond for which a credit is allowable under subpart H of part IV of subchapter A of this chapter.

"(B) APPLICABLE DATE.—The term 'applicable date' means—

"(i) in the case of a qualified tax credit bond or a bond described in subparagraph (A)(iii), any credit allowance date (as defined in section 54A(e)(1)), and

"(ii) in the case of a build America bond (as defined in section 54AA(d)), any interest payment date (as defined in section 54AA(e)).

"(2) STRIPPED TAX CREDIT BONDS.—If the ownership of a tax credit bond is separated from the credit with respect to such bond, subsection (a) shall be applied by reference to the Applicability.

instruments evidencing the entitlement to the credit rather than the tax credit bond.

"(f) REGULATIONS, ETC.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including methods for determining a shareholder's proportionate share of credits.".

(b) CONFORMING AMENDMENTS.—

26 USC 54.

(1) Section 54(l) is amended by striking paragraph (4) and by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) Section 54A(h) is amended to read as follows:

Procedures.

"(h) BONDS HELD BY REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a real estate investment trust, the credit determined under subsection (a) shall be allowed to beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be distributed to such beneficiaries) under procedures prescribed by the Secretary.".

(3) The table of sections for part I of subchapter M of chapter 1 is amended by inserting after the item relating to section 853 the following new item:

"Sec. 853A. Credits from tax credit bonds allowed to shareholders.".

26 USC 54 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

Subtitle G—Other Provisions

26 USC 54C note.

SEC. 1601. APPLICATION OF CERTAIN LABOR STANDARDS TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED BONDS.

Subchapter IV of chapter 31 of the title 40, United States Code, shall apply to projects financed with the proceeds of—

(1) any new clean renewable energy bond (as defined in section 54C of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(2) any qualified energy conservation bond (as defined in section 54D of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(3) any qualified zone academy bond (as defined in section 54E of the Internal Revenue Code of 1986) issued after the date of the enactment of this Act,

(4) any qualified school construction bond (as defined in section 54F of the Internal Revenue Code of 1986), and

(5) any recovery zone economic development bond (as defined in section 1400U–2 of the Internal Revenue Code of 1986).

26 USC 42 note.

SEC. 1602. GRANTS TO STATES FOR LOW-INCOME HOUSING PROJECTS IN LIEU OF LOW-INCOME HOUSING CREDIT ALLOCATIONS FOR 2009.

(a) IN GENERAL.—The Secretary of the Treasury shall make a grant to the housing credit agency of each State in an amount equal to such State's low-income housing grant election amount.

(b) LOW-INCOME HOUSING GRANT ELECTION AMOUNT.—For purposes of this section, the term "low-income housing grant election amount" means, with respect to any State, such amount as the

State may elect which does not exceed 85 percent of the product of—

(1) the sum of—

(A) 100 percent of the State housing credit ceiling for 2009 which is attributable to amounts described in clauses (i) and (iii) of section 42(h)(3)(C) of the Internal Revenue Code of 1986, and

(B) 40 percent of the State housing credit ceiling for 2009 which is attributable to amounts described in clauses (ii) and (iv) of such section, multiplied by

(2) 10.

(c) SUBAWARDS FOR LOW-INCOME BUILDINGS.—

(1) IN GENERAL.—A State housing credit agency receiving a grant under this section shall use such grant to make subawards to finance the construction or acquisition and rehabilitation of qualified low-income buildings. A subaward under this section may be made to finance a qualified low-income building with or without an allocation under section 42 of the Internal Revenue Code of 1986, except that a State housing credit agency may make subawards to finance qualified low-income buildings without an allocation only if it makes a determination that such use will increase the total funds available to the State to build and rehabilitate affordable housing. In complying with such determination requirement, a State housing credit agency shall establish a process in which applicants that are allocated credits are required to demonstrate good faith efforts to obtain investment commitments for such credits before the agency makes such subawards. Procedures.

(2) SUBAWARDS SUBJECT TO SAME REQUIREMENTS AS LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Any such subaward with respect to any qualified low-income building shall be made in the same manner and shall be subject to the same limitations (including rent, income, and use restrictions on such building) as an allocation of housing credit dollar amount allocated by such State housing credit agency under section 42 of the Internal Revenue Code of 1986, except that such subawards shall not be limited by, or otherwise affect (except as provided in subsection (h)(3)(J) of such section), the State housing credit ceiling applicable to such agency.

(3) COMPLIANCE AND ASSET MANAGEMENT.—The State housing credit agency shall perform asset management functions to ensure compliance with section 42 of the Internal Revenue Code of 1986 and the long-term viability of buildings funded by any subaward under this section. The State housing credit agency may collect reasonable fees from a subaward recipient to cover expenses associated with the performance of its duties under this paragraph. The State housing credit agency may retain an agent or other private contractor to satisfy the requirements of this paragraph.

(4) RECAPTURE.—The State housing credit agency shall impose conditions or restrictions, including a requirement providing for recapture, on any subaward under this section so as to assure that the building with respect to which such subaward is made remains a qualified low-income building during the compliance period. Any such recapture shall be payable to the Secretary of the Treasury for deposit in the general fund of the Treasury and may be enforced by means

of liens or such other methods as the Secretary of the Treasury determines appropriate.

Deadline.

(d) RETURN OF UNUSED GRANT FUNDS.—Any grant funds not used to make subawards under this section before January 1, 2011, shall be returned to the Secretary of the Treasury on such date. Any subawards returned to the State housing credit agency on or after such date shall be promptly returned to the Secretary of the Treasury. Any amounts returned to the Secretary of the Treasury under this subsection shall be deposited in the general fund of the Treasury.

(e) DEFINITIONS.—Any term used in this section which is also used in section 42 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 42. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(f) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section.

26 USC 48 note.

SEC. 1603. GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Upon application, the Secretary of the Treasury shall, subject to the requirements of this section, provide a grant to each person who places in service specified energy property to reimburse such person for a portion of the expense of such property as provided in subsection (b). No grant shall be made under this section with respect to any property unless such property—

(1) is placed in service during 2009 or 2010, or

(2) is placed in service after 2010 and before the credit termination date with respect to such property, but only if the construction of such property began during 2009 or 2010.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such property.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term "applicable percentage" means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (d), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7) of subsection (d), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) TIME FOR PAYMENT OF GRANT.—The Secretary of the Treasury shall make payment of any grant under subsection (a) during the 60-day period beginning on the later of—

(1) the date of the application for such grant, or

(2) the date the specified energy property for which the grant is being made is placed in service.

(d) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term "specified energy property" means any of the following:

(1) QUALIFIED FACILITIES.—Any qualified property (as defined in section 48(a)(5)(D) of the Internal Revenue Code of 1986) which is part of a qualified facility (within the meaning of section 45 of such Code) described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of such Code.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEAT PUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

Such term shall not include any property unless depreciation (or amortization in lieu of depreciation) is allowable with respect to such property.

(e) CREDIT TERMINATION DATE.—For purposes of this section, the term "credit termination date" means—

(1) in the case of any specified energy property which is part of a facility described in paragraph (1) of section 45(d) of the Internal Revenue Code of 1986, January 1, 2013,

(2) in the case of any specified energy property which is part of a facility described in paragraph (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of such Code, January 1, 2014, and

(3) in the case of any specified energy property described in section 48 of such Code, January 1, 2017.

Applicability.

In the case of any property which is described in paragraph (3) and also in another paragraph of this subsection, paragraph (3) shall apply with respect to such property.

(f) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of the Treasury shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the property is disposed of, or otherwise ceases to be specified energy property, the Secretary of the Treasury shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of the Treasury determines appropriate.

(g) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of the Treasury shall not make any grant under this section to—

(1) any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof),

(2) any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code,

(3) any entity referred to in paragraph (4) of section 54(j) of such Code, or

(4) any partnership or other pass-thru entity any partner (or other holder of an equity or profits interest) of which is described in paragraph (1), (2) or (3).

(h) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(i) APPROPRIATIONS.—There is hereby appropriated to the Secretary of the Treasury such sums as may be necessary to carry out this section.

Deadline.

(j) TERMINATION.—The Secretary of the Treasury shall not make any grant to any person under this section unless the application of such person for such grant is received before October 1, 2011.

31 USC 3101.

SEC. 1604. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting "$12,104,000,000,000".

Subtitle H—Prohibition on Collection of Certain Payments Made Under the Continued Dumping and Subsidy Offset Act of 2000

19 USC 1675c note.

SEC. 1701. PROHIBITION ON COLLECTION OF CERTAIN PAYMENTS MADE UNDER THE CONTINUED DUMPING AND SUBSIDY OFFSET ACT OF 2000.

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Secretary of Homeland Security nor any other person may—

(1) require repayment of, or attempt in any other way to recoup, any payments described in subsection (b); or

(2) offset any past, current, or future distributions of antidumping or countervailing duties assessed with respect to imports from countries that are not parties to the North American Free Trade Agreement in an attempt to recoup any payments described in subsection (b).

(b) PAYMENTS DESCRIBED.—Payments described in this subsection are payments of antidumping or countervailing duties made pursuant to the Continued Dumping and Subsidy Offset Act of 2000 (section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c; repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 154))) that were—

(1) assessed and paid on imports of goods from countries that are parties to the North American Free Trade Agreement; and

(2) distributed on or after January 1, 2001, and before January 1, 2006.

Deadline.

(c) PAYMENT OF FUNDS COLLECTED OR WITHHELD.—Not later than the date that is 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) refund any repayments, or any other recoupment, of payments described in subsection (b); and

(2) fully distribute any antidumping or countervailing duties that the U.S. Customs and Border Protection is withholding as an offset as described in subsection (a)(2).

(d) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payments described in subsection (b) as a result of—

(1) a finding of false statements or other misconduct by a recipient of such a payment; or

(2) the reliquidation of an entry with respect to which such a payment was made.

Subtitle I—Trade Adjustment Assistance

Trade and Globalization Adjustment Assistance Act of 2009.
19 USC 2101 note.

SEC. 1800. SHORT TITLE.

This subtitle may be cited as the "Trade and Globalization Adjustment Assistance Act of 2009".

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Subpart A—Trade Adjustment Assistance for Service Sector Workers

SEC. 1801. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICE SECTOR AND PUBLIC AGENCY WORKERS; SHIFTS IN PRODUCTION.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by striking "or appropriate subdivision of a firm"; and

(B) by striking "or subdivision";

(2) in paragraph (2), by striking "employment—" and all that follows and inserting "employment, has been totally or partially separated from such employment.";

(3) by inserting after paragraph (2) the following:

"(3) Subject to section 222(d)(5), the term 'firm' means—

"(A) a firm, including an agricultural firm, service sector firm, or public agency; or

"(B) an appropriate subdivision thereof.";

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government, or a subdivision thereof.";

(5) in paragraph (11), by striking ", or in a subdivision of which,"; and

(6) by adding at the end the following:

"(18) The term 'service sector firm' means a firm engaged in the business of supplying services.".

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)(2)—

(A) by amending subparagraph (A)(ii) to read as follows:

"(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

"(II) imports of articles like or directly competitive with articles—

"(aa) into which one or more component parts produced by such firm are directly incorporated, or

"(bb) which are produced directly using services supplied by such firm,

have increased; or

"(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and"; and

(B) by amending subparagraph (B) to read as follows:

"(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

"(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; and

"(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

"(b) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—

Certification.

A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

"(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

"(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

"(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation.".

(c) BASIS FOR SECRETARY'S DETERMINATIONS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

"(e) BASIS FOR SECRETARY'S DETERMINATIONS.—

"(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under section 223, obtain from the workers' firm, or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

"(2) ADDITIONAL INFORMATION.—The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a), (b), or (c)—

"(A) by contacting—

"(i) officials or employees of the workers' firm;

"(ii) officials of customers of the workers' firm;

"(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

"(iv) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

"(B) by using other available sources of information.

"(3) VERIFICATION OF INFORMATION.—

"(A) CERTIFICATION.—The Secretary shall require a firm or customer to certify—

"(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

"(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 223, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

"(B) USE OF SUBPOENAS.—The Secretary shall require the workers' firm or a customer of the workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 249 if the firm or customer (as the case may be) fails to provide the information within 20 days after the date of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time. Deadline.

"(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.".

(d) PENALTIES.—Section 244 of the Trade Act of 1974 (19 U.S.C. 2316) is amended to read as follows:

"SEC. 244. PENALTIES.

"Any person who—

"(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, for the purpose of obtaining or increasing for that person or for any other person any payment authorized to be furnished

under this chapter or pursuant to an agreement under section 239, or

"(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under section 221,

shall be imprisoned for not more than one year, or fined under title 18, United States Code, or both.".

(e) CONFORMING AMENDMENTS.—

(1) Section 221(a) of the Trade Act of 1974 (19 U.S.C. 2271(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "Secretary" and inserting "Secretary of Labor"; and

(II) by striking "or subdivision" and inserting "(as defined in section 247)"; and

(ii) in subparagraph (A), by striking "(including workers in an agricultural firm or subdivision of any agricultural firm)";

(B) in paragraph (2)(A), by striking "rapid response assistance" and inserting "rapid response activities"; and

(C) in paragraph (3), by inserting "and on the website of the Department of Labor" after "Federal Register".

(2) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended—

(A) by striking "(including workers in any agricultural firm or subdivision of an agricultural firm)" each place it appears;

(B) in subsection (a)—

(i) in paragraph (1), by striking ", or an appropriate subdivision of the firm,"; and

(ii) in paragraph (2), by striking "or subdivision" each place it appears;

(C) in subsection (c) (as redesignated)—

(i) in paragraph (2)—

(I) by striking "(or subdivision)" each place it appears;

(II) by inserting "or service" after "the article"; and

(III) by striking "(c) (3)" and inserting "(d) (3)"; and

(ii) in paragraph (3), by striking "(or subdivision)" each place it appears; and

(D) in subsection (d) (as redesignated)—

(i) by striking "For purposes" and inserting "DEFINITIONS.—For purposes";

(ii) in paragraph (2), by striking ", or appropriate subdivision of a firm," each place it appears;

(iii) by amending paragraph (3) to read as follows:

"(3) DOWNSTREAM PRODUCER.—

"(A) IN GENERAL.—The term 'downstream producer' means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

"(B) VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.";

(iv) in paragraph (4)—

(I) by striking "(or subdivision)"; and

(II) by inserting ", or services, used in the production of articles or in the supply of services, as the case may be," after "for articles"; and

(v) by adding at the end the following:

"(5) REFERENCE TO FIRM.—For purposes of subsection (a), the term 'firm' does not include a public agency.".

(3) Section 231(a)(2) of the Trade Act of 1974 (19 U.S.C. 2291(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking "or subdivision of a firm"; and

(B) in subparagraph (C), by striking "or subdivision".

SEC. 1802. SEPARATE BASIS FOR CERTIFICATION.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

"(f) FIRMS IDENTIFIED BY THE INTERNATIONAL TRADE COMMISSION.—Notwithstanding any other provision of this chapter, a group of workers covered by a petition filed under section 221 shall be certified under subsection (a) as eligible to apply for adjustment assistance under this chapter if—

"(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

"(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

"(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

"(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

"(2) the petition is filed during the one-year period beginning on the date on which— Time period.

"(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or Notice. Federal Register, publication.

"(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

"(3) the workers have become totally or partially separated from the workers' firm within—

"(A) the one-year period described in paragraph (2); or

"(B) notwithstanding section 223(b), the one-year period preceding the one-year period described in paragraph (2).".

SEC. 1803. DETERMINATIONS BY SECRETARY OF LABOR.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended—

(1) in subsection (b), by striking "or appropriate subdivision of the firm before his application" and all that follows and inserting "before the worker's application under section 231 occurred more than one year before the date of the petition on which such certification was granted.";

(2) in subsection (c), by striking "together with his reasons" and inserting "and on the website of the Department of Labor, together with the Secretary's reasons";

(3) in subsection (d)—

(A) by striking "or subdivision of the firm" and all that follows through "he shall" and inserting ", that total or partial separations from such firm are no longer attributable to the conditions specified in section 222, the Secretary shall"; and

(B) by striking "together with his reasons" and inserting "and on the website of the Department of Labor, together with the Secretary's reasons"; and

(4) by adding at the end the following:

"(e) STANDARDS FOR INVESTIGATIONS AND DETERMINATIONS.—

Criteria.

"(1) IN GENERAL.—The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 221 and criteria for making determinations under subsection (a).

Deadline.

"(2) CONSULTATIONS.—Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.".

SEC. 1804. MONITORING AND REPORTING RELATING TO SERVICE SECTOR.

(a) IN GENERAL.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the heading, by striking "**SYSTEM**" and inserting "**AND DATA COLLECTION**";

(2) in the first sentence—

(A) by striking "The Secretary" and inserting "(a) MONITORING PROGRAMS.—The Secretary";

(B) by inserting "and services" after "imports of articles";

(C) by inserting "and domestic supply of services" after "domestic production";

(D) by inserting "or supplying services" after "producing articles"; and

(E) by inserting ", or supply of services," after "changes in production"; and

(3) by adding at the end the following:

"(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

System.

"(1) SECRETARY OF LABOR.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Labor shall implement a system to collect data on adversely affected workers employed in the service sector that includes the number of workers by State and industry, and by the

cause of the dislocation of each worker, as identified in the certification.

"(2) SECRETARY OF COMMERCE.—Not later than 1 year after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms acquiring services from firms in foreign countries.". Study.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 282 and inserting the following:

"Sec. 282. Trade monitoring and data collection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 19 USC 2393 note.

Subpart B—Industry Notifications Following Certain Affirmative Determinations

SEC. 1811. NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS.

(a) IN GENERAL.—Section 224 of the Trade Act of 1974 (19 U.S.C. 2274) is amended—

(1) by amending the heading to read as follows:

"SEC. 224. STUDY AND NOTIFICATIONS REGARDING CERTAIN AFFIRMATIVE DETERMINATIONS; INDUSTRY NOTIFICATION OF ASSISTANCE.";

(2) in subsection (a), by striking "Whenever" and inserting "STUDY OF DOMESTIC INDUSTRY.—Whenever";

(3) in subsection (b)—

(A) by striking "The report" and inserting "REPORT BY THE SECRETARY.—The report"; and

(B) by inserting "and on the website of the Department of Labor" after "Federal Register"; and

(4) by adding at the end the following:

"(c) NOTIFICATIONS FOLLOWING AFFIRMATIVE GLOBAL SAFEGUARD DETERMINATIONS.—Upon making an affirmative determination under section 202(b)(1), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

"(d) NOTIFICATIONS FOLLOWING AFFIRMATIVE BILATERAL OR PLURILATERAL SAFEGUARD DETERMINATIONS.—

"(1) NOTIFICATIONS OF DETERMINATIONS OF MARKET DISRUPTION.—Upon making an affirmative determination under section 421(b)(1), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

"(2) NOTIFICATIONS REGARDING TRADE AGREEMENT SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted

to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

"(3) NOTIFICATIONS REGARDING TEXTILE AND APPAREL SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

"(e) NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930.—Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

"(f) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to a domestic industry—

"(1) the Secretary of Labor shall—

"(A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

"(i) the allowances, training, employment services, and other benefits available under this chapter;

"(ii) the manner in which to file a petition and apply for such benefits; and

"(iii) the availability of assistance in filing such petitions;

"(B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission's determination and the identity of the firms; and

"(C) upon request, provide any assistance that is necessary to file a petition under section 221;

"(2) the Secretary of Commerce shall—

"(A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—

"(i) the benefits available under chapter 3;

"(ii) the manner in which to file a petition and apply for such benefits; and

"(iii) the availability of assistance in filing such petitions; and

"(B) upon request, provide any assistance that is necessary to file a petition under section 251; and

"(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—

"(A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—

"(i) the benefits available under chapter 6;

"(ii) the manner in which to file a petition and apply for such benefits; and

"(iii) the availability of assistance in filing such petitions; and

"(B) upon request, provide any assistance that is necessary to file a petition under section 292.

"(g) REPRESENTATIVES OF THE DOMESTIC INDUSTRY.—For purposes of subsection (f), the term 'representatives of the domestic industry' means the persons that petitioned for relief in connection with—

"(1) a proceeding under section 202 or 421 of this Act;

"(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)); or

"(3) any safeguard investigation described in subsection (d)(2) or (d)(3).".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 224 and inserting the following:

"Sec. 224. Study and notifications regarding certain affirmative determinations; industry notification of assistance.".

SEC. 1812. NOTIFICATION TO SECRETARY OF COMMERCE.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended by adding at the end the following:

"(c) Upon issuing a certification under section 223, the Secretary shall notify the Secretary of Commerce of the identity of each firm covered by the certification.".

Subpart C—Program Benefits

SEC. 1821. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) IN GENERAL.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291 (a)(5)(A)(ii)) is amended—

(1) by striking subclauses (I) and (II) and inserting the following: Certification.

"(I) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs after the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after such total separation,

"(II) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs before the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after the date of such certification,";

(2) in subclause (III)—

(A) by striking "later of the dates specified in subclause (I) or (II)" and inserting "date specified in subclause (I) or (II), as the case may be"; and

(B) by striking "or" at the end;

(3) by redesignating subclause (IV) as subclause (V); and

(4) by inserting after subclause (III) the following:

"(IV) in the case of a worker who fails to enroll by the date required by subclause (I), (II), or (III), as the case may be, due to the failure to provide the worker with timely information regarding the date specified in such subclause, the last day of a period determined by the Secretary, or".

(b) WAIVERS OF TRAINING REQUIREMENTS.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "The worker possesses" and inserting the following:

"(i) IN GENERAL.—The worker possesses"; and

(B) by adding at the end the following:

"(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term 'marketable skills' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.";

(2) in paragraph (2)(A), by striking "A waiver" and inserting "Except as provided in paragraph (3)(B), a waiver"; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "Pursuant to an agreement under section 239, the Secretary may authorize a" and inserting "An agreement under section 239 shall authorize a";

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

Deadlines.

"(B) REVIEW OF WAIVERS.—An agreement under section 239 shall require a cooperating State to review each waiver issued by the State under subparagraph (A), (B), (D), (E), or (F) of paragraph (1)—

"(i) 3 months after the date on which the State issues the waiver; and

"(ii) on a monthly basis thereafter.".

(c) CONFORMING AMENDMENTS.—

(1) Section 231 of the Trade Act of 1974 (19 U.S.C. 2291), as amended, is further amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "more than 60 days" and all that follows through "section 221" and inserting "on or after the date of such certification"; and

(B) in subsection (b)—

(i) by striking paragraph (2); and

(ii) in paragraph (1)—

(I) by striking "(1)";

(II) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(III) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(IV) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(2) Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively.

SEC. 1822. WEEKLY AMOUNTS.

Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended—

(1) in subsection (a)—

(A) by striking "subsections (b) and (c)" and inserting "subsections (b), (c), and (d)";

(B) by striking "total unemployment" the first place it appears and inserting "unemployment"; and

(C) in paragraph (2), by inserting before the period the following: ", except that in the case of an adversely affected worker who is participating in training under this chapter, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B))"; and

(2) by adding at the end the following:

"(d) ELECTION OF TRADE READJUSTMENT ALLOWANCE OR UNEMPLOYMENT INSURANCE.—Notwithstanding section 231(a)(3)(B), an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

"(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker's most recent total separation from adversely affected employment; and

"(2) is otherwise entitled to a trade readjustment allowance.".

SEC. 1823. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES; ALLOWANCES FOR EXTENDED TRAINING AND BREAKS IN TRAINING.

Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting "under paragraph (1)" after "trade readjustment allowance"; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "training approved for him" and inserting "a training program approved for the worker";

(ii) by striking "52 additional weeks" and inserting "78 additional weeks"; and

(iii) by striking "52-week" and inserting "91-week"; and

(B) in the matter following subparagraph (B), by striking "52-week" and inserting "91-week".

SEC. 1824. SPECIAL RULES FOR CALCULATION OF ELIGIBILITY PERIOD.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended, is further amended by adding at the end the following:

"(g) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2).

"(h) SPECIAL RULE FOR JUSTIFIABLE CAUSE.—If the Secretary determines that there is justifiable cause, the Secretary may extend the period during which trade readjustment allowances are payable to an adversely affected worker under paragraphs (2) and (3) of subsection (a) (but not the maximum amounts of such allowances that are payable under this section).

"(i) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

Waiver authority.

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary may waive any requirement of this chapter that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a trade readjustment allowance, training, and other benefits under this chapter in the same manner and to the same extent as if the worker had not served the period of duty.

"(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under section 236, the worker—

"(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

"(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.".

SEC. 1825. APPLICATION OF STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.

Section 234 of the Trade Act of 1974 (19 U.S.C. 2294) is amended—

(1) by striking "Except where inconsistent" and inserting "(a) IN GENERAL.—Except where inconsistent"; and

(2) by adding at the end the following:

"(b) SPECIAL RULE WITH RESPECT TO STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—Any law, regulation, policy, or practice of a cooperating State that allows for a waiver for good cause of any time limitation relating to the administration of the State unemployment insurance law shall, in the administration of the program under this chapter

Applicability.

by the State, apply to any time limitation with respect to an application for a trade readjustment allowance or enrollment in training under this chapter.".

SEC. 1826. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended to read as follows:

"SEC. 235. EMPLOYMENT AND CASE MANAGEMENT SERVICES. Contracts.

"The Secretary shall make available, directly or through agreements with States under section 239, to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A of this chapter the following employment and case management services:

"(1) Comprehensive and specialized assessment of skill levels and service needs, including through—

"(A) diagnostic testing and use of other assessment tools; and

"(B) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

"(2) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

"(3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

"(4) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

"(5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

"(6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this chapter, and after receiving such training for purposes of job placement.

"(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

"(A) job vacancy listings in such labor market areas;

"(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

"(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

"(D) skills requirements for local occupations described in subparagraph (C).

"(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

"235. Employment and case management services.".

SEC. 1827. ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by inserting after section 235 the following:

19 USC 2295a.

"SEC. 235A. FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

"(a) FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

"(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds.

"(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall—

"(A) use not more than ⅔ of such payment for the administration of the trade adjustment assistance for workers program under this chapter, including for—

"(i) processing waivers of training requirements under section 231;

"(ii) collecting, validating, and reporting data required under this chapter; and

"(iii) providing reemployment trade adjustment assistance under section 246; and

"(B) use not less than ⅓ of such payment for employment and case management services under section 235.

"(b) ADDITIONAL FUNDING FOR EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

"(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 and the payment under subsection (a)(1) for a fiscal year, the Secretary shall provide to the State for the fiscal year a payment in the amount of $350,000.

"(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall use such payment for the purpose of providing employment and case management services under section 235.

"(3) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under paragraph (1) may decline or otherwise return such payment to the Secretary.".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 235 the following:

"Sec. 235A. Funding for administrative expenses and employment and case management services.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 19 USC 2295a note.

SEC. 1828. TRAINING FUNDING.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read as follows:

"(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

"(i) for each of the fiscal years 2009 and 2010, $575,000,000; and

"(ii) for the period beginning October 1, 2010, and ending December 31, 2010, $143,750,000. Time period.

"(B)(i) The Secretary shall, as soon as practicable after the beginning of each fiscal year, make an initial distribution of the funds made available to carry out this section, in accordance with the requirements of subparagraph (C).

"(ii) The Secretary shall ensure that not less than 90 percent of the funds made available to carry out this section for a fiscal year are distributed to the States by not later than July 15 of that fiscal year. Deadline.

"(C)(i) In making the initial distribution of funds pursuant to subparagraph (B)(i) for a fiscal year, the Secretary shall hold in reserve 35 percent of the funds made available to carry out this section for that fiscal year for additional distributions during the remainder of the fiscal year.

"(ii) Subject to clause (iii), in determining how to apportion the initial distribution of funds pursuant to subparagraph (B)(i) in a fiscal year, the Secretary shall take into account, with respect to each State—

"(I) the trend in the number of workers covered by certifications of eligibility under this chapter during the most recent 4 consecutive calendar quarters for which data are available;

"(II) the trend in the number of workers participating in training under this section during the most recent 4 consecutive calendar quarters for which data are available;

"(III) the number of workers estimated to be participating in training under this section during the fiscal year;

"(IV) the amount of funding estimated to be necessary to provide training approved under this section to such workers during the fiscal year; and

"(V) such other factors as the Secretary considers appropriate relating to the provision of training under this section.

"(iii) In no case may the amount of the initial distribution to a State pursuant to subparagraph (B)(i) in a fiscal year be less than 25 percent of the initial distribution to the State in the preceding fiscal year.

"(D) The Secretary shall establish procedures for the distribution of the funds that remain available for the fiscal year after the initial distribution required under subparagraph (B)(i). Such procedures may include the distribution of funds pursuant to requests submitted by States in need of such funds. Procedures.

"(E) If, during a fiscal year, the Secretary estimates that the amount of funds necessary to pay the costs of training approved under this section will exceed the dollar amount limitation specified in subparagraph (A), the Secretary shall decide how the amount of funds made available to carry out this section that have not been distributed at the time of the estimate will be apportioned among the States for the remainder of the fiscal year.".

(b) DETERMINATIONS REGARDING TRAINING.—Section 236(a)(9) of the Trade Act of 1974 (19 U.S.C. 2296(a)(9)) is amended—

(1) by striking "The Secretary" and inserting "(A) Subject to subparagraph (B), the Secretary"; and

(2) by adding at the end the following:

"(B)(i) In determining under paragraph (1)(E) whether a worker is qualified to undertake and complete training, the Secretary may approve training for a period longer than the worker's period of eligibility for trade readjustment allowances under part I if the worker demonstrates a financial ability to complete the training after the expiration of the worker's period of eligibility for such trade readjustment allowances.

"(ii) In determining the reasonable cost of training under paragraph (1)(F) with respect to a worker, the Secretary may consider whether other public or private funds are reasonably available to the worker, except that the Secretary may not require a worker to obtain such funds as a condition of approval of training under paragraph (1).".

(c) REGULATIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended by adding at the end the following:

Deadlines.

"(g) REGULATIONS WITH RESPECT TO APPORTIONMENT OF TRAINING FUNDS TO STATES.—

"(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue such regulations as may be necessary to carry out the provisions of subsection (a)(2).

"(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days before issuing any regulation pursuant to paragraph (1).".

19 USC 2296 note.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that—

(1) subparagraph (A) of section 236(a)(2) of the Trade Act of 1974, as amended by subsection (a) of this section, shall take effect on the date of the enactment of this Act; and

(2) subparagraphs (B), (C), and (D) of such section 236(a)(2) shall take effect on October 1, 2009.

SEC. 1829. PREREQUISITE EDUCATION; APPROVED TRAINING PROGRAMS.

(a) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking "and" at the end of clause (i);

(B) by adding "and" at the end of clause (ii); and

(C) by inserting after clause (ii) the following:

"(iii) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),";

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D) the following:

"(E) any program of prerequisite education or coursework required to enroll in training that may be approved under this section,";

(4) in subparagraph (F)(ii), as redesignated by paragraph (2), by striking "and" at the end;

(5) in subparagraph (G), as redesignated by paragraph (2), by striking the period at the end and inserting ", and"; and

(6) by adding at the end the following:

"(H) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

"(i) obtaining a degree or certification; or

"(ii) completing a degree or certification that the worker had previously begun at an accredited institution of higher education.

The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).".

(b) CONFORMING AMENDMENTS.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)(2), by inserting "prerequisite education or" after "requires a program of"; and

(2) in subsection (f) (as redesignated by section 1821(c) of this subtitle), by inserting "prerequisite education or" after "includes a program of".

(c) TECHNICAL CORRECTIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the flush text, by striking "his behalf" and inserting "the worker's behalf"; and

(B) in paragraph (3), by striking "this paragraph (1)" and inserting "paragraph (1)"; and

(2) in subsection (b)(2), by striking ", and" and inserting a period.

SEC. 1830. PRE-LAYOFF AND PART-TIME TRAINING.

(a) PRE-LAYOFF TRAINING.—

(1) IN GENERAL.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(A) in paragraph (1), by inserting after "determines" the following: ", with respect to an adversely affected worker or an adversely affected incumbent worker,";

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by inserting "or an adversely affected incumbent worker" after "an adversely affected worker" each place it appears; and

(ii) in subparagraph (C), by inserting "or adversely affected incumbent worker" after "adversely affected worker" each place it appears;

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking "The training programs" and inserting "Except as provided in paragraph (10), the training programs";

(D) in paragraph (6)(B), by inserting "or adversely affected incumbent worker" after "adversely affected worker";

(E) in paragraph (7)(B), by inserting "or adversely affected incumbent worker" after "adversely affected worker"; and

(F) by inserting after paragraph (9) the following:

"(10) In the case of an adversely affected incumbent worker, the Secretary may not approve—

"(A) on-the-job training under paragraph (5)(A)(i); or

"(B) customized training under paragraph (5)(A)(ii), unless such training is for a position other than the worker's adversely affected employment.

"(11) If the Secretary determines that an adversely affected incumbent worker for whom the Secretary approved training under this section is no longer threatened with a total or partial separation, the Secretary shall terminate the approval of such training.".

(2) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended, is further amended by adding at the end the following:

"(19) The term 'adversely affected incumbent worker' means a worker who—

"(A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subchapter A;

"(B) has not been totally or partially separated from adversely affected employment; and

"(C) the Secretary determines, on an individual basis, is threatened with total or partial separation.".

(b) PART-TIME TRAINING.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296), as amended, is further amended by adding at the end the following:

"(h) PART-TIME TRAINING.—

"(1) IN GENERAL.—The Secretary may approve full-time or part-time training for a worker under subsection (a).

"(2) LIMITATION.—Notwithstanding paragraph (1), a worker participating in part-time training approved under subsection (a) may not receive a trade readjustment allowance under section 231.".

SEC. 1831. ON-THE-JOB TRAINING.

(a) IN GENERAL.—Section 236(c) of the Trade Act of 1974 (19 U.S.C. 2296(c)) is amended—

(1) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J) and moving such subparagraphs 2 ems to the right;

(2) by striking "(c) The Secretary shall" and all that follows through "such costs," and inserting the following:

"(c) ON-THE-JOB TRAINING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

"(A) the worker meets the requirements for training to be approved under subsection (a)(1);

"(B) the Secretary determines that on-the-job training—

"(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

"(ii) is compatible with the skills of the worker;

"(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

"(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

"(C) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).

"(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

"(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

"(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

"(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but may not exceed 104 weeks in any case.

"(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

"(A) continued, long-term employment as regular employees; and

"(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

"(5) LABOR STANDARDS.—The Secretary may pay the costs of on-the-job training,"; and

(3) in paragraph (5), as redesignated—

(A) in subparagraph (I), as redesignated by paragraph (1) of this section, by striking "paragraphs (1), (2), (3), (4), (5), and (6)" and inserting "subparagraphs (A), (B), (C), (D), (E), and (F)"; and

(B) in subparagraph (J), as redesignated by paragraph (1) of this section, by striking "paragraph (8)" and inserting "subparagraph (H)".

(b) REPEAL OF PREFERENCE FOR TRAINING ON THE JOB.—Section 236(a)(1) of the Trade Act of 1974 (19 U.S.C. 2296(a)(1)) is amended by striking the last sentence.

SEC. 1832. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE AND PROGRAM BENEFITS WHILE IN TRAINING.

Section 236(d) of the Trade Act of 1974 (19 U.S.C. 2296(d)) is amended to read as follows:

"(d) ELIGIBILITY.—An adversely affected worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter—

"(1) because the worker—

"(A) is enrolled in training approved under subsection (a);

"(B) left work—

"(i) that was not suitable employment in order to enroll in such training; or

"(ii) that the worker engaged in on a temporary basis during a break in such training or a delay in the commencement of such training; or

Deadline.

"(C) left on-the-job training not later than 30 days after commencing such training because the training did not meet the requirements of subsection (c)(1)(B); or

"(2) because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.".

SEC. 1833. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(2)(C)(ii), by striking ", unless the worker received a waiver under section 231(c)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "90 percent of the cost of" and inserting "all"; and

(B) in paragraph (2), by striking "$1,250" and inserting "$1,500".

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(2)(E)(ii), by striking ", unless the worker received a waiver under section 231(c)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "90 percent of the" and inserting "all"; and

(B) in paragraph (2), by striking "$1,250" and inserting "$1,500".

Subpart D—Reemployment Trade Adjustment Assistance Program

SEC. 1841. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) by amending the heading to read as follows:

"SEC. 246. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "Not later than" and all that follows through "2002, the Secretary" and inserting "The Secretary"; and

(ii) by striking "an alternative trade adjustment assistance program for older workers" and inserting "a reemployment trade adjustment assistance program";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "for a period not to exceed 2 years" and inserting "for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)"; and

(II) by striking clauses (i) and (ii) and inserting the following:

"(i) the wages received by the worker at the time of separation; and

"(ii) the wages received by the worker from reemployment.";

(ii) in subparagraph (B)—

(I) by striking "for a period not to exceed 2 years" and inserting "for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)"; and

(II) by striking ", as added by section 201 of the Trade Act of 2002"; and

(iii) by adding at the end the following:

"(C) TRAINING AND OTHER SERVICES.—A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive training approved under section 236 and employment and case management services under section 235."; and

(C) by striking paragraphs (3) through (5) and inserting the following:

"(3) ELIGIBILITY.—

"(A) IN GENERAL.—A group of workers certified under subchapter A as eligible for adjustment assistance under subchapter A is eligible for benefits described in paragraph (2) under the program established under paragraph (1).

"(B) INDIVIDUAL ELIGIBILITY.—A worker in a group of workers described in subparagraph (A) may elect to receive benefits described in paragraph (2) under the program established under paragraph (1) if the worker—

"(i) is at least 50 years of age;

"(ii) earns not more than $55,000 each year in wages from reemployment;

"(iii)(I) is employed on a full-time basis as defined by the law of the State in which the worker is employed and is not enrolled in a training program approved under section 236; or

"(II) is employed at least 20 hours per week and is enrolled in a training program approved under section 236; and

"(iv) is not employed at the firm from which the worker was separated.

"(4) ELIGIBILITY PERIOD FOR PAYMENTS.—

Effective date.

"(A) WORKER WHO HAS NOT RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has not received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period not to exceed 2 years beginning on the earlier of—

"(i) the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification; or

"(ii) the date on which the worker obtains reemployment described in paragraph (3)(B).

"(B) WORKER WHO HAS RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period of 104 weeks beginning on the date on which the worker obtains reemployment described in paragraph (3)(B), reduced by the total number of weeks for which the worker received such trade readjustment allowance.

"(5) TOTAL AMOUNT OF PAYMENTS.—

"(A) IN GENERAL.—The payments described in paragraph (2)(A) made to a worker may not exceed—

"(i) $12,000 per worker during the eligibility period under paragraph (4)(A); or

"(ii) the amount described in subparagraph (B) per worker during the eligibility period under paragraph (4)(B).

"(B) AMOUNT DESCRIBED.—The amount described in this subparagraph is the amount equal to the product of—

"(i) $12,000, and

"(ii) the ratio of—

"(I) the total number of weeks in the eligibility period under paragraph (4)(B) with respect to the worker, to

"(II) 104 weeks.

"(6) CALCULATION OF AMOUNT OF PAYMENTS FOR CERTAIN WORKERS.—

Applicability.

"(A) IN GENERAL.—In the case of a worker described in paragraph (3)(B)(iii)(II), paragraph (2)(A) shall be applied by substituting the percentage described in subparagraph (B) for '50 percent'.

"(B) PERCENTAGE DESCRIBED.—The percentage described in this subparagraph is the percentage—

"(i) equal to ½ of the ratio of—

"(I) the number of weekly hours of employment of the worker referred to in paragraph (3)(B)(iii)(II), to

"(II) the number of weekly hours of employment of the worker at the time of separation, but

"(ii) in no case more than 50 percent.

"(7) LIMITATION ON OTHER BENEFITS.—A worker described in paragraph (3)(B) may not receive a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A) during any week for which the worker receives a payment described in paragraph (2)(A)."; and

(3) in subsection (b)(2), by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3)".

(b) EXTENSION OF PROGRAM.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking "the date that is 5 years" and all that follows through the end period and inserting "December 31, 2010.".

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

"Sec. 246. Reemployment trade adjustment assistance program.".

Subpart E—Other Matters

SEC. 1851. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) is amended by adding at the end the following:

"SEC. 249A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE. 19 USC 2322.

"(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

"(b) HEAD OF OFFICE.—The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

"(c) PRINCIPAL FUNCTIONS.—The principal functions of the administrator of the Office shall be—

"(1) to oversee and implement the administration of trade adjustment assistance program under this chapter; and

"(2) to carry out functions delegated to the Secretary of Labor under this chapter, including—

"(A) making determinations under section 223;

"(B) providing information under section 225 about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

"(C) providing assistance to employers of groups of workers that have filed petitions under section 221 in submitting information required by the Secretary relating to the petitions;

"(D) ensuring workers covered by a certification of eligibility under subchapter A receive the employment and case management services described in section 235;

"(E) ensuring that States fully comply with agreements entered into under section 239;

"(F) advocating for workers applying for benefits available under this chapter;

"(G) establishing and overseeing a hotline that workers, employers, and other entities may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this chapter; and

"(H) carrying out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.

"(d) ADMINISTRATION.—

"(1) DESIGNATION.—The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

"(2) DUTIES.—The employee designated under paragraph (1) shall—

"(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this chapter;

"(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

"(C) compile basic information concerning such complaints and requests for assistance; and

"(D) carry out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249 the following:

"Sec. 249A. Office of Trade Adjustment Assistance.".

SEC. 1852. ACCOUNTABILITY OF STATE AGENCIES; COLLECTION AND PUBLICATION OF PROGRAM DATA; AGREEMENTS WITH STATES.

(a) IN GENERAL.—Section 239(a) of the Trade Act of 1974 (19 U.S.C. 2311(a)) is amended—

(1) by amending clause (2) to read as follows: "(2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A the employment and case management services described in section 235,"; and

(2) by striking "will" each place it appears and inserting "shall".

(b) FORM AND MANNER OF DATA.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

"(c) FORM AND MANNER OF DATA.—Each agreement under this subchapter shall—

"(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this chapter; and

"(2) specify the form and manner in which any such data requested by the Secretary shall be reported.".

(c) STATE ACTIVITIES.—Section 239(g) of the Trade Act of 1974 (as redesignated) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by amending paragraph (4) to read as follows:

"(4) perform outreach to, intake of, and orientation for adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A with respect to assistance and benefits available under this chapter, and"; and

(3) by adding at the end the following:

"(5) make employment and case management services described in section 235 available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A and, if funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs.".

(d) REPORTING REQUIREMENT.—Section 239(h) of the Trade Act of 1974 (as redesignated) is amended by striking "1998." and inserting "1998 (29 U.S.C. 2822(b)) and a description of the State's rapid response activities under section 221(a)(2)(A).".

(e) CONTROL MEASURES.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

"(i) CONTROL MEASURES.—

"(1) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this chapter, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported. Requirements.

"(2) DEFINITION.—For purposes of paragraph (1), the term 'control measures' means measures that—

"(A) are internal to a system used by a State to collect data; and

"(B) are designed to ensure the accuracy and verifiability of such data.

"(j) DATA REPORTING.—

"(1) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

"(A) the core indicators of performance described in paragraph (2)(A);

"(B) the additional indicators of performance described in paragraph (2)(B), if any; and

"(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

"(2) CORE INDICATORS DESCRIBED.—

"(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

"(i) the percentage of workers receiving benefits under this chapter who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

"(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

"(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

"(B) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this chapter, as appropriate.

"(3) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.".

Procedures.

Immigration.

SEC. 1853. VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

"(k) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

"(1) IN GENERAL.—An agreement under this subchapter shall provide that the State shall periodically redetermine that a worker receiving benefits under this subchapter who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b-7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subchapter. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b-7(d)).

"(2) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.".

SEC. 1854. COLLECTION OF DATA AND REPORTS; INFORMATION TO WORKERS.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.), as amended, is further amended by adding at the end the following:

19 USC 2323.

"SEC. 249B. COLLECTION AND PUBLICATION OF DATA AND REPORTS; INFORMATION TO WORKERS.

System.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall implement a system to collect and report the data described in subsection (b), as well as any other information that the Secretary considers appropriate to effectively carry out this chapter.

"(b) DATA TO BE INCLUDED.—The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:

"(1) DATA ON PETITIONS FILED, CERTIFIED, AND DENIED.—

"(A) The number of petitions filed, certified, and denied under this chapter.

"(B) The number of workers covered by petitions filed, certified, and denied.

"(C) The number of petitions, classified by—

"(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and

"(ii) congressional district of the United States.

"(D) The average time for processing such petitions.

"(2) DATA ON BENEFITS RECEIVED.—

"(A) The number of workers receiving benefits under this chapter.

"(B) The number of workers receiving each type of benefit, including training, trade readjustment allowances, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under section 35 of the Internal Revenue Code of 1986.

"(C) The average time during which such workers receive each such type of benefit.

"(3) DATA ON TRAINING.—

"(A) The number of workers enrolled in training approved under section 236, classified by major types of training, including classroom training, training through distance learning, on-the-job training, and customized training.

"(B) The number of workers enrolled in full-time training and part-time training.

"(C) The average duration of training.

"(D) The number of training waivers granted under section 231(c), classified by type of waiver.

"(E) The number of workers who complete training and the duration of such training.

"(F) The number of workers who do not complete training.

"(4) DATA ON OUTCOMES.—

"(A) A summary of the quarterly reports required under section 239(j).

"(B) The sectors in which workers are employed after receiving benefits under this chapter.

"(5) DATA ON RAPID RESPONSE ACTIVITIES.—Whether rapid response activities were provided with respect to each petition filed under section 221.

"(c) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (b), the Secretary shall classify the data by industry, State, and national totals.

"(d) REPORT.—Not later than December 15 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes—

"(1) a summary of the information collected under this section for the preceding fiscal year;

"(2) information on the distribution of funds to each State pursuant to section 236(a)(2); and

"(3) any recommendations of the Secretary with respect to changes in eligibility requirements, benefits, or training funding under this chapter based on the data collected under this section.

"(e) AVAILABILITY OF DATA.—

Web posting.

"(1) IN GENERAL.—The Secretary shall make available to the public, by publishing on the website of the Department of Labor and by other means, as appropriate—

"(A) the report required under subsection (d);

"(B) the data collected under this section, in a searchable format; and

"(C) a list of cooperating States and cooperating State agencies that failed to submit the data required by this section to the Secretary in a timely manner.

Deadline.

"(2) UPDATES.—The Secretary shall update the data under paragraph (1) on a quarterly basis.".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249A the following:

"Sec. 249B. Collection and publication of data and reports; information to workers.".

19 USC 2323 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1855. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 243(a)(1) of the Trade Act of 1974 (19 U.S.C. 2315(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "may waive" and inserting "shall waive"; and

(B) by striking ", in accordance with guidelines prescribed by the Secretary,"; and

(2) in subparagraph (B), by striking "would be contrary to equity and good conscience" and inserting "would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household)".

SEC. 1856. SENSE OF CONGRESS ON APPLICATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391 et seq.) is amended by adding at the end the following:

19 USC 2397a.

"SEC. 288. SENSE OF CONGRESS.

"It is the sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of chapter 2 (relating to adjustment assistance for workers), chapter 3 (relating to adjustment assistance for firms), chapter 4 (relating to adjustment assistance for communities), and chapter 6 (relating to adjustment assistance for farmers), respectively, with the utmost regard

for the interests of workers, firms, communities, and farmers petitioning for benefits under such chapters.".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 287 the following:

"Sec. 288. Sense of Congress.".

SEC. 1857. CONSULTATIONS IN PROMULGATION OF REGULATIONS.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended—

(1) by striking "The Secretary shall" and inserting the following:

"(a) IN GENERAL.—The Secretary shall"; and

(2) by adding at the end the following:

"(b) CONSULTATIONS.—Not later than 90 days before issuing a regulation under subsection (a), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the regulation.". Deadline.

SEC. 1858. TECHNICAL CORRECTIONS.

(a) DETERMINATIONS BY SECRETARY OF LABOR.—Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended by striking "his determination" and inserting "a determination".

(b) QUALIFYING REQUIREMENTS FOR WORKERS.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "his application" and inserting "the worker's application"; and

(B) in subparagraph (A), by striking "he is covered" and inserting "the worker is covered";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the period and inserting a comma; and

(B) in subparagraph (D), by striking "5 U.S.C. 8521(a)(1)" and inserting "section 8521(a)(1) of title 5, United States Code"; and

(3) in paragraph (3)—

(A) by striking "he" each place it appears and inserting "the worker"; and

(B) in subparagraph (C), by striking "him" and inserting "the worker".

(c) SUBPOENA POWER.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in the section heading, by striking "**SUBPENA**" and inserting "**SUBPOENA**";

(2) by striking "subpena" and inserting "subpoena" each place it appears; and

(3) in subsection (a), by striking "him" and inserting "the Secretary".

(d) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 249 and inserting the following:

"Sec. 249. Subpoena power.".

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 1861. EXPANSION TO SERVICE SECTOR FIRMS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by inserting "or service sector firm" after "agricultural firm" each place it appears.

(b) DEFINITION OF SERVICE SECTOR FIRM.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(1) by striking "chapter," and inserting "chapter:";

(2) by striking "the term 'firm'" and inserting the following: "(1) FIRM.—The term 'firm'"; and

(3) by adding at the end the following:

"(2) SERVICE SECTOR FIRM.—The term 'service sector firm' means a firm engaged in the business of supplying services.".

(c) CONFORMING AMENDMENTS.—

(1) Section 251(c)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(C)) is amended—

(A) by inserting "or services" after "articles" the first place it appears; and

(B) by inserting "or services which are supplied" after "produced".

(2) Section 251(c)(2)(B)(ii) of such Act is amended to read as follows:

"(ii) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.".

SEC. 1862. MODIFICATION OF REQUIREMENTS FOR CERTIFICATION.

Section 251(c)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(B)) is amended to read as follows:

"(B) that—

"(i) sales or production, or both, of the firm have decreased absolutely,

"(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which date are available have decreased absolutely,

"(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

"(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

"(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and

"(iv) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased compared to—

"(I) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

"(II) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and".

SEC. 1863. BASIS FOR DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended by adding at the end the following:

"(e) BASIS FOR SECRETARY'S DETERMINATIONS.—For purposes of subsection (c)(1)(C), the Secretary may determine that there are increased imports of like or directly competitive articles or services, if customers accounting for a significant percentage of the decrease in the sales or production of the firm certify to the Secretary that such customers have increased their imports of such articles or services from a foreign country, either absolutely or relative to their acquisition of such articles or services from suppliers located in the United States. Certification.

"(f) NOTIFICATION TO FIRMS OF AVAILABILITY OF BENEFITS.—Upon receiving notice from the Secretary of Labor under section 225 of the identity of a firm that is covered by a certification issued under section 223, the Secretary of Commerce shall notify the firm of the availability of adjustment assistance under this chapter.".

SEC. 1864. OVERSIGHT AND ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended—

(1) by striking sections 254, 255, 256, and 257; 19 USC 2344–2347.

(2) by redesignating sections 258, 259, 260, 261, 262, 264, and 265, as sections 256, 257, 258, 259, 260, 261, and 262, respectively; and 19 USC 2348–2352, 2354, 2355.

(3) by inserting after section 253 the following:

"SEC. 254. OVERSIGHT AND ADMINISTRATION. 19 USC 2344.

"(a) IN GENERAL.—The Secretary shall, to such extent and in such amounts as are provided in appropriations Acts, provide grants to intermediary organizations (referred to in section 253(b)(1)) throughout the United States pursuant to agreements with such intermediary organizations. Each such agreement shall require the intermediary organization to provide benefits to firms certified under section 251. The Secretary shall, to the maximum extent practicable, provide by October 1, 2010, that contracts entered into with intermediary organizations be for a 12-month period and that all such contracts have the same beginning date and the same ending date. Grants. Deadline. Contracts.

"(b) DISTRIBUTION OF FUNDS.—

"(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this subsection, the Secretary shall develop a methodology for the distribution of funds among the intermediary organizations described in subsection (a). Deadline. Methodology.

"(2) PROMPT INITIAL DISTRIBUTION.—The methodology described in paragraph (1) shall ensure the prompt initial distribution of funds and establish additional criteria governing the apportionment and distribution of the remainder of such funds among the intermediary organizations. Criteria.

"(3) CRITERIA.—The methodology described in paragraph (1) shall include criteria based on the data in the annual report on the trade adjustment assistance for firms program

described in section 1866 of the Trade and Globalization Adjustment Assistance Act of 2009.

Guidelines. "(c) REQUIREMENTS FOR CONTRACTS.—An agreement with an intermediary organization described in subsection (a) shall require the intermediary organization to contract for the supply of services to carry out grants under this chapter in accordance with terms and conditions that are consistent with guidelines established by the Secretary.

Deadlines. "(d) CONSULTATIONS.—

"(1) CONSULTATIONS REGARDING METHODOLOGY.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives—

"(A) not less than 30 days before finalizing the methodology described in subsection (b); and

"(B) not less than 60 days before adopting any changes to such methodology.

"(2) CONSULTATIONS REGARDING GUIDELINES.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the guidelines described in subsection (c) or adopting any subsequent changes to such guidelines.

19 USC 2345. **"SEC. 255. AUTHORIZATION OF APPROPRIATIONS.**

Time period. "(a) IN GENERAL.—There are authorized to be appropriated to the Secretary $50,000,000 for each of the fiscal years 2009 through 2010, and $12,501,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the provisions of this chapter. Amounts appropriated pursuant to this subsection shall—

Deadline. "(1) be available to provide adjustment assistance to firms that file a petition for such assistance pursuant to this chapter on or before December 31, 2010; and

"(2) otherwise remain available until expended.

"(b) PERSONNEL.—Of the amounts appropriated pursuant to this section for each fiscal year, $350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this chapter. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this chapter.".

Establishment.

19 USC 2344 note. (b) RESIDUAL AUTHORITY.—The Secretary of Commerce shall have the authority to modify, terminate, resolve, liquidate, or take any other action with respect to a loan, guarantee, contract, or any other financial assistance that was extended under section 254, 255, 256, or 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345, 2346, and 2347), as in effect on the day before the effective date set forth in section 1891.

(c) CONFORMING AMENDMENTS.—

19 USC 2348. (1) Section 256 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended by striking subsection (d).

19 USC 2350. (2) Section 258 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended—

(A) in the first sentence, by striking "and financial"; and

(B) in the last sentence—

(i) by striking "sections 253 and 254" and inserting "section 253"; and

(ii) by striking "title 28 of the United States Code" and inserting "title 28, United States Code".

(d) CLERICAL AMENDMENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to sections 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, and 265, and inserting the following:

"Sec. 254. Oversight and administration.
"Sec. 255. Authorization of appropriations.
"Sec. 256. Protective provisions.
"Sec. 257. Penalties.
"Sec. 258. Civil actions.
"Sec. 259. Definitions.
"Sec. 260. Regulations.
"Sec. 261. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
"Sec. 262. Assistance to industries.".

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that subsections (b) and (d) of section 254 of the Trade Act of 1974 (as added by subsection (a) of this section) shall take effect on such date of enactment. 19 USC 2344 note.

SEC. 1865. INCREASED PENALTIES FOR FALSE STATEMENTS.

Section 257 of the Trade Act of 1974, as redesignated by section 1864(a), is amended to read as follows: 19 USC 2349.

"SEC. 257. PENALTIES.

"Any person who—

"(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or willfully overvalues any security, for the purpose of influencing in any way a determination under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, or

"(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under this chapter,

shall be imprisoned for not more than 2 years, or fined under title 18, United States Code, or both.".

SEC. 1866. ANNUAL REPORT ON TRADE ADJUSTMENT ASSISTANCE FOR FIRMS. 19 USC 2356.

(a) IN GENERAL.—Not later than December 15, 2009, and each year thereafter, the Secretary of Commerce shall prepare a report containing data regarding the trade adjustment assistance for firms program provided for in chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) for the preceding fiscal year. The data shall include the following:

(1) The number of firms that inquired about the program.
(2) The number of petitions filed under section 251.
(3) The number of petitions certified and denied.
(4) The average time for processing petitions.

(5) The number of petitions filed and firms certified for each congressional district of the United States.

(6) The number of firms that received assistance in preparing their petitions.

(7) The number of firms that received assistance developing business recovery plans.

(8) The number of business recovery plans approved and denied by the Secretary of Commerce.

(9) Sales, employment, and productivity at each firm participating in the program at the time of certification.

(10) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion.

(11) The financial assistance received by each firm participating in the program.

(12) The financial contribution made by each firm participating in the program.

(13) The types of technical assistance included in the business recovery plans of firms participating in the program.

(14) The number of firms leaving the program before completing the project or projects in their business recovery plans and the reason the project was not completed.

(b) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (a), the Secretary shall classify the data by intermediary organization, State, and national totals.

(c) REPORT TO CONGRESS; PUBLICATION.—The Secretary of Commerce shall—

(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

Federal Register, publication.

(2) publish the report in the Federal Register and on the website of the Department of Commerce.

(d) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary of Commerce may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information. Nothing in this subsection shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.

SEC. 1867. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended—

(1) in subsection (a), by striking "he has" and inserting "the Secretary has"; and

(2) in subsection (d), by striking "60 days" and inserting "40 days".

(b) TECHNICAL ASSISTANCE.—Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by striking "of a certified firm" and inserting "to a certified firm".

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 1871. PURPOSE. 19 USC 2371 note.

The purpose of the amendments made by this part is to assist communities impacted by trade with economic adjustment through the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the development and provision of programs that meet the training needs of workers covered by certifications under section 223.

SEC. 1872. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"Subchapter A—Trade Adjustment Assistance for Communities

"SEC. 271. DEFINITIONS. 19 USC 2371.

"In this subchapter:

"(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

"(2) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State.

"(3) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' means a community described in section 273(b)(2).

"(4) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that the Secretary has determined under section 273(b)(1) is eligible to apply for assistance under this subchapter.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM. 19 USC 2371a.

"Not later than August 1, 2009, the Secretary shall establish a trade adjustment assistance for communities program at the Department of Commerce under which the Secretary shall— Deadline.

"(1) provide technical assistance under section 274 to communities impacted by trade to facilitate the economic adjustment of those communities; and

"(2) award grants to communities impacted by trade to carry out strategic plans developed under section 276. Grants.

"SEC. 273. ELIGIBILITY; NOTIFICATION. 19 USC 2371b.

"(a) PETITION.— Deadlines.

"(1) IN GENERAL.—A community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) that the community is eligible to apply for assistance under this subchapter if—

"(A) on or after August 1, 2009, one or more certifications described in subsection (b)(3) are made with respect to the community; and

"(B) the community submits the petition not later than 180 days after the date of the most recent certification.

Time period.

"(2) SPECIAL RULE WITH RESPECT TO CERTAIN COMMUNITIES.—In the case of a community with respect to which one or more certifications described in subsection (b)(3) were made on or after January 1, 2007, and before August 1, 2009, the community may submit not later than February 1, 2010, a petition to the Secretary for an affirmative determination under subsection (b)(1).

"(b) AFFIRMATIVE DETERMINATION.—

"(1) IN GENERAL.—The Secretary shall make an affirmative determination that a community is eligible to apply for assistance under this subchapter if the Secretary determines that the community is a community impacted by trade.

"(2) COMMUNITY IMPACTED BY TRADE.—A community is a community impacted by trade if—

"(A) one or more certifications described in paragraph (3) are made with respect to the community; and

"(B) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with any such certification.

"(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification—

"(A) by the Secretary of Labor that a group of workers in the community is eligible to apply for assistance under section 223;

"(B) by the Secretary of Commerce that a firm located in the community is eligible to apply for adjustment assistance under section 251; or

"(C) by the Secretary of Agriculture that a group of agricultural commodity producers in the community is eligible to apply for adjustment assistance under section 293.

"(c) NOTIFICATIONS.—

"(1) NOTIFICATION TO THE GOVERNOR.—The Governor of a State shall be notified promptly—

"(A) by the Secretary of Labor, upon making a determination that a group of workers in the State is eligible for assistance under section 223;

"(B) by the Secretary of Commerce, upon making a determination that a firm in the State is eligible for assistance under section 251; and

"(C) by the Secretary of Agriculture, upon making a determination that a group of agricultural commodity producers in the State is eligible for assistance under section 293.

"(2) NOTIFICATION TO COMMUNITY.—Upon making an affirmative determination under subsection (b)(1) that a community is eligible to apply for assistance under this subchapter, the Secretary shall promptly notify the community and the Governor of the State in which the community is located—

"(A) of the affirmative determination;

"(B) of the applicable provisions of this subchapter; and

"(C) of the means for obtaining assistance under this subchapter and other appropriate economic assistance that may be available to the community.

"SEC. 274. TECHNICAL ASSISTANCE. 19 USC 2371c.

"(a) IN GENERAL.—The Secretary shall provide comprehensive technical assistance to an eligible community to assist the community to—

"(1) diversify and strengthen the economy in the community;

"(2) identify significant impediments to economic development that result from the impact of trade on the community; and

"(3) develop a strategic plan under section 276 to address economic adjustment and workforce dislocation in the community, including unemployment among agricultural commodity producers.

"(b) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to an eligible community by—

"(1) identifying Federal, State, and local resources that are available to assist the community in responding to economic distress; and

"(2) assisting the community in accessing available Federal assistance and ensuring that such assistance is provided in a targeted, integrated manner.

"(c) INTERAGENCY COMMUNITY ASSISTANCE WORKING GROUP.—

"(1) IN GENERAL.—The Secretary shall establish an interagency Community Assistance Working Group, to be chaired by the Secretary or the Secretary's designee, which shall assist the Secretary with the coordination of the Federal response pursuant to subsection (b). Establishment.

"(2) MEMBERSHIP.—The Working Group shall consist of representatives of any Federal department or agency with responsibility for providing economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, and any other Federal, State, or regional public department or agency the Secretary determines to be appropriate.

"SEC. 275. GRANTS FOR ELIGIBLE COMMUNITIES. 19 USC 2371d.

"(a) IN GENERAL.—The Secretary may award a grant under this section to an eligible community to assist the community in carrying out any project or program that is included in a strategic plan developed by the community under section 276.

"(b) APPLICATION.—

"(1) IN GENERAL.—An eligible community seeking to receive a grant under this section shall submit a grant application to the Secretary that contains—

"(A) the strategic plan developed by the community under section 276(a)(1)(A) and approved by the Secretary under section 276(a)(1)(B); and

"(B) a description of the project or program included in the strategic plan with respect to which the community seeks the grant.

"(2) COORDINATION AMONG GRANT PROGRAMS.—If an entity in an eligible community is seeking or plans to seek a Community College and Career Training Grant under section 278 or a Sector Partnership Grant under section 279A while the eligible community is seeking a grant under this section, the eligible community shall include in the grant application a description of how the eligible community will integrate any projects or programs carried out using a grant under this section with any projects or programs that may be carried out using such other grants.

"(c) LIMITATION.—An eligible community may not be awarded more than $5,000,000 under this section.

"(d) COST-SHARING.—

"(1) FEDERAL SHARE.—The Federal share of a project or program for which a grant is awarded under this section may not exceed 95 percent of the cost of such project or program.

"(2) COMMUNITY SHARE.—The Secretary shall require, as a condition of awarding a grant to an eligible community under this section, that the eligible community contribute not less than an amount equal to 5 percent of the amount of the grant toward the cost of the project or program for which the grant is awarded.

"(e) GRANTS TO SMALL- AND MEDIUM-SIZED COMMUNITIES.—The Secretary shall give priority to grant applications submitted under this section by eligible communities that are small- and medium-sized communities.

"(f) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2011, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

"(1) describing each grant awarded under this section during the preceding fiscal year; and

"(2) assessing the impact on the eligible community of each such grant awarded in a fiscal year before the fiscal year referred to in paragraph (1).

19 USC 2371e.

"SEC. 276. STRATEGIC PLANS.

"(a) IN GENERAL.—

"(1) DEVELOPMENT.—An eligible community that intends to apply for a grant under section 275 shall—

"(A) develop a strategic plan for the community's economic adjustment to the impact of trade; and

"(B) submit the plan to the Secretary for evaluation and approval.

"(2) INVOLVEMENT OF PRIVATE AND PUBLIC ENTITIES.—

"(A) IN GENERAL.—To the extent practicable, an eligible community shall consult with entities described in subparagraph (B) in developing a strategic plan under paragraph (1).

"(B) ENTITIES DESCRIBED.—Entities described in this subparagraph are public and private entities within the eligible community, including—

"(i) local, county, or State government agencies serving the community;

"(ii) firms, including small- and medium-sized firms, within the community;

"(iii) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

"(iv) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

"(v) educational institutions, local educational agencies, or other training providers serving the community.

"(b) CONTENTS.—The strategic plan shall, at a minimum, contain the following:

"(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

"(2) An analysis of the economic development challenges and opportunities facing the community as well as the strengths and weaknesses of the economy of the community.

"(3) An assessment of the commitment of the eligible community to the strategic plan over the long term and the participation and input of members of the community affected by economic dislocation.

"(4) A description of the role and the participation of the entities described in subsection (a)(2)(B) in developing the strategic plan.

"(5) A description of the projects to be undertaken by the eligible community under the strategic plan.

"(6) A description of how the strategic plan and the projects to be undertaken by the eligible community will facilitate the community's economic adjustment.

"(7) A description of the educational and training programs available to workers in the eligible community and the future employment needs of the community.

"(8) An assessment of the cost of implementing the strategic plan, the timing of funding required by the eligible community to implement the strategic plan, and the method of financing to be used to implement the strategic plan.

"(9) A strategy for continuing the economic adjustment of the eligible community after the completion of the projects described in paragraph (5).

"(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

"(1) IN GENERAL.—The Secretary, upon receipt of an application from an eligible community, may award a grant to the community to assist the community in developing a strategic plan under subsection (a)(1). A grant awarded under this paragraph shall not exceed 75 percent of the cost of developing the strategic plan.

"(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available not more than $25,000,000 for each of the fiscal years 2009 and 2010, and $6,250,000 for the period beginning October 1, 2010, and ending December 31, 2010, to provide grants to eligible communities under paragraph (1). Time period.

"SEC. 277. GENERAL PROVISIONS. 19 USC 2371f.

"(a) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this subchapter, including—

"(A) establishing specific guidelines for the submission and evaluation of strategic plans under section 276;

"(B) establishing specific guidelines for the submission and evaluation of grant applications under section 275; and

"(C) administering the grant programs established under sections 275 and 276.

Deadline.

"(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days prior to promulgating any final rule or regulation pursuant to paragraph (1).

Designation.

"(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this subchapter.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $150,000,000 for each of the fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out this subchapter.

"(2) AVAILABILITY.—Amounts appropriated pursuant to this subchapter—

"(A) shall be available to provide adjustment assistance to communities that have been approved for assistance pursuant to this chapter on or before December 31, 2010; and

"(B) shall otherwise remain available until expended.

"(3) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this subchapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

"Subchapter B—Community College and Career Training Grant Program

19 USC 2372.

"SEC. 278. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

"(a) GRANTS AUTHORIZED.—

Effective date.

"(1) IN GENERAL.—Beginning August 1, 2009, the Secretary may award Community College and Career Training Grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for workers eligible for training under section 236.

"(2) LIMITATIONS.—An eligible institution may not be awarded—

"(A) more than one grant under this section; or

"(B) a grant under this section in excess of $1,000,000.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)),

but only with respect to a program offered by the institution that can be completed in not more than 2 years.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(c) GRANT PROPOSALS.—

"(1) IN GENERAL.—An eligible institution seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) GUIDELINES.—Not later than June 1, 2009, the Secretary shall— Deadline.

"(A) promulgate guidelines for the submission of grant proposals under this section; and

"(B) publish and maintain such guidelines on the website of the Department of Labor. Web posting.

"(3) ASSISTANCE.—The Secretary shall offer assistance in preparing a grant proposal to any eligible institution that requests such assistance.

"(4) GENERAL REQUIREMENTS FOR GRANT PROPOSALS.—

"(A) IN GENERAL.—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

"(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to workers eligible for training under section 236;

"(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of workers in the community served by the eligible institution who are eligible for training under section 236;

"(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community under section 276;

"(iv) the extent to which the project for which the grant proposal is submitted relates to any project funded by a Sector Partnership Grant awarded under section 279A; and

"(v) any previous experience of the eligible institution in providing educational or career training programs to workers eligible for training under section 236.

"(B) ABSENCE OF EXPERIENCE.—The absence of any previous experience in providing educational or career training programs described in subparagraph (A)(v) shall not automatically disqualify an eligible institution from receiving a grant under this section.

"(5) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Secretary, a grant proposal submitted by an eligible institution under this section shall—

"(A) demonstrate that the eligible institution—

"(i) reached out to employers, and other entities described in section 276(a)(2)(B) to identify—

"(I) any shortcomings in existing educational and career training opportunities available to workers in the community; and

"(II) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future employment demand;

"(ii) reached out to other similarly situated institutions in an effort to benefit from any best practices that may be shared with respect to providing educational or career training programs to workers eligible for training under section 236; and

"(iii) reached out to any eligible partnership in the community that has sought or received a Sector Partnership Grant under section 279A to enhance the effectiveness of each grant and avoid duplication of efforts; and

"(B) include a detailed description of—

"(i) the extent and outcome of the outreach conducted under subparagraph (A);

"(ii) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under subparagraph (A)(i)(I) or any educational or career training needs identified under subparagraph (A)(i)(II); and

"(iii) the extent to which employers, including small- and medium-sized firms within the community, have demonstrated a commitment to employing workers who would benefit from the project for which the grant proposal is submitted.

"(d) CRITERIA FOR AWARD OF GRANTS.—

"(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary shall award a grant under this section based on—

"(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve educational or career training programs to be made available to workers eligible for training under section 236;

"(B) an evaluation of the likely employment opportunities available to workers who complete an educational or career training program that the eligible institution proposes to develop, offer, or improve; and

"(C) an evaluation of prior demand for training programs by workers eligible for training under section 236 in the community served by the eligible institution, as well as the availability and capacity of existing training programs to meet future demand for training programs.

"(2) PRIORITY FOR CERTAIN COMMUNITIES.—In awarding grants under this section, the Secretary shall give priority to an eligible institution that serves a community that the Secretary of Commerce has determined under section 273 is eligible to apply for assistance under subchapter A within the 5-year period preceding the date on which the grant proposal is submitted to the Secretary under this section.

"(3) MATCHING REQUIREMENTS.—A grant awarded under this section may not be used to satisfy any private matching requirement under any other provision of law.

"(e) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2011, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

"(1) describing each grant awarded under this section during the preceding fiscal year; and

"(2) assessing the impact of each award of a grant under this section in a fiscal year preceding the fiscal year referred to in paragraph (1) on workers receiving training under section 236.

"SEC. 279. AUTHORIZATION OF APPROPRIATIONS. 19 USC 2372a.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to fund the Community College and Career Training Grant Program. Funds appropriated pursuant to this section shall remain available until expended. Time period.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

"Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

"SEC. 279A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM FOR COMMUNITIES IMPACTED BY TRADE. 19 USC 2373.

"(a) PURPOSE.—The purpose of this subchapter is to facilitate efforts by industry or sector partnerships to strengthen and revitalize industries and create employment opportunities for workers in communities impacted by trade.

"(b) DEFINITIONS.—In this subchapter:

"(1) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' has the meaning given that term in section 271.

"(2) DISLOCATED WORKER.—The term 'dislocated worker' means a worker who has been totally or partially separated, or is threatened with total or partial separation, from employment in an industry or sector in a community impacted by trade.

"(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a voluntary partnership composed of public and private persons, firms, or other entities within a community impacted by trade, that shall include representatives of—

"(A) an industry or sector within the community, including an industry association;

"(B) local, county, or State government;

"(C) multiple firms in the industry or sector, including small- and medium-sized firms, within the community;

"(D) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

"(E) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

"(F) educational institutions, local educational agencies, or other training providers serving the community.

"(4) LEAD ENTITY.—The term 'lead entity' means—

"(A) an entity designated by the eligible partnership to be responsible for submitting a grant proposal under subsection (e) and serving as the eligible partnership's fiscal agent in expending any Sector Partnership Grant awarded under this section; or

"(B) a State agency designated by the Governor of the State to carry out the responsibilities described in subparagraph (A).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

"(6) TARGETED INDUSTRY OR SECTOR.—The term 'targeted industry or sector' means the industry or sector represented by an eligible partnership.

Effective date.

"(c) SECTOR PARTNERSHIP GRANTS AUTHORIZED.—Beginning on August 1, 2009, and subject to the appropriation of funds, the Secretary shall award Sector Partnership Grants to eligible partnerships to assist the eligible partnerships in carrying out projects, over periods of not more than 3 years, to strengthen and revitalize industries and sectors and create employment opportunities for dislocated workers.

"(d) USE OF SECTOR PARTNERSHIP GRANTS.—An eligible partnership may use a Sector Partnership Grant to carry out any project that the Secretary determines will further the purpose of this subchapter, which may include—

"(1) identifying the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade, and developing strategies for filling the gaps, including by—

"(A) developing systems to better link firms in the targeted industry or sector to available skilled workers;

"(B) helping firms in the targeted industry or sector to obtain access to new sources of qualified job applicants;

"(C) retraining dislocated and incumbent workers; or

"(D) facilitating the training of new skilled workers by aligning the instruction provided by local suppliers of education and training services with the needs of the targeted industry or sector;

"(2) analyzing the skills and education levels of dislocated and incumbent workers and developing training to address skill gaps that prevent such workers from obtaining jobs in the targeted industry or sector;

"(3) helping firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers;

"(4) helping such firms retain incumbent workers;

"(5) developing learning consortia of small- and medium-sized firms in the targeted industry or sector with similar training needs to enable the firms to combine their purchases of training services, and thereby lower their training costs;

"(6) providing information and outreach activities to firms in the targeted industry or sector regarding the activities of

the eligible partnership and other local service suppliers that could assist the firms in meeting needs for skilled workers;

"(7) seeking, applying, and disseminating best practices learned from similarly situated communities impacted by trade in the development and implementation of economic growth and revitalization strategies; and

"(8) identifying additional public and private resources to support the activities described in this subsection, which may include the option to apply for a community grant under section 275 or a Community College and Career Training Grant under section 278 (subject to meeting any additional requirements of those sections).

"(e) GRANT PROPOSALS.—

"(1) IN GENERAL.—The lead entity of an eligible partnership seeking to receive a Sector Partnership Grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(2) GENERAL REQUIREMENTS OF GRANT PROPOSALS.—A grant proposal submitted under paragraph (1) shall, at a minimum—

"(A) identify the members of the eligible partnership;

"(B) identify the targeted industry or sector for which the eligible partnership intends to carry out projects using the Sector Partnership Grant;

"(C) describe the goals that the eligible partnership intends to achieve to promote the targeted industry or sector;

"(D) describe the projects that the eligible partnership will undertake to achieve such goals;

"(E) demonstrate that the eligible partnership has the organizational capacity to carry out the projects described in subparagraph (D);

"(F) explain—

"(i) whether—

"(I) the community impacted by trade has sought or received a community grant under section 275;

"(II) an eligible institution in the community has sought or received a Community College and Career Training Grant under section 278; or

"(III) any other entity in the community has received funds pursuant to any other federally funded training project; and

"(ii) how the eligible partnership will coordinate its use of a Sector Partnership Grant with the use of such other grants or funds in order to enhance the effectiveness of each grant and any such funds and avoid duplication of efforts; and

"(G) include performance measures, developed based on the performance measures issued by the Secretary under subsection (g)(2), and a timeline for measuring progress toward achieving the goals described in subparagraph (C).

"(f) AWARD OF GRANTS.—

"(1) IN GENERAL.—Upon application by the lead entity of an eligible partnership, the Secretary may award a Sector Partnership Grant to the eligible partnership to assist the

partnership in carrying out any of the projects in the grant proposal that the Secretary determines will further the purposes of this subchapter.

"(2) LIMITATIONS.—An eligible partnership may not be awarded—

"(A) more than one Sector Partnership Grant; or

"(B) a total grant award under this subchapter in excess of—

"(i) except as provided in clause (ii), $2,500,000; or

"(ii) in the case of an eligible partnership located within a community impacted by trade that is not served by an institution receiving a Community College and Career Training Grant under section 278, $3,000,000.

"(g) ADMINISTRATION BY THE SECRETARY.—

"(1) TECHNICAL ASSISTANCE AND OVERSIGHT.—

"(A) IN GENERAL.—The Secretary shall provide technical assistance to, and oversight of, the lead entity of an eligible partnership in applying for and administering Sector Partnership Grants awarded under this section.

"(B) TECHNICAL ASSISTANCE.—Technical assistance provided under subparagraph (A) shall include providing conferences and such other methods of collecting and disseminating information on best practices developed by eligible partnerships as the Secretary determines appropriate.

"(C) GRANTS OR CONTRACTS FOR TECHNICAL ASSISTANCE.—The Secretary may award a grant or contract to one or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of eligible partnerships.

"(2) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible partnerships may use to measure progress toward the goals described in subsection (e). In developing such measures, the Secretary shall consider the benefits of the eligible partnership and its activities for workers, firms, industries, and communities.

"(h) REPORTS.—

"(1) PROGRESS REPORT.—Not later than 1 year after receiving a Sector Partnership Grant, and 3 years thereafter, the lead entity shall submit to the Secretary, on behalf of the eligible partnership, a report containing—

"(A) a detailed description of the progress made toward achieving the goals described in subsection (e)(2)(C), using the performance measures required under subsection (e)(2)(G);

"(B) a detailed evaluation of the impact of the grant award on workers and employers in the community impacted by trade; and

"(C) a detailed description of all expenditures of funds awarded to the eligible partnership under the Sector Partnership Grant approved by the Secretary under this subchapter.

"(2) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2011, the Secretary shall submit to the Committee on Finance of the Senate and the

Committee on Ways and Means of the House of Representatives a report—

"(A) describing each Sector Partnership Grant awarded to an eligible partnership during the preceding fiscal year; and

"(B) assessing the impact of each Sector Partnership Grant awarded in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers and employers in communities impacted by trade.

"SEC. 279B. AUTHORIZATION OF APPROPRIATIONS. 19 USC 2373a.

"(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the Sector Partnership Grant program under section 279A. Funds appropriated pursuant to this section shall remain available until expended. Time period.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support the economic development of local communities.

"(c) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated pursuant to this section for each fiscal year to administer the Sector Partnership Grant program under section 279A.

"Subchapter D—General Provisions

"SEC. 279C. RULE OF CONSTRUCTION. 19 USC 2374.

"Nothing in this chapter prevents a worker from receiving trade adjustment assistance under chapter 2 of this title at the same time the worker is receiving assistance in any manner from—

"(1) a community receiving a community grant under subchapter A;

"(2) an eligible institution receiving a Community College and Career Training Grant under subchapter B; or

"(3) an eligible partnership receiving a Sector Partnership Grant under subchapter C.".

SEC. 1873. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"Subchapter A—Trade Adjustment Assistance for Communities

"Sec. 271. Definitions.
"Sec. 272. Establishment of trade adjustment assistance for communities program.
"Sec. 273. Eligibility; notification.
"Sec. 274. Technical assistance.
"Sec. 275. Grants for eligible communities.
"Sec. 276. Strategic plans.
"Sec. 277. General provisions.

"Subchapter B—Community College and Career Training Grant Program

"Sec. 278. Community college and career training grant program.
"Sec. 279. Authorization of appropriations.

"Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

"Sec. 279A. Industry or sector partnership grant program for communities impacted by trade.
"Sec. 279B. Authorization of appropriations.

"Subchapter D—General Provisions

"Sec. 279C. Rule of construction."

(b) JUDICIAL REVIEW.—

(1) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended—

(A) by inserting "or 296" after "section 293";

(B) by striking "or any other interested domestic party" and inserting "or authorized representative of a community"; and

(C) by striking "section 271" and inserting "section 273".

(2) Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (2), by striking "; and" and inserting a semicolon;

(B) in paragraph (3)—

(i) by striking "271" and inserting "273"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(4) any final determination of the Secretary of Agriculture under section 293 or 296 of the Trade Act of 1974 (19 U.S.C. 2401b) with respect to the eligibility of a group of agricultural commodity producers for adjustment assistance under such Act.".

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 1881. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' includes—

"(A) any agricultural commodity (including livestock) in its raw or natural state;

"(B) any class of goods within an agricultural commodity; and

"(C) in the case of an agricultural commodity producer described in paragraph (2)(B), wild-caught aquatic species.";

(2) by amending paragraph (2) to read as follows:

"(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' means—

"(A) a person that shares in the risk of producing an agricultural commodity and that is entitled to a share of the commodity for marketing, including an operator, a sharecropper, or a person that owns or rents the land on which the commodity is produced; or

"(B) a person that reports gain or loss from the trade or business of fishing on the person's annual Federal income tax return for the taxable year that most closely

corresponds to the marketing year with respect to which a petition is filed under section 292."; and

(3) by adding at the end the following:

"(7) MARKETING YEAR.—The term 'marketing year' means—

"(A) a marketing year designated by the Secretary with respect to an agricultural commodity; or

"(B) in the case of an agricultural commodity with respect to which the Secretary does not designate a marketing year, a calendar year.".

SEC. 1882. ELIGIBILITY.

(a) IN GENERAL.—Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended by striking subsections (c) through (e) and inserting the following:

"(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines that— Certification.

"(1)(A) the national average price of the agricultural commodity produced by the group during the most recent marketing year for which data are available is less than 85 percent of the average of the national average price for the commodity in the 3 marketing years preceding such marketing year;

"(B) the quantity of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average of the quantity of production of the commodity produced by the group in the 3 marketing years preceding such marketing year;

"(C) the value of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average value of production of the commodity produced by the group in the 3 marketing years preceding such marketing year; or

"(D) the cash receipts for the agricultural commodity produced by the group during such marketing year are less than 85 percent of the average of the cash receipts for the commodity produced by the group in the 3 marketing years preceding such marketing year;

"(2) the volume of imports of articles like or directly competitive with the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition increased compared to the average volume of such imports during the 3 marketing years preceding such marketing year; and

"(3) the increase in such imports contributed importantly to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).

"(d) ELIGIBILITY OF CERTAIN OTHER PRODUCERS.—An agricultural commodity producer or group of producers that resides outside of the State or region identified in the petition filed under subsection (a) may file a request to become a party to that petition not later than 15 days after the date the notice is published in the Federal Register under subsection (a) with respect to that petition. Deadline. Notice. Federal Register, publication.

"(e) TREATMENT OF CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of goods within

an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining under subsection (c)—

"(1) group eligibility;

"(2) the national average price, quantity of production, or value of production, or cash receipts; and

"(3) the volume of imports.".

(b) CONFORMING AMENDMENTS.—Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended—

(1) in subsection (a), by striking "section 292 (c) or (d), as the case may be," and inserting "section 292(c)"; and

(2) in subsection (c), by striking "decline in price for" and inserting "decrease in the national average price, quantity of production, or value of production of, or cash receipts for,".

SEC. 1883. BENEFITS.

(a) IN GENERAL.—Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended to read as follows:

"SEC. 296. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

"(a) IN GENERAL.—

"(1) REQUIREMENTS.—

Deadline.

"(A) IN GENERAL.—Benefits under this chapter shall be available to an agricultural commodity producer covered by a certification under this chapter who files an application for such benefits not later than 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the producer submits to the Secretary sufficient information to establish that—

"(i) the producer produced the agricultural commodity covered by the application filed under this subsection in the marketing year with respect to which the petition is filed and in at least 1 of the 3 marketing years preceding that marketing year;

"(ii)(I) the quantity of the agricultural commodity that was produced by the producer in the marketing year with respect to which the petition is filed has decreased compared to the most recent marketing year preceding that marketing year for which data are available; or

"(II)(aa) the price received for the agricultural commodity by the producer during the marketing year with respect to which the petition is filed has decreased compared to the average price for the commodity received by the producer in the 3 marketing years preceding that marketing year; or

"(bb) the county level price maintained by the Secretary for the agricultural commodity on the date on which the petition is filed has decreased compared to the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed; and

"(iii) the producer is not receiving—

"(I) cash benefits under chapter 2 or 3; or

"(II) benefits based on the production of an agricultural commodity covered by another petition filed under this chapter.

"(B) SPECIAL RULE WITH RESPECT TO CROPS NOT GROWN EVERY YEAR.—For purposes of subparagraph (A)(ii)(II)(aa), if a petition is filed with respect to an agricultural commodity that is not produced by the producer every year, an agricultural commodity producer producing that commodity may establish the average price received for the commodity by the producer in the 3 marketing years preceding the year with respect to which the petition is filed by using average price data for the 3 most recent marketing years in which the producer produced the commodity and for which data are available.

"(2) LIMITATIONS BASED ON ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a))) of the producer exceeds the level set forth in subparagraph (A) or (B) of section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)), whichever is applicable.

"(B) DEMONSTRATION OF COMPLIANCE.—An agricultural commodity producer shall provide to the Secretary such information as the Secretary determines necessary to demonstrate that the producer is in compliance with the limitation under subparagraph (A).

"(C) COUNTER-CYCLICAL AND ACRE PAYMENTS.—The total amount of payments made to an agricultural commodity producer under this chapter during any crop year may not exceed the limitations on payments set forth in subsections (b)(2), (b)(3), (c)(2), and (c)(3) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

"(b) TECHNICAL ASSISTANCE.—

"(1) INITIAL TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—An agricultural commodity producer that files an application and meets the requirements under subsection (a)(1) shall be entitled to receive initial technical assistance designed to improve the competitiveness of the production and marketing of the agricultural commodity with respect to which the producer was certified under this chapter. Such assistance shall include information regarding—

"(i) improving the yield and marketing of that agricultural commodity; and

"(ii) the feasibility and desirability of substituting one or more alternative agricultural commodities for that agricultural commodity.

"(B) TRANSPORTATION AND SUBSISTENCE EXPENSES.—

"(i) IN GENERAL.—The Secretary may authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses incurred by an agricultural commodity producer in connection with initial technical assistance under subparagraph (A) if such assistance is provided at facilities that are not within normal commuting distance of the regular place of residence of the producer.

"(ii) EXCEPTIONS.—The Secretary may not authorize payments to an agricultural commodity producer under clause (i)—

"(I) for subsistence expenses that exceed the lesser of—

"(aa) the actual per diem expenses for subsistence incurred by the producer; or

"(bb) the prevailing per diem allowance rate authorized under Federal travel regulations; or

"(II) for travel expenses that exceed the prevailing mileage rate authorized under the Federal travel regulations.

"(2) INTENSIVE TECHNICAL ASSISTANCE.—A producer that has completed initial technical assistance under paragraph (1) shall be eligible to participate in intensive technical assistance. Such assistance shall consist of—

"(A) a series of courses to further assist the producer in improving the competitiveness of the producer in producing—

"(i) the agricultural commodity with respect to which the producer was certified under this chapter; or

"(ii) another agricultural commodity; and

"(B) assistance in developing an initial business plan based on the courses completed under subparagraph (A).

"(3) INITIAL BUSINESS PLAN.—

"(A) APPROVAL BY SECRETARY.—The Secretary shall approve an initial business plan developed under paragraph (2)(B) if the plan—

"(i) reflects the skills gained by the producer through the courses described in paragraph (2)(A); and

"(ii) demonstrates how the producer will apply those skills to the circumstances of the producer.

"(B) FINANCIAL ASSISTANCE FOR IMPLEMENTING INITIAL BUSINESS PLAN.—Upon approval of the producer's initial business plan by the Secretary under subparagraph (A), a producer shall be entitled to an amount not to exceed $4,000 to—

"(i) implement the initial business plan; or

"(ii) develop a long-term business adjustment plan under paragraph (4).

"(4) LONG-TERM BUSINESS ADJUSTMENT PLAN.—

"(A) IN GENERAL.—A producer that has completed intensive technical assistance under paragraph (2) and whose initial business plan has been approved under paragraph (3)(A) shall be eligible for, in addition to the amount under subparagraph (C), assistance in developing a long-term business adjustment plan.

"(B) APPROVAL OF LONG-TERM BUSINESS ADJUSTMENT PLANS.—The Secretary shall approve a long-term business adjustment plan developed under subparagraph (A) if the Secretary determines that the plan—

"(i) includes steps reasonably calculated to materially contribute to the economic adjustment of the producer to changing market conditions;

"(ii) takes into consideration the interests of the workers employed by the producer; and

"(iii) demonstrates that the producer will have sufficient resources to implement the business plan.

"(C) PLAN IMPLEMENTATION.—Upon approval of the producer's long-term business adjustment plan under subparagraph (B), a producer shall be entitled to an amount not to exceed $8,000 to implement the long-term business adjustment plan.

"(c) MAXIMUM AMOUNT OF ASSISTANCE.—An agricultural commodity producer may receive not more than $12,000 under paragraphs (3) and (4) of subsection (b) in the 36-month period following certification under section 293.

"(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer that receives benefits under this chapter (other than initial technical assistance under subsection (b)(1)) shall not be eligible for cash benefits under chapter 2 or 3.".

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 296 and inserting the following:

"Sec. 296. Qualifying requirements and benefits for agricultural commodity producers.".

SEC. 1884. REPORT.

Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended by adding at the end the following:

"(d) REPORT BY THE SECRETARY.—Not later than January 30, 2010, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to adjustment assistance provided under this chapter during the preceding fiscal year:

"(1) A list of the agricultural commodities covered by a certification under this chapter.

"(2) The States or regions in which such commodities are produced and the aggregate amount of such commodities produced in each such State or region.

"(3) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

"(4) The total number of agricultural commodity producers, by congressional district, receiving technical assistance under this chapter.".

SEC. 1885. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 297(a)(1) of the Trade Act of 1974 (19 U.S.C. 2401f(a)(1)) is amended by inserting "or has expended funds received under this chapter for a purpose that was not approved by the Secretary," after "entitled,".

SEC. 1886. DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN.

19 USC 2271 note.

For purposes of chapters 2 and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

(1) is a fisherman or aquaculture producer, and

(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be,

the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.

SEC. 1887. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking "fiscal years 2003 through 2007" and all that follows through the end period and inserting "fiscal years 2009 and 2010, and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the purposes of this chapter, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.".

PART V—GENERAL PROVISIONS

19 USC 2271 note.

SEC. 1891. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act; and

Applicability.

(2) shall apply to—

(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after the effective date described in paragraph (1); and

(B) petitions for assistance and proposals for grants filed under chapter 4 of title II of the Trade Act of 1974 on or after such effective date.

(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.

SEC. 1892. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAMS.

(a) FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking "December 31, 2007" and inserting "December 31, 2010".

(b) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) is amended—

(1) in subsection (a), by striking "December 31, 2007" each place it appears and inserting "December 31, 2010"; and

(2) by amending subsection (b) to read as follows:

"(b) OTHER ASSISTANCE.—

"(1) ASSISTANCE FOR FIRMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 3 after December 31, 2010.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 3 on or before December 31, 2010, may be provided—

"(i) to the extent funds are available pursuant to such chapter for such purpose; and

"(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.

"(2) FARMERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and financial assistance may not be provided under chapter 6 after December 31, 2010.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical or financial assistance approved under chapter 6 on or before December 31, 2010, may be provided—

"(i) to the extent funds are available pursuant to such chapter for such purpose; and

"(ii) to the extent the recipient of the technical or financial assistance is otherwise eligible to receive such technical or financial assistance, as the case may be.

"(3) ASSISTANCE FOR COMMUNITIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 4 after December 31, 2010.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 4 on or before December 31, 2010, may be provided—

"(i) to the extent funds are available pursuant to such chapter for such purpose; and

"(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.".

19 USC 2271 note prec.

SEC. 1893. TERMINATION; RELATED PROVISIONS.

(a) SUNSET.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this subtitle to chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall not apply on or after January 1, 2011.

(2) EXCEPTION.—The amendments made by this subtitle to section 285 of the Trade Act of 1974 shall continue to apply on and after January 1, 2011, with respect to—

(A) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before January 1, 2011;

(B) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 251 of that Act before January 1, 2011;

(C) recipients approved for technical assistance or grants under chapter 4 of title II of that Act pursuant to petitions for assistance or proposals for grants (as the case may be) filed pursuant to such chapter before January 1, 2011; and

(D) agricultural commodity producers certified as eligible for technical or financial assistance under chapter 6 of title II of that Act pursuant to petitions filed under section 292 of that Act before January 1, 2011.

Effective date.

(b) APPLICATION OF PRIOR LAW.—Chapters 2, 3, 4, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.) shall be applied and administered beginning January 1, 2011, as if the amendments made by this subtitle (other than part VI) had never been enacted, except that in applying and administering such chapters—

(1) section 245 of that Act shall be applied and administered by substituting "2011" for "2007";

(2) section 246(b) of that Act shall be applied and administered by substituting "December 31, 2011" for "the date that is 5 years" and all that follows through "State";

(3) section 256(b) of that Act shall be applied and administered by substituting "the 1-year period beginning January 1, 2011" for "each of fiscal years 2003 through 2007, and $4,000,000 for the 3-month period beginning October 1, 2007";

(4) section 298(a) of that Act shall be applied and administered by substituting "the 1-year period beginning January 1, 2011" for "each of the fiscal years" and all that follows through "October 1, 2007"; and

(5) subject to subsection (a)(2), section 285 of that Act shall be applied and administered—

(A) in subsection (a), by substituting "2011" for "2007" each place it appears; and

(B) by applying and administering subsection (b) as if it read as follows:

"(b) OTHER ASSISTANCE.—

"(1) ASSISTANCE FOR FIRMS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 3 after December 31, 2011.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 3 on or before December 31, 2011, may be provided—

"(i) to the extent funds are available pursuant to such chapter for such purpose; and

"(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

"(2) FARMERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after December 31, 2011.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before December 31, 2011, may be provided—

"(i) to the extent funds are available pursuant to such chapter for such purpose; and

"(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.".

SEC. 1894. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 30, 2012, the Comptroller General of the United States shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a comprehensive report on the operation and effectiveness of the amendments made by this subtitle to chapters 2, 3, 4, and 6 of the Trade Act of 1974.

SEC. 1895. EMERGENCY DESIGNATION.

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

PART VI—HEALTH COVERAGE IMPROVEMENT

TAA Health Coverage Improvement Act of 2009.
26 USC 1 note.

SEC. 1899. SHORT TITLE.

This part may be cited as the "TAA Health Coverage Improvement Act of 2009".

SEC. 1899A. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by inserting "(80 percent

26 USC 35.

in the case of eligible coverage months beginning before January 1, 2011)" after "65 percent".

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by inserting "(80 percent in the case of eligible coverage months beginning before January 1, 2011)" after "65 percent".

26 USC 7527.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning on or after the first day of the first month beginning 60 days after the date of the enactment of this Act.

26 USC 35 note.

SEC. 1899B. PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.

(a) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

"(e) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS.—In the case of eligible coverage months beginning before January 1, 2011—

"(1) IN GENERAL.—The program established under subsection (a) shall provide that the Secretary shall make 1 or more retroactive payments on behalf of a certified individual in an aggregate amount equal to 80 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).

"(2) REDUCTION OF PAYMENT FOR AMOUNTS RECEIVED UNDER NATIONAL EMERGENCY GRANTS.—The amount of any payment determined under paragraph (1) shall be reduced by the amount of any payment made to the taxpayer for the purchase of qualified health insurance under a national emergency grant pursuant to section 173(f) of the Workforce Investment Act of 1998 for a taxable year including the eligible coverage months described in paragraph (1).".

26 USC 7527 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after December 31, 2008.

26 USC 7527 note.

(c) TRANSITIONAL RULE.—The Secretary of the Treasury shall not be required to make any payments under section 7527(e) of the Internal Revenue Code of 1986, as added by this section, until after the date that is 6 months after the date of the enactment of this Act.

SEC. 1899C. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 35(c) of the Internal Revenue Code of 1986 (defining eligible TAA recipient) is amended to read as follows:

"(2) ELIGIBLE TAA RECIPIENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'eligible TAA recipient' means, with respect to any month, any individual who is receiving for any day of such month a trade readjustment allowance under chapter 2 of title II of the Trade Act of 1974 or who

would be eligible to receive such allowance if section 231 of such Act were applied without regard to subsection (a)(3)(B) of such section. An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.

"(B) SPECIAL RULE.—In the case of any eligible coverage month beginning after the date of the enactment of this paragraph and before January 1, 2011, the term 'eligible TAA recipient' means, with respect to any month, any individual who—

"(i) is receiving for any day of such month a trade readjustment allowance under chapter 2 of title II of the Trade Act of 1974,

"(ii) would be eligible to receive such allowance except that such individual is in a break in training provided under a training program approved under section 236 of such Act that exceeds the period specified in section 233(e) of such Act, but is within the period for receiving such allowances provided under section 233(a) of such Act, or

"(iii) is receiving unemployment compensation (as defined in section 85(b)) for any day of such month and who would be eligible to receive such allowance for such month if section 231 of such Act were applied without regard to subsections (a)(3)(B) and (a)(5) thereof.

An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after the date of the enactment of this Act. 26 USC 35 note.

SEC. 1899D. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph: 26 USC 9801.

"(D) TAA-ELIGIBLE INDIVIDUALS.—In the case of plan years beginning before January 1, 2011—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 7 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual' and 'TAA-related loss of coverage' have the

meanings given such terms in section 4980B(f)(5)(C)(iv).".

(b) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) TAA-ELIGIBLE INDIVIDUALS.—In the case of plan years beginning before January 1, 2011—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 7 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual' and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4).".

(c) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) TAA-ELIGIBLE INDIVIDUALS.—In the case of plan years beginning before January 1, 2011—

"(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 7 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

"(ii) DEFINITIONS.—The terms 'TAA-eligible individual' and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4).".

26 USC 9801 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after the date of the enactment of this Act.

SEC. 1899E. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

26 USC 35.

(a) IN GENERAL.—Subsection (g) of section 35 of such Code is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

"(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—In the case of eligible coverage months beginning before January 1, 2011—

"(A) MEDICARE ELIGIBILITY.—In the case of any month which would be an eligible coverage month with respect to an eligible individual but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of

determining the amount of the credit under this section with respect to any qualifying family members of such individual (and any advance payment of such credit under section 7527). This subparagraph shall only apply with respect to the first 24 months after such eligible individual is first entitled to the benefits described in subsection (f)(2)(A).

"(B) DIVORCE.—In the case of the finalization of a divorce between an eligible individual and such individual's spouse, such spouse shall be treated as an eligible individual for purposes of this section and section 7527 for a period of 24 months beginning with the date of such finalization, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such finalization.

"(C) DEATH.—In the case of the death of an eligible individual—

"(i) any spouse of such individual (determined at the time of such death) shall be treated as an eligible individual for purposes of this section and section 7527 for a period of 24 months beginning with the date of such death, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such death, and

"(ii) any individual who was a qualifying family member of the decedent immediately before such death (or, in the case of an individual to whom paragraph (4) applies, the taxpayer to whom the deduction under section 151 is allowable) shall be treated as an eligible individual for purposes of this section and section 7527 for a period of 24 months beginning with the date of such death, except that in determining the amount of such credit only such qualifying family member may be taken into account.".

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following:

"(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—In the case of eligible coverage months beginning before January 1, 2011—

"(A) MEDICARE ELIGIBILITY.—In the case of any month which would be an eligible coverage month with respect to an eligible individual but for paragraph (7)(B)(i), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the eligibility of qualifying family members of such individual under this subsection. This subparagraph shall only apply with respect to the first 24 months after such eligible individual is first entitled to the benefits described in paragraph (7)(B)(i). Applicability.

"(B) DIVORCE.—In the case of the finalization of a divorce between an eligible individual and such individual's spouse, such spouse shall be treated as an eligible individual for purposes of this subsection for a period of 24

months beginning with the date of such finalization, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such finalization.

"(C) DEATH.—In the case of the death of an eligible individual—

"(i) any spouse of such individual (determined at the time of such death) shall be treated as an eligible individual for purposes of this subsection for a period of 24 months beginning with the date of such death, except that the only qualifying family members who may be taken into account with respect to such spouse are those individuals who were qualifying family members immediately before such death, and

"(ii) any individual who was a qualifying family member of the decedent immediately before such death shall be treated as an eligible individual for purposes this subsection for a period of 24 months beginning with the date of such death, except that no qualifying family members may be taken into account with respect to such individual.".

26 USC 35 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2009.

SEC. 1899F. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) ERISA AMENDMENTS.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended—

(1) by moving clause (v) to after clause (iv) and before the flush left sentence beginning with "In the case of a qualified beneficiary";

(2) by striking "In the case of a qualified beneficiary" and inserting the following:

"(vi) SPECIAL RULE FOR DISABILITY.—In the case of a qualified beneficiary"; and

(3) by redesignating clauses (v) and (vi), as amended by paragraphs (1) and (2), as clauses (vii) and (viii), respectively, and by inserting after clause (iv) the following new clauses:

"(v) SPECIAL RULE FOR PBGC RECIPIENTS.—In the case of a qualifying event described in section 603(2) with respect to a covered employee who (as of such qualifying event) has a nonforfeitable right to a benefit any portion of which is to be paid by the Pension Benefit Guaranty Corporation under title IV, notwithstanding clause (i) or (ii), the date of the death of the covered employee, or in the case of the surviving spouse or dependent children of the covered employee, 24 months after the date of the death of the covered employee. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.

"(vi) SPECIAL RULE FOR TAA-ELIGIBLE INDIVIDUALS.—In the case of a qualifying event described in section 603(2) with respect to a covered employee who is (as of the date that the period of coverage would,

but for this clause or clause (vii), otherwise terminate under clause (i) or (ii)) a TAA-eligible individual (as defined in section 605(b)(4)(B)), the period of coverage shall not terminate by reason of clause (i) or (ii), as the case may be, before the later of the date specified in such clause or the date on which such individual ceases to be such a TAA-eligible individual. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.".

(b) IRC AMENDMENTS.—Clause (i) of section 4980B(f)(2)(B) of the Internal Revenue Code of 1986 is amended— 26 USC 4980B.

(1) by striking "In the case of a qualified beneficiary" and inserting the following:

"(VI) SPECIAL RULE FOR DISABILITY.—In the case of a qualified beneficiary", and

(2) by redesignating subclauses (V) and (VI), as amended by paragraph (1), as subclauses (VII) and (VIII), respectively, and by inserting after clause (IV) the following new subclauses:

"(V) SPECIAL RULE FOR PBGC RECIPIENTS.—In the case of a qualifying event described in paragraph (3)(B) with respect to a covered employee who (as of such qualifying event) has a nonforfeitable right to a benefit any portion of which is to be paid by the Pension Benefit Guaranty Corporation under title IV of the Employee Retirement Income Security Act of 1974, notwithstanding subclause (I) or (II), the date of the death of the covered employee, or in the case of the surviving spouse or dependent children of the covered employee, 24 months after the date of the death of the covered employee. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.

"(VI) SPECIAL RULE FOR TAA-ELIGIBLE INDIVIDUALS.—In the case of a qualifying event described in paragraph (3)(B) with respect to a covered employee who is (as of the date that the period of coverage would, but for this subclause or subclause (VII), otherwise terminate under subclause (I) or (II)) a TAA-eligible individual (as defined in paragraph (5)(C)(iv)(II)), the period of coverage shall not terminate by reason of subclause (I) or (II), as the case may be, before the later of the date specified in such subclause or the date on which such individual ceases to be such a TAA-eligible individual. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.".

(c) PHSA AMENDMENTS.—Section 2202(2)(A) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)) is amended—

(1) by striking "In the case of a qualified beneficiary" and inserting the following:

"(v) SPECIAL RULE FOR DISABILITY.—In the case of a qualified beneficiary"; and

(2) by redesignating clauses (iv) and (v), as amended by paragraph (1), as clauses (v) and (vi), respectively, and by inserting after clause (iii) the following new clause:

"(iv) SPECIAL RULE FOR TAA-ELIGIBLE INDIVIDUALS.—In the case of a qualifying event described in section 2203(2) with respect to a covered employee who is (as of the date that the period of coverage would, but for this clause or clause (v), otherwise terminate under clause (i) or (ii)) a TAA-eligible individual (as defined in section 2205(b)(4)(B)), the period of coverage shall not terminate by reason of clause (i) or (ii), as the case may be, before the later of the date specified in such clause or the date on which such individual ceases to be such a TAA-eligible individual. The preceding sentence shall not require any period of coverage to extend beyond December 31, 2010.".

26 USC 4980B note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after the date of the enactment of this Act.

SEC. 1899G. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

26 USC 35.

(a) IN GENERAL.—Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(K) In the case of eligible coverage months beginning before January 1, 2011, coverage under an employee benefit plan funded by a voluntary employees' beneficiary association (as defined in section 501(c)(9)) established pursuant to an order of a bankruptcy court, or by agreement with an authorized representative, as provided in section 1114 of title 11, United States Code.".

26 USC 35 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to coverage months beginning after the date of the enactment of this Act.

SEC. 1899H. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Subsection (d) of section 7527 of the Internal Revenue Code of 1986 (relating to qualified health insurance costs credit eligibility certificate) is amended to read as follows:

"(d) QUALIFIED HEALTH INSURANCE COSTS ELIGIBILITY CERTIFICATE.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified health insurance costs eligibility certificate' means any written statement that an individual is an eligible individual (as defined in section 35(c)) if such statement provides such information as the Secretary may require for purposes of this section and—

"(A) in the case of an eligible TAA recipient (as defined in section 35(c)(2)) or an eligible alternative TAA recipient (as defined in section 35(c)(3)), is certified by the Secretary of Labor (or by any other person or entity designated by the Secretary), or

"(B) in the case of an eligible PBGC pension recipient (as defined in section 35(c)(4)), is certified by the Pension Benefit Guaranty Corporation (or by any other person or entity designated by the Secretary).

"(2) INCLUSION OF CERTAIN INFORMATION.—In the case of any statement described in paragraph (1) which is issued before January 1, 2011, such statement shall not be treated as a

qualified health insurance costs credit eligibility certificate unless such statement includes—

"(A) the name, address, and telephone number of the State office or offices responsible for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

"(B) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides, and

"(C) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 7 days after the date of the issuance of such certificate to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after the date that is 6 months after the date of the enactment of this Act. 26 USC 7527 note.

SEC. 1899I. SURVEY AND REPORT ON ENHANCED HEALTH COVERAGE TAX CREDIT PROGRAM. 26 USC 35 note.

(a) SURVEY.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a biennial survey of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) relating to the health coverage tax credit under section 35 of the Internal Revenue Code of 1986 (hereinafter in this section referred to as the "health coverage tax credit").

(2) INFORMATION OBTAINED.—The survey conducted under subsection (a) shall obtain the following information:

(A) HCTC PARTICIPANTS.—In the case of eligible individuals receiving the health coverage tax credit (including individuals participating in the health coverage tax credit program under section 7527 of such Code, hereinafter in this section referred to as the "HCTC program")—

(i) demographic information of such individuals, including income and education levels,

(ii) satisfaction of such individuals with the enrollment process in the HCTC program,

(iii) satisfaction of such individuals with available health coverage options under the credit, including level of premiums, benefits, deductibles, cost-sharing requirements, and the adequacy of provider networks, and

(iv) any other information that the Secretary determines is appropriate.

(B) NON-HCTC PARTICIPANTS.—In the case of eligible individuals not receiving the health coverage tax credit—

(i) demographic information of each individual, including income and education levels,

(ii) whether the individual was aware of the health coverage tax credit or the HCTC program,

(iii) the reasons the individual has not enrolled in the HCTC program, including whether such reasons include the burden of the process of enrollment and the affordability of coverage,

(iv) whether the individual has health insurance coverage, and, if so, the source of such coverage, and

(v) any other information that the Secretary determines is appropriate.

(3) REPORT.—Not later than December 31 of each year in which a survey is conducted under paragraph (1) (beginning in 2010), the Secretary of the Treasury shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives the findings of the most recent survey conducted under paragraph (1).

(b) REPORT.—Not later than October 1 of each year (beginning in 2010), the Secretary of the Treasury (after consultation with the Secretary of Health and Human Services, and, in the case of the information required under paragraph (7), the Secretary of Labor) shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means, the Committee on Education and Labor, and the Committee on Energy and Commerce of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) In each State and nationally—

(A) the total number of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) and the number of eligible individuals receiving the health coverage tax credit,

(B) the total number of such eligible individuals who receive an advance payment of the health coverage tax credit through the HCTC program,

(C) the average length of the time period of the participation of eligible individuals in the HCTC program, and

(D) the total number of participating eligible individuals in the HCTC program who are enrolled in each category of coverage as described in section 35(e)(1) of such Code,

with respect to each category of eligible individuals described in section 35(c)(1) of such Code.

(2) In each State and nationally, an analysis of—

(A) the range of monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit, and

(B) the average and median monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit, with respect to each category of coverage as described in section 35(e)(1) of such Code.

(3) In each State and nationally, an analysis of the following information with respect to the health insurance coverage of individuals receiving the health coverage tax credit who are enrolled in coverage described in subparagraphs (B) through (H) of section 35(e)(1) of such Code:

(A) Deductible amounts.

(B) Other out-of-pocket cost-sharing amounts.

(C) A description of any annual or lifetime limits on coverage or any other significant limits on coverage services, or benefits.

The information required under this paragraph shall be reported with respect to each category of coverage described in such subparagraphs.

(4) In each State and nationally, the gender and average age of eligible individuals (as defined in section 35(c) of such Code) who receive the health coverage tax credit, in each category of coverage described in section 35(e)(1) of such Code, with respect to each category of eligible individuals described in such section.

(5) The steps taken by the Secretary of the Treasury to increase the participation rates in the HCTC program among eligible individuals, including outreach and enrollment activities.

(6) The cost of administering the HCTC program by function, including the cost of subcontractors, and recommendations on ways to reduce administrative costs, including recommended statutory changes.

(7) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), the activities funded by such grants on a State-by-State basis, and the time necessary for application approval of such grants.

SEC. 1899J. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $80,000,000 for the period of fiscal years 2009 through 2010 to implement the amendments made by, and the provisions of, sections 1899 through 1899I of this part.

SEC. 1899K. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), as amended by this Act, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) USE OF FUNDS.—

"(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (v) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be covered by qualified health insurance that meets such requirements).

"(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

"(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

"(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

"(I) eligibility verification activities;

"(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

"(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

"(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

"(V) the development or installation of necessary data management systems; and

"(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraphs (C) through (H) of section 35(e)(1) of the Internal Revenue Code of 1986 as qualified health insurance under that section.

"(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

"(iv) BRIDGE FUNDING.—To assist potentially eligible individuals to purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

"(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed

as prohibiting a similar use of funds permitted under subsection (g).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

(2) by striking subparagraph (A) and inserting the following new subparagraph:

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $150,000,000 for the period of fiscal years 2009 through 2010; and''.

SEC. 1899L. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study regarding the health insurance tax credit allowed under section 35 of the Internal Revenue Code of 1986.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit a report to Congress regarding the results of the study conducted under subsection (a). Such report shall include an analysis of—

(1) the administrative costs—

(A) of the Federal Government with respect to such credit and the advance payment of such credit under section 7527 of such Code, and

(B) of providers of qualified health insurance with respect to providing such insurance to eligible individuals and their qualifying family members,

(2) the health status and relative risk status of eligible individuals and qualifying family members covered under such insurance,

(3) participation in such credit and the advance payment of such credit by eligible individuals and their qualifying family members, including the reasons why such individuals did or did not participate and the effect of the amendments made by this part on such participation, and

(4) the extent to which eligible individuals and their qualifying family members—

(A) obtained health insurance other than qualifying health insurance, or

(B) went without health insurance coverage.

(c) ACCESS TO RECORDS.—For purposes of conducting the study required under this section, the Comptroller General and any of his duly authorized representatives shall have access to, and the right to examine and copy, all documents, records, and other recorded information—

(1) within the possession or control of providers of qualified health insurance, and

(2) determined by the Comptroller General (or any such representative) to be relevant to the study.

The Comptroller General shall not disclose the identity of any provider of qualified health insurance or any eligible individual in making any information obtained under this section available to the public.

(d) DEFINITIONS.—Any term which is defined in section 35 of the Internal Revenue Code of 1986 shall have the same meaning when used in this section.

Assistance for Unemployed Workers and Struggling Families Act.

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

SEC. 2000. SHORT TITLE; TABLE OF CONTENTS OF TITLE.'

26 USC 1 note.

(a) SHORT TITLE.—This title may be cited as the "Assistance for Unemployed Workers and Struggling Families Act".

(b) TABLE OF CONTENTS OF TITLE.—The table of contents of this title is as follows:

TITLE II—ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING FAMILIES

Sec. 2000. Short title; table of contents of title.

Subtitle A—Unemployment Insurance

Sec. 2001. Extension of emergency unemployment compensation program.
Sec. 2002. Increase in unemployment compensation benefits.
Sec. 2003. Special transfers for unemployment compensation modernization.
Sec. 2004. Temporary assistance for states with advances.
Sec. 2005. Full Federal funding of extended unemployment compensation for a limited period.
Sec. 2006. Temporary increase in extended unemployment benefits under the Railroad Unemployment Insurance Act.

Subtitle B—Assistance for Vulnerable Individuals

Sec. 2101. Emergency fund for TANF program.
Sec. 2102. Extension of TANF supplemental grants.
Sec. 2103. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 2104. Temporary resumption of prior child support law.

Subtitle C—Economic Recovery Payments to Certain Individuals

Sec. 2201. Economic recovery payment to recipients of social security, supplemental security income, railroad retirement benefits, and veterans disability compensation or pension benefits.
Sec. 2202. Special credit for certain government retirees.

Subtitle A—Unemployment Insurance

SEC. 2001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 122 Stat. 5015), is amended—

(1) by striking "March 31, 2009" each place it appears and inserting "December 31, 2009";

(2) in the heading for subsection (b)(2), by striking "MARCH 31, 2009" and inserting "DECEMBER 31, 2009"; and

(3) in subsection (b)(3), by striking "August 27, 2009" and inserting "May 31, 2010".

(b) FINANCING PROVISIONS.—Section 4004 of such Act is amended by adding at the end the following: 26 USC 3304 note.

"(e) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated)—

"(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act; and

"(2) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments referred to in paragraph (1).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.".

SEC. 2002. INCREASE IN UNEMPLOYMENT COMPENSATION BENEFITS. 26 USC 3304 note.

(a) FEDERAL-STATE AGREEMENTS.—Any State which desires to do so may enter into and participate in an agreement under this section with the Secretary of Labor (hereinafter in this section referred to as the "Secretary"). Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement. Notification.

(b) PROVISIONS OF AGREEMENT.—

(1) ADDITIONAL COMPENSATION.—Any agreement under this section shall provide that the State agency of the State will make payments of regular compensation to individuals in amounts and to the extent that they would be determined if the State law of the State were applied, with respect to any week for which the individual is (disregarding this section) otherwise entitled under the State law to receive regular compensation, as if such State law had been modified in a manner such that the amount of regular compensation (including dependents' allowances) payable for any week shall be equal to the amount determined under the State law (before the application of this paragraph) plus an additional $25.

(2) ALLOWABLE METHODS OF PAYMENT.—Any additional compensation provided for in accordance with paragraph (1) shall be payable either—

(A) as an amount which is paid at the same time and in the same manner as any regular compensation otherwise payable for the week involved; or

(B) at the option of the State, by payments which are made separately from, but on the same weekly basis as, any regular compensation otherwise payable.

(c) NONREDUCTION RULE.—An agreement under this section shall not apply (or shall cease to apply) with respect to a State upon a determination by the Secretary that the method governing the computation of regular compensation under the State law of that State has been modified in a manner such that—

(1) the average weekly benefit amount of regular compensation which will be payable during the period of the agreement (determined disregarding any additional amounts attributable

to the modification described in subsection (b)(1)) will be less than

(2) the average weekly benefit amount of regular compensation which would otherwise have been payable during such period under the State law, as in effect on December 31, 2008.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of additional compensation (as described in subsection (b)(1)) paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be payable, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—

Time period.

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning after the date on which such agreement is entered into; and

(B) ending before January 1, 2010.

(2) TRANSITION RULE FOR INDIVIDUALS REMAINING ENTITLED TO REGULAR COMPENSATION AS OF JANUARY 1, 2010.—In the case of any individual who, as of the date specified in paragraph (1)(B), has not yet exhausted all rights to regular compensation under the State law of a State with respect to a benefit year that began before such date, additional compensation (as described in subsection (b)(1)) shall continue to be payable to such individual for any week beginning on or after such date for which the individual is otherwise eligible for regular compensation with respect to such benefit year.

(3) TERMINATION.—Notwithstanding any other provision of this subsection, no additional compensation (as described in subsection (b)(1)) shall be payable for any week beginning after June 30, 2010.

Applicability.

(f) FRAUD AND OVERPAYMENTS.—The provisions of section 4005 of the Supplemental Appropriations Act, 2008 (Public Law 110–

252; 122 Stat. 2356) shall apply with respect to additional compensation (as described in subsection (b)(1)) to the same extent and in the same manner as in the case of emergency unemployment compensation.

(g) APPLICATION TO OTHER UNEMPLOYMENT BENEFITS.—

(1) IN GENERAL.—Each agreement under this section shall include provisions to provide that the purposes of the preceding provisions of this section shall be applied with respect to unemployment benefits described in subsection (i)(3) to the same extent and in the same manner as if those benefits were regular compensation.

(2) ELIGIBILITY AND TERMINATION RULES.—Additional compensation (as described in subsection (b)(1))—

(A) shall not be payable, pursuant to this subsection, with respect to any unemployment benefits described in subsection (i)(3) for any week beginning on or after the date specified in subsection (e)(1)(B), except in the case of an individual who was eligible to receive additional compensation (as so described) in connection with any regular compensation or any unemployment benefits described in subsection (i)(3) for any period of unemployment ending before such date; and

(B) shall in no event be payable for any week beginning after the date specified in subsection (e)(3).

(h) DISREGARD OF ADDITIONAL COMPENSATION FOR PURPOSES OF MEDICAID AND SCHIP.—The monthly equivalent of any additional compensation paid under this section shall be disregarded in considering the amount of income of an individual for any purposes under title XIX and title XXI of the Social Security Act.

(i) DEFINITIONS.—For purposes of this section—

(1) the terms "compensation", "regular compensation", "benefit year", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note);

(2) the term "emergency unemployment compensation" means emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2353); and

(3) any reference to unemployment benefits described in this paragraph shall be considered to refer to—

(A) extended compensation (as defined by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970); and

(B) unemployment compensation (as defined by section 85(b) of the Internal Revenue Code of 1986) provided under any program administered by a State under an agreement with the Secretary.

SEC. 2003. SPECIAL TRANSFERS FOR UNEMPLOYMENT COMPENSATION MODERNIZATION.

(a) IN GENERAL.—Section 903 of the Social Security Act (42 U.S.C. 1103) is amended by adding at the end the following:

"Special Transfers in Fiscal Years 2009, 2010, and 2011 for Modernization

"(f)(1)(A) In addition to any other amounts, the Secretary of Labor shall provide for the making of unemployment compensation modernization incentive payments (hereinafter 'incentive payments') to the accounts of the States in the Unemployment Trust Fund, by transfer from amounts reserved for that purpose in the Federal unemployment account, in accordance with succeeding provisions of this subsection.

"(B) The maximum incentive payment allowable under this subsection with respect to any State shall, as determined by the Secretary of Labor, be equal to the amount obtained by multiplying $7,000,000,000 by the same ratio as would apply under subsection (a)(2)(B) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1)) that would have been subject to transfer to State accounts, as of October 1, 2008, under the provisions of subsection (a).

"(C) Of the maximum incentive payment determined under subparagraph (B) with respect to a State—

"(i) one-third shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (2); and

"(ii) the remainder shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State law of such State meets the requirements of paragraph (3).

"(2) The State law of a State meets the requirements of this paragraph if such State law—

"(A) uses a base period that includes the most recently completed calendar quarter before the start of the benefit year for purposes of determining eligibility for unemployment compensation; or

"(B) provides that, in the case of an individual who would not otherwise be eligible for unemployment compensation under the State law because of the use of a base period that does not include the most recently completed calendar quarter before the start of the benefit year, eligibility shall be determined using a base period that includes such calendar quarter.

"(3) The State law of a State meets the requirements of this paragraph if such State law includes provisions to carry out at least 2 of the following subparagraphs:

"(A) An individual shall not be denied regular unemployment compensation under any State law provisions relating to availability for work, active search for work, or refusal to accept work, solely because such individual is seeking only part-time work (as defined by the Secretary of Labor), except that the State law provisions carrying out this subparagraph may exclude an individual if a majority of the weeks of work in such individual's base period do not include part-time work (as so defined).

"(B) An individual shall not be disqualified from regular unemployment compensation for separating from employment if that separation is for any compelling family reason. For purposes of this subparagraph, the term 'compelling family reason' means the following:

"(i) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).

"(ii) The illness or disability of a member of the individual's immediate family (as those terms are defined by the Secretary of Labor).

"(iii) The need for the individual to accompany such individual's spouse—

"(I) to a place from which it is impractical for such individual to commute; and

"(II) due to a change in location of the spouse's employment.

"(C)(i) Weekly unemployment compensation is payable under this subparagraph to any individual who is unemployed (as determined under the State unemployment compensation law), has exhausted all rights to regular unemployment compensation under the State law, and is enrolled and making satisfactory progress in a State-approved training program or in a job training program authorized under the Workforce Investment Act of 1998, except that such compensation is not required to be paid to an individual who is receiving similar stipends or other training allowances for non-training costs.

"(ii) Each State-approved training program or job training program referred to in clause (i) shall prepare individuals who have been separated from a declining occupation, or who have been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the individual's place of employment, for entry into a high-demand occupation.

"(iii) The amount of unemployment compensation payable under this subparagraph to an individual for a week of unemployment shall be equal to—

"(I) the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year, less

"(II) any deductible income, as determined under State law.

The total amount of unemployment compensation payable under this subparagraph to any individual shall be equal to at least 26 times the individual's average weekly benefit amount (including dependents' allowances) for the most recent benefit year.

"(D) Dependents' allowances are provided, in the case of any individual who is entitled to receive regular unemployment compensation and who has any dependents (as defined by State law), in an amount equal to at least $15 per dependent per week, subject to any aggregate limitation on such allowances which the State law may establish (but which aggregate limitation on the total allowance for dependents paid to an individual may not be less than $50 for each week of unemployment or 50 percent of the individual's weekly benefit amount for the benefit year, whichever is less), except that a State law may provide for a reasonable reduction in the amount of any such allowance for a week of less than total unemployment.

Application.
Deadline.

"(4)(A) Any State seeking an incentive payment under this subsection shall submit an application therefor at such time, in such manner, and complete with such information as the Secretary of Labor may within 60 days after the date of the enactment of this subsection prescribe (whether by regulation or otherwise), including information relating to compliance with the requirements of paragraph (2) or (3), as well as how the State intends to use the incentive payment to improve or strengthen the State's unemployment compensation program. The Secretary of Labor shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements of paragraph (2) or (3) (or both).

Deadline.
Notification.

Certifications.

"(B)(i) If the Secretary of Labor finds that the State law provisions (disregarding any State law provisions which are not then currently in effect as permanent law or which are subject to discontinuation) meet the requirements of paragraph (2) or (3), as the case may be, the Secretary of Labor shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the incentive payment to be transferred to the State account pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer within 7 days after receiving such certification.

Deadline.

Effective date.

"(ii) For purposes of clause (i), State law provisions which are to take effect within 12 months after the date of their certification under this subparagraph shall be considered to be in effect as of the date of such certification.

"(C)(i) No certification of compliance with the requirements of paragraph (2) or (3) may be made with respect to any State whose State law is not otherwise eligible for certification under section 303 or approvable under section 3304 of the Federal Unemployment Tax Act.

"(ii) No certification of compliance with the requirements of paragraph (3) may be made with respect to any State whose State law is not in compliance with the requirements of paragraph (2).

Deadline.

"(iii) No application under subparagraph (A) may be considered if submitted before the date of the enactment of this subsection or after the latest date necessary (as specified by the Secretary of Labor) to ensure that all incentive payments under this subsection are made before October 1, 2011.

"(5)(A) Except as provided in subparagraph (B), any amount transferred to the account of a State under this subsection may be used by such State only in the payment of cash benefits to individuals with respect to their unemployment (including for dependents' allowances and for unemployment compensation under paragraph (3)(C)), exclusive of expenses of administration.

"(B) A State may, subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection), use any amount transferred to the account of such State under this subsection for the administration of its unemployment compensation law and public employment offices.

"(6) Out of any money in the Federal unemployment account not otherwise appropriated, the Secretary of the Treasury shall reserve $7,000,000,000 for incentive payments under this subsection. Any amount so reserved shall not be taken into account for purposes of any determination under section 902, 910, or 1203

of the amount in the Federal unemployment account as of any given time. Any amount so reserved for which the Secretary of the Treasury has not received a certification under paragraph (4)(B) by the deadline described in paragraph (4)(C)(iii) shall, upon the close of fiscal year 2011, become unrestricted as to use as part of the Federal unemployment account.

"(7) For purposes of this subsection, the terms 'benefit year', 'base period', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

"Special Transfer in Fiscal Year 2009 for Administration

"(g)(1) In addition to any other amounts, the Secretary of the Treasury shall transfer from the employment security administration account to the account of each State in the Unemployment Trust Fund, within 30 days after the date of the enactment of this subsection, the amount determined with respect to such State under paragraph (2). Deadline.

"(2) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to the amount obtained by multiplying $500,000,000 by the same ratio as determined under subsection (f)(1)(B) with respect to such State.

"(3) Any amount transferred to the account of a State as a result of the enactment of this subsection may be used by the State agency of such State only in the payment of expenses incurred by it for—

"(A) the administration of the provisions of its State law carrying out the purposes of subsection (f)(2) or any subparagraph of subsection (f)(3);

"(B) improved outreach to individuals who might be eligible for regular unemployment compensation by virtue of any provisions of the State law which are described in subparagraph (A);

"(C) the improvement of unemployment benefit and unemployment tax operations, including responding to increased demand for unemployment compensation; and

"(D) staff-assisted reemployment services for unemployment compensation claimants.".

(b) REGULATIONS.—The Secretary of Labor may prescribe any regulations, operating instructions, or other guidance necessary to carry out the amendment made by subsection (a). 42 USC 1103 note.

SEC. 2004. TEMPORARY ASSISTANCE FOR STATES WITH ADVANCES.

Section 1202(b) of the Social Security Act (42 U.S.C. 1322(b)) is amended by adding at the end the following new paragraph:

"(10)(A) With respect to the period beginning on the date of enactment of this paragraph and ending on December 31, 2010— Time period.

"(i) any interest payment otherwise due from a State under this subsection during such period shall be deemed to have been made by the State; and

"(ii) no interest shall accrue during such period on any advance or advances made under section 1201 to a State.

"(B) The provisions of subparagraph (A) shall have no effect on the requirement for interest payments under this subsection

after the period described in such subparagraph or on the accrual of interest under this subsection after such period.".

26 USC 3304 note.

SEC. 2005. FULL FEDERAL FUNDING OF EXTENDED UNEMPLOYMENT COMPENSATION FOR A LIMITED PERIOD.

Applicability.

(a) IN GENERAL.—In the case of sharable extended compensation and sharable regular compensation paid for weeks of unemployment beginning after the date of the enactment of this section and before January 1, 2010, section 204(a)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) shall be applied by substituting "100 percent of" for "one-half of".

(b) SPECIAL RULE.—At the option of a State, for any weeks of unemployment beginning after the date of the enactment of this section and before January 1, 2010, an individual's eligibility period (as described in section 203(c) of the Federal-State Extended Unemployment Compensation Act of 1970) shall, for purposes of any determination of eligibility for extended compensation under the State law of such State, be considered to include any week which begins—

(1) after the date as of which such individual exhausts all rights to emergency unemployment compensation; and

(2) during an extended benefit period that began on or before the date described in paragraph (1).

Applicability.

(c) LIMITED EXTENSION.—In the case of an individual who receives extended compensation with respect to 1 or more weeks of unemployment beginning after the date of the enactment of this Act and before January 1, 2010, the provisions of subsections (a) and (b) shall, at the option of a State, be applied by substituting "ending before June 1, 2010" for "before January 1, 2010".

(d) EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.—

26 USC 3304 note.

(1) IN GENERAL.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449) is amended by striking "December 8, 2009" and inserting "May 30, 2010".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449).

(e) DEFINITIONS.—For purposes of this section—

(1) the terms "sharable extended compensation" and "sharable regular compensation" have the respective meanings given such terms under section 204 of the Federal-State Extended Unemployment Compensation Act of 1970;

(2) the terms "extended compensation", "State", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970;

(3) the term "emergency unemployment compensation" means benefits payable to individuals under title IV of the Supplemental Appropriations Act, 2008 with respect to their unemployment; and

(4) the term "extended benefit period" means an extended benefit period as determined in accordance with applicable

provisions of the Federal-State Extended Unemployment Compensation Act of 1970.

(f) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section.

SEC. 2006. TEMPORARY INCREASE IN EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) IN GENERAL.—Section 2(c)(2) of the Railroad Unemployment Insurance Act (45 U.S.C. 352(c)(2)) is amended by adding at the end the following:

Applicability.

"(D) TEMPORARY INCREASE IN EXTENDED UNEMPLOYMENT BENEFITS.—

"(i) EMPLOYEES WITH 10 OR MORE YEARS OF SERVICE.—Subject to clause (iii), in the case of an employee who has 10 or more years of service (as so defined), with respect to extended unemployment benefits—

"(I) subparagraph (A) shall be applied by substituting '130 days of unemployment' for '65 days of unemployment'; and

"(II) subparagraph (B) shall be applied by inserting '(or, in the case of unemployment benefits, 13 consecutive 14-day periods)' after '7 consecutive 14-day periods'.

"(ii) EMPLOYEES WITH LESS THAN 10 YEARS OF SERVICE.—Subject to clause (iii), in the case of an employee who has less than 10 years of service (as so defined), with respect to extended unemployment benefits, this paragraph shall apply to such an employee in the same manner as this paragraph would apply to an employee described in clause (i) if such clause had not been enacted.

Time period. Deadline.

"(iii) APPLICATION.—The provisions of clauses (i) and (ii) shall apply to an employee who received normal benefits for days of unemployment under this Act during the period beginning July 1, 2008, and ending on June 30, 2009, except that no extended benefit period under this paragraph shall begin after December 31, 2009. Notwithstanding the preceding sentence, no benefits shall be payable under this subparagraph and clauses (i) and (ii) shall no longer be applicable upon the exhaustion of the funds appropriated under clause (iv) for payment of benefits under this subparagraph.

"(iv) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated $20,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.".

(b) FUNDING FOR ADMINISTRATION.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $80,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad

Unemployment Insurance Act, as added by subsection (a), to remain available until expended.

Subtitle B—Assistance for Vulnerable Individuals

SEC. 2101. EMERGENCY FUND FOR TANF PROGRAM.

(a) TEMPORARY FUND.—

(1) IN GENERAL.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

"(c) EMERGENCY FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the 'Emergency Contingency Fund for State Temporary Assistance for Needy Families Programs' (in this subsection referred to as the 'Emergency Fund').

"(2) DEPOSITS INTO FUND.—

"(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2009, $5,000,000,000 for payment to the Emergency Fund.

"(B) AVAILABILITY AND USE OF FUNDS.—The amounts appropriated to the Emergency Fund under subparagraph (A) shall remain available through fiscal year 2010 and shall be used to make grants to States in each of fiscal years 2009 and 2010 in accordance with the requirements of paragraph (3).

"(C) LIMITATION.—In no case may the Secretary make a grant from the Emergency Fund for a fiscal year after fiscal year 2010.

"(3) GRANTS.—

"(A) GRANT RELATED TO CASELOAD INCREASES.—

"(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

"(I) requests a grant under this subparagraph for the quarter; and

"(II) meets the requirement of clause (ii) for the quarter.

"(ii) CASELOAD INCREASE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the average monthly assistance caseload of the State for the quarter exceeds the average monthly assistance caseload of the State for the corresponding quarter in the emergency fund base year of the State.

"(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the amount (if any) by which the total expenditures of the State for basic assistance (as defined by the Secretary) in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for such assistance for the corresponding quarter in the emergency fund base year of the State.

"(B) GRANT RELATED TO INCREASED EXPENDITURES FOR NON-RECURRENT SHORT TERM BENEFITS.—

"(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

"(I) requests a grant under this subparagraph for the quarter; and

"(II) meets the requirement of clause (ii) for the quarter.

"(ii) NON-RECURRENT SHORT TERM EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for non-recurrent short term benefits in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total expenditures of the State for non-recurrent short term benefits in the corresponding quarter in the emergency fund base year of the State.

"(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

"(C) GRANT RELATED TO INCREASED EXPENDITURES FOR SUBSIDIZED EMPLOYMENT.—

"(i) IN GENERAL.—For each calendar quarter in fiscal year 2009 or 2010, the Secretary shall make a grant from the Emergency Fund to each State that—

"(I) requests a grant under this subparagraph for the quarter; and

"(II) meets the requirement of clause (ii) for the quarter.

"(ii) SUBSIDIZED EMPLOYMENT EXPENDITURE REQUIREMENT.—A State meets the requirement of this clause for a quarter if the total expenditures of the State for subsidized employment in the quarter, whether under the State program funded under this part or as qualified State expenditures, exceeds the total such expenditures of the State in the corresponding quarter in the emergency fund base year of the State.

"(iii) AMOUNT OF GRANT.—Subject to paragraph (5), the amount of the grant to be made to a State under this subparagraph for a quarter shall be an amount equal to 80 percent of the excess described in clause (ii).

"(4) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the size of the caseload of a State and the expenditures of a State for basic assistance, non-recurrent short-term benefits, and subsidized employment, during any period for which the State requests funds under this subsection, and during the emergency fund base year of the State, the Secretary may make appropriate adjustments to the data, on a State-by-State basis, to ensure that the data are comparable with respect to the groups of families served and the types of aid provided. The Secretary may develop a mechanism for collecting expenditure data,

including procedures which allow States to make reasonable estimates, and may set deadlines for making revisions to the data.

"(5) LIMITATION.—The total amount payable to a single State under subsection (b) and this subsection for fiscal years 2009 and 2010 combined shall not exceed 50 percent of the annual State family assistance grant.

"(6) LIMITATIONS ON USE OF FUNDS.—A State to which an amount is paid under this subsection may use the amount only as authorized by section 404.

"(7) TIMING OF IMPLEMENTATION.—The Secretary shall implement this subsection as quickly as reasonably possible, pursuant to appropriate guidance to States.

"(8) APPLICATION TO INDIAN TRIBES.—This subsection shall apply to an Indian tribe with an approved tribal family assistance plan under section 412 in the same manner as this subsection applies to a State.

"(9) DEFINITIONS.—In this subsection:

"(A) AVERAGE MONTHLY ASSISTANCE CASELOAD DEFINED.—The term 'average monthly assistance caseload' means, with respect to a State and a quarter, the number of families receiving assistance during the quarter under the State program funded under this part or as qualified State expenditures, subject to adjustment under paragraph (4).

"(B) EMERGENCY FUND BASE YEAR.—

"(i) IN GENERAL.—The term 'emergency fund base year' means, with respect to a State and a category described in clause (ii), whichever of fiscal year 2007 or 2008 is the fiscal year in which the amount described by the category with respect to the State is the lesser.

"(ii) CATEGORIES DESCRIBED.—The categories described in this clause are the following:

"(I) The average monthly assistance caseload of the State.

"(II) The total expenditures of the State for non-recurrent short term benefits, whether under the State program funded under this part or as qualified State expenditures.

"(III) The total expenditures of the State for subsidized employment, whether under the State program funded under this part or as qualified State expenditures.

"(C) QUALIFIED STATE EXPENDITURES.—The term 'qualified State expenditures' has the meaning given the term in section 409(a)(7).".

Effective dates.

(2) REPEAL.—Effective October 1, 2010, subsection (c) of section 403 of the Social Security Act (42 U.S.C. 603) (as added by paragraph (1)) is repealed, except that paragraph (9) of such subsection shall remain in effect until October 1, 2011, but only with respect to section 407(b)(3)(A)(i) of such Act.

(b) TEMPORARY MODIFICATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by inserting "(or if the immediately preceding fiscal year is fiscal year 2008, 2009, or 2010, then, at State option, during the emergency fund base year of the State

with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(9)), except that, if a State elects such option for fiscal year 2008, the emergency fund base year of the State with respect to such caseload shall be fiscal year 2007))" before "under the State".

(c) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting "403(c)(3)," after "403(a)(5),".

(d) SUNSET OF OTHER TEMPORARY PROVISIONS.— Effective dates.

(1) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—Effective October 1, 2010, section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking "403(c)(3)," (as added by subsection (c)).

(2) CASELOAD REDUCTION CREDIT.—Effective October 1, 2011, section 407(b)(3)(A)(i) of such Act (42 U.S.C. 607(b)(3)(A)(i)) is amended by striking "(or if the immediately preceding fiscal year is fiscal year 2008, 2009, or 2010, then, at State option, during the emergency fund base year of the State with respect to the average monthly assistance caseload of the State (within the meaning of section 403(c)(9)), except that, if a State elects such option for fiscal year 2008, the emergency fund base year of the State with respect to such caseload shall be fiscal year 2007))" (as added by subsection (b)).

SEC. 2102. EXTENSION OF TANF SUPPLEMENTAL GRANTS.

(a) EXTENSION THROUGH FISCAL YEAR 2010.—Section 7101(a) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 135), as amended by section 301(a) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking "fiscal year 2009" and inserting "fiscal year 2010".

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended to read as follows:

"(ii) subparagraph (G) shall be applied as if 'fiscal year 2010' were substituted for 'fiscal year 2001'; and".

SEC. 2103. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended to read as follows:

"(e) AUTHORITY TO CARRY OVER CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.".

SEC. 2104. TEMPORARY RESUMPTION OF PRIOR CHILD SUPPORT LAW.

During the period that begins on October 1, 2008, and ends on September 30, 2010, section 455(a)(1) of the Social Security Act (42 U.S.C. 655(a)(1)) shall be applied and administered as if the phrase "from amounts paid to the State under section 458 or" does not appear in such section. Time period. Applicability. 42 USC 655 note.

Subtitle C—Economic Recovery Payments to Certain Individuals

26 USC 6428 note.

SEC. 2201. ECONOMIC RECOVERY PAYMENT TO RECIPIENTS OF SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, RAILROAD RETIREMENT BENEFITS, AND VETERANS DISABILITY COMPENSATION OR PENSION BENEFITS.

(a) AUTHORITY TO MAKE PAYMENTS.—

(1) ELIGIBILITY.—

(A) IN GENERAL.—Subject to paragraph (5)(B), the Secretary of the Treasury shall disburse a $250 payment to each individual who, for any month during the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of this Act, is entitled to a benefit payment described in clause (i), (ii), or (iii) of subparagraph (B) or is eligible for a SSI cash benefit described in subparagraph (C).

(B) BENEFIT PAYMENT DESCRIBED.—For purposes of subparagraph (A):

(i) TITLE II BENEFIT.—A benefit payment described in this clause is a monthly insurance benefit payable (without regard to sections 202(j)(1) and 223(b) of the Social Security Act (42 U.S.C. 402(j)(1), 423(b)) under—

(I) section 202(a) of such Act (42 U.S.C. 402(a));

(II) section 202(b) of such Act (42 U.S.C. 402(b));

(III) section 202(c) of such Act (42 U.S.C. 402(c));

(IV) section 202(d)(1)(B)(ii) of such Act (42 U.S.C. 402(d)(1)(B)(ii));

(V) section 202(e) of such Act (42 U.S.C. 402(e));

(VI) section 202(f) of such Act (42 U.S.C. 402(f));

(VII) section 202(g) of such Act (42 U.S.C. 402(g));

(VIII) section 202(h) of such Act (42 U.S.C. 402(h));

(IX) section 223(a) of such Act (42 U.S.C. 423(a));

(X) section 227 of such Act (42 U.S.C. 427); or

(XI) section 228 of such Act (42 U.S.C. 428).

(ii) RAILROAD RETIREMENT BENEFIT.—A benefit payment described in this clause is a monthly annuity or pension payment payable (without regard to section 5(a)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(a)(ii))) under—

(I) section 2(a)(1) of such Act (45 U.S.C. 231a(a)(1));

(II) section 2(c) of such Act (45 U.S.C. 231a(c));

(III) section 2(d)(1)(i) of such Act (45 U.S.C. 231a(d)(1)(i));

(IV) section 2(d)(1)(ii) of such Act (45 U.S.C. 231a(d)(1)(ii));

(V) section 2(d)(1)(iii)(C) of such Act to an adult disabled child (45 U.S.C. 231a(d)(1)(iii)(C));

(VI) section 2(d)(1)(iv) of such Act (45 U.S.C. 231a(d)(1)(iv));

(VII) section 2(d)(1)(v) of such Act (45 U.S.C. 231a(d)(1)(v)); or

(VIII) section 7(b)(2) of such Act (45 U.S.C. 231f(b)(2)) with respect to any of the benefit payments described in clause (i) of this subparagraph.

(iii) VETERANS BENEFIT.—A benefit payment described in this clause is a compensation or pension payment payable under—

(I) section 1110, 1117, 1121, 1131, 1141, or 1151 of title 38, United States Code;

(II) section 1310, 1312, 1313, 1315, 1316, or 1318 of title 38, United States Code;

(III) section 1513, 1521, 1533, 1536, 1537, 1541, 1542, or 1562 of title 38, United States Code; or

(IV) section 1805, 1815, or 1821 of title 38, United States Code,

to a veteran, surviving spouse, child, or parent as described in paragraph (2), (3), (4)(A)(ii), or (5) of section 101, title 38, United States Code, who received that benefit during any month within the 3 month period ending with the month which ends prior to the month that includes the date of the enactment of this Act.

(C) SSI CASH BENEFIT DESCRIBED.—A SSI cash benefit described in this subparagraph is a cash benefit payable under section 1611 (other than under subsection (e)(1)(B) of such section) or 1619(a) of the Social Security Act (42 U.S.C. 1382, 1382h).

(2) REQUIREMENT.—A payment shall be made under paragraph (1) only to individuals who reside in 1 of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, or the Northern Mariana Islands. For purposes of the preceding sentence, the determination of the individual's residence shall be based on the current address of record under a program specified in paragraph (1).

(3) NO DOUBLE PAYMENTS.—An individual shall be paid only 1 payment under this section, regardless of whether the individual is entitled to, or eligible for, more than 1 benefit or cash payment described in paragraph (1).

(4) LIMITATION.—A payment under this section shall not be made—

(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if, for the most recent month of such individual's entitlement in the 3-month period described in paragraph (1), such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a-8a);

(B) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(iii) if, for the most recent month of such individual's entitlement in the 3 month

period described in paragraph (1), such individual's benefit under such paragraph was not payable, or was reduced, by reason of section 1505, 5313, or 5313B of title 38, United States Code;

(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if, for such most recent month, such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a-8a); or

(D) in the case of any individual whose date of death occurs before the date on which the individual is certified under subsection (b) to receive a payment under this section.

(5) TIMING AND MANNER OF PAYMENTS.—

Deadline.

(A) IN GENERAL.—The Secretary of the Treasury shall commence disbursing payments under this section at the earliest practicable date but in no event later than 120 days after the date of enactment of this Act. The Secretary of the Treasury may disburse any payment electronically to an individual in such manner as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of paragraph (1).

(B) DEADLINE.—No payments shall be disbursed under this section after December 31, 2010, regardless of any determinations of entitlement to, or eligibility for, such payments made after such date.

Certification.

(b) IDENTIFICATION OF RECIPIENTS.—The Commissioner of Social Security, the Railroad Retirement Board, and the Secretary of Veterans Affairs shall certify the individuals entitled to receive payments under this section and provide the Secretary of the Treasury with the information needed to disburse such payments. A certification of an individual shall be unaffected by any subsequent determination or redetermination of the individual's entitlement to, or eligibility for, a benefit specified in subparagraph (B) or (C) of subsection (a)(1).

(c) TREATMENT OF PAYMENTS.—

Time period.

(1) PAYMENT TO BE DISREGARDED FOR PURPOSES OF ALL FEDERAL AND FEDERALLY ASSISTED PROGRAMS.—A payment under subsection (a) shall not be regarded as income and shall not be regarded as a resource for the month of receipt and the following 9 months, for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(2) PAYMENT NOT CONSIDERED INCOME FOR PURPOSES OF TAXATION.—A payment under subsection (a) shall not be considered as gross income for purposes of the Internal Revenue Code of 1986.

Applicability.

(3) PAYMENTS PROTECTED FROM ASSIGNMENT.—The provisions of sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407, 1383(d)(1)), section 14(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(a)), and section 5301 of title 38, United States Code, shall apply to any payment

made under subsection (a) as if such payment was a benefit payment or cash benefit to such individual under the applicable program described in subparagraph (B) or (C) of subsection (a)(1).

(4) PAYMENTS SUBJECT TO OFFSET.—Notwithstanding paragraph (3), for purposes of section 3716 of title 31, United States Code, any payment made under this section shall not be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1) and all amounts paid shall be subject to offset to collect delinquent debts.

(d) PAYMENT TO REPRESENTATIVE PAYEES AND FIDUCIARIES.—

(1) IN GENERAL.—In any case in which an individual who is entitled to a payment under subsection (a) and whose benefit payment or cash benefit described in paragraph (1) of that subsection is paid to a representative payee or fiduciary, the payment under subsection (a) shall be made to the individual's representative payee or fiduciary and the entire payment shall be used only for the benefit of the individual who is entitled to the payment.

(2) APPLICABILITY.—

(A) PAYMENT ON THE BASIS OF A TITLE II OR SSI BENEFIT.—Section 1129(a)(3) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(i) or (1)(C) of subsection (a) in the same manner as such section applies to a payment under title II or XVI of such Act.

(B) PAYMENT ON THE BASIS OF A RAILROAD RETIREMENT BENEFIT.—Section 13 of the Railroad Retirement Act (45 U.S.C. 231l) shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(ii) of subsection (a) in the same manner as such section applies to a payment under such Act.

(C) PAYMENT ON THE BASIS OF A VETERANS BENEFIT.—Sections 5502, 6106, and 6108 of title 38, United States Code, shall apply to any payment made on the basis of an entitlement to a benefit specified in paragraph (1)(B)(iii) of subsection (a) in the same manner as those sections apply to a payment under that title.

(e) APPROPRIATION.—Out of any sums in the Treasury of the United States not otherwise appropriated, the following sums are appropriated for the period of fiscal years 2009 through 2011, to remain available until expended, to carry out this section:

(1) For the Secretary of the Treasury, $131,000,000 for administrative costs incurred in carrying out this section, section 2202, section 36A of the Internal Revenue Code of 1986 (as added by this Act), and other provisions of this Act or the amendments made by this Act relating to the Internal Revenue Code of 1986.

(2) For the Commissioner of Social Security—

(A) such sums as may be necessary for payments to individuals certified by the Commissioner of Social Security as entitled to receive a payment under this section; and

(B) $90,000,000 for the Social Security Administration's Limitation on Administrative Expenses for costs incurred in carrying out this section.

(3) For the Railroad Retirement Board—

(A) such sums as may be necessary for payments to individuals certified by the Railroad Retirement Board as entitled to receive a payment under this section; and

(B) $1,400,000 to the Railroad Retirement Board's Limitation on Administration for administrative costs incurred in carrying out this section.

(4)(A) For the Secretary of Veterans Affairs—

(i) such sums as may be necessary for the Compensation and Pensions account, for payments to individuals certified by the Secretary of Veterans Affairs as entitled to receive a payment under this section; and

(ii) $100,000 for the Information Systems Technology account and $7,100,000 for the General Operating Expenses account for administrative costs incurred in carrying out this section.

(B) The Department of Veterans Affairs Compensation and Pensions account shall hereinafter be available for payments authorized under subsection (a)(1)(A) to individuals entitled to a benefit payment described in subsection (a)(1)(B)(iii).

26 USC 6428 note.

SEC. 2202. SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.

(a) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A of the Internal Revenue Code of 1986 for the first taxable year beginning in 2009 an amount equal $250 ($500 in the case of a joint return where both spouses are eligible individuals).

(b) ELIGIBLE INDIVIDUAL.—For purposes of this section—

(1) IN GENERAL.—The term "eligible individual" means any individual—

(A) who receives during the first taxable year beginning in 2009 any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21 of the Internal Revenue Code of 1986, and

(B) who does not receive a payment under section 2201 during such taxable year.

(2) IDENTIFICATION NUMBER REQUIREMENT.—Such term shall not include any individual who does not include on the return of tax for the taxable year—

(A) such individual's social security account number, and

(B) in the case of a joint return, the social security account number of one of the taxpayers on such return.

For purposes of the preceding sentence, the social security account number shall not include a TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) issued by the Internal Revenue Service. Any omission of a correct social security account number required under this subparagraph shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) of such Code to such omission.

(c) TREATMENT OF CREDIT.—

(1) REFUNDABLE CREDIT.—

(A) IN GENERAL.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of

subchapter A of chapter 1 of the Internal Revenue Code of 1986.

(B) APPROPRIATIONS.—For purposes of section 1324(b)(2) of title 31, United States Code, the credit allowed by subsection (a) shall be treated in the same manner a refund from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this Act).

(2) DEFICIENCY RULES.—For purposes of section 6211(b)(4)(A) of the Internal Revenue Code of 1986, the credit allowable by subsection (a) shall be treated in the same manner as the credit allowable under section 36A of the Internal Revenue Code of 1986 (as added by this Act).

(d) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds. Time period.

TITLE III—PREMIUM ASSISTANCE FOR COBRA BENEFITS

SEC. 3000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

TITLE III—PREMIUM ASSISTANCE FOR COBRA BENEFITS

Sec. 3000. Table of contents.
Sec. 3001. Premium assistance for COBRA benefits.

SEC. 3001. PREMIUM ASSISTANCE FOR COBRA BENEFITS. 26 USC 6432 note.

(a) PREMIUM ASSISTANCE FOR COBRA CONTINUATION COVERAGE FOR INDIVIDUALS AND THEIR FAMILIES.—

(1) PROVISION OF PREMIUM ASSISTANCE.—

(A) REDUCTION OF PREMIUMS PAYABLE.—In the case of any premium for a period of coverage beginning on or after the date of the enactment of this Act for COBRA continuation coverage with respect to any assistance eligible individual, such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays (or a person other than such individual's employer pays on behalf of such individual) 35 percent of the amount of such premium (as determined without regard to this subsection).

(B) PLAN ENROLLMENT OPTION.—

(i) IN GENERAL.—Notwithstanding the COBRA continuation provisions, an assistance eligible individual may, not later than 90 days after the date of notice of the plan enrollment option described in this subparagraph, elect to enroll in coverage under a plan offered by the employer involved, or the employee organization involved (including, for this purpose, a joint board of trustees of a multiemployer trust Deadline.

affiliated with one or more multiemployer plans), that is different than coverage under the plan in which such individual was enrolled at the time the qualifying event occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation coverage provision.

(ii) REQUIREMENTS.—An assistance eligible individual may elect to enroll in different coverage as described in clause (i) only if—

(I) the employer involved has made a determination that such employer will permit assistance eligible individuals to enroll in different coverage as provided for this subparagraph;

(II) the premium for such different coverage does not exceed the premium for coverage in which the individual was enrolled at the time the qualifying event occurred;

(III) the different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer at the time at which such election is made; and

(IV) the different coverage is not—

(aa) coverage that provides only dental, vision, counseling, or referral services (or a combination of such services);

(bb) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

(cc) coverage that provides coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

(C) PREMIUM REIMBURSEMENT.—For provisions providing the balance of such premium, see section 6432 of the Internal Revenue Code of 1986, as added by paragraph (12).

(2) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Paragraph (1)(A) shall not apply with respect to any assistance eligible individual for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), or coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)) or is eligible for benefits under title XVIII of the Social Security Act, or

(ii) the earliest of—

(I) the date which is 9 months after the first day of the first month that paragraph (1)(A) applies with respect to such individual,

(II) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision, or

(III) the date following the expiration of the period of continuation coverage allowed under paragraph (4)(B)(ii).

(B) TIMING OF ELIGIBILITY FOR ADDITIONAL COVERAGE.—For purposes of subparagraph (A)(i), an individual shall not be treated as eligible for coverage under a group health plan before the first date on which such individual could be covered under such plan.

(C) NOTIFICATION REQUIREMENT.—An assistance eligible individual shall notify in writing the group health plan with respect to which paragraph (1)(A) applies if such paragraph ceases to apply by reason of subparagraph (A)(i). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term "assistance eligible individual" means any qualified beneficiary if— Definition. Time period.

(A) at any time during the period that begins with September 1, 2008, and ends with December 31, 2009, such qualified beneficiary is eligible for COBRA continuation coverage,

(B) such qualified beneficiary elects such coverage, and

(C) the qualifying event with respect to the COBRA continuation coverage consists of the involuntary termination of the covered employee's employment and occurred during such period.

(4) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(A) IN GENERAL.—For purposes of applying section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of an individual who does not have an election of COBRA continuation coverage in effect on the date of the enactment of this Act but who would be an assistance eligible individual if such election were so in effect, such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such sections during the period beginning on the date of the enactment of this Act and ending 60 days after the date on which the notification required under paragraph (7)(C) is provided to such individual.

(B) COMMENCEMENT OF COVERAGE; NO REACH-BACK.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under subparagraph (A)—

(i) shall commence with the first period of coverage beginning on or after the date of the enactment of this Act, and

(ii) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(C) PREEXISTING CONDITIONS.—With respect to a qualified beneficiary who elects COBRA continuation coverage pursuant to subparagraph (A), the period—

(i) beginning on the date of the qualifying event, and

(ii) ending with the beginning of the period described in subparagraph (B)(i),

shall be disregarded for purposes of determining the 63-day periods referred to in section 701(c)(2) of the Employee Retirement Income Security Act of 1974, section 9801(c)(2) of the Internal Revenue Code of 1986, and section 2701(c)(2) of the Public Health Service Act.

(5) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual and is denied such treatment by the group health plan, the Secretary of Labor (or the Secretary of Health and Human Services in connection with COBRA continuation coverage which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary. Such Secretary shall make a determination regarding such individual's eligibility within 15 business days after receipt of such individual's application for review under this paragraph. Either Secretary's determination upon review of the denial shall be de novo and shall be the final determination of such Secretary. A reviewing court shall grant deference to such Secretary's determination. The provisions of this paragraph, paragraphs (1) through (4), and paragraph (7) shall be treated as provisions of title I of the Employee Retirement Income Security Act of 1974 for purposes of part 5 of subtitle B of such title.

Application.

Determination. Deadline.

Courts.

(6) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium reduction with respect to an assistance eligible individual under this subsection shall not be considered income or resources in determining eligibility for, or the amount of assistance or benefits provided under, any other public benefit provided under Federal law or the law of any State or political subdivision thereof.

(7) NOTICES TO INDIVIDUALS.—

(A) GENERAL NOTICE.—

(i) IN GENERAL.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42

U.S.C. 300bb-6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in paragraph (3)(A), become entitled to elect COBRA continuation coverage, the requirements of such sections shall not be treated as met unless such notices include an additional notification to the recipient of—

(I) the availability of premium reduction with respect to such coverage under this subsection, and

(II) the option to enroll in different coverage if the employer permits assistance eligible individuals to elect enrollment in different coverage (as described in paragraph (1)(B)).

(ii) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice. Regulations.

(iii) FORM.—The requirement of the additional notification under this subparagraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(B) SPECIFIC REQUIREMENTS.—Each additional notification under subparagraph (A) shall include—

(i) the forms necessary for establishing eligibility for premium reduction under this subsection,

(ii) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium reduction,

(iii) a description of the extended election period provided for in paragraph (4)(A),

(iv) a description of the obligation of the qualified beneficiary under paragraph (2)(C) to notify the plan providing continuation coverage of eligibility for subsequent coverage under another group health plan or eligibility for benefits under title XVIII of the Social Security Act and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to so notify the plan,

(v) a description, displayed in a prominent manner, of the qualified beneficiary's right to a reduced premium and any conditions on entitlement to the reduced premium, and

(vi) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under paragraph (1)(B).

(C) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual Deadline.

(or any individual described in paragraph (4)(A)) who became entitled to elect COBRA continuation coverage before the date of the enactment of this Act, the administrator of the group health plan (or other entity) involved shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under subparagraph (A) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

Deadline.

(D) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act—

(i) the Secretary of the Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph (other than the additional notification described in clause (ii)), and

(ii) in the case of any additional notification provided pursuant to subparagraph (A) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such additional notification.

(8) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this subsection, including the prevention of fraud and abuse under this subsection, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of paragraphs (5), (7), and (9).

(9) OUTREACH.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium reduction provided under this subsection. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in paragraph (7)(C). Information on such premium reduction, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services.

Web posting.

(10) DEFINITIONS.—For purposes of this section—

(A) ADMINISTRATOR.—The term "administrator" has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.

(B) COBRA CONTINUATION COVERAGE.—The term "COBRA continuation coverage" means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a

of title 5, United States Code, or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(C) COBRA CONTINUATION PROVISION.—The term "COBRA continuation provision" means the provisions of law described in subparagraph (B).

(D) COVERED EMPLOYEE.—The term "covered employee" has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(E) QUALIFIED BENEFICIARY.—The term "qualified beneficiary" has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(F) GROUP HEALTH PLAN.—The term "group health plan" has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(G) STATE.—The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(H) PERIOD OF COVERAGE.—Any reference in this subsection to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(11) REPORTS.—

(A) INTERIM REPORT.—The Secretary of the Treasury shall submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium reduction provided under this subsection that includes—

(i) the number of individuals provided such assistance as of the date of the report; and

(ii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(B) FINAL REPORT.—As soon as practicable after the last period of COBRA continuation coverage for which premium reduction is provided under this section, the Secretary of the Treasury shall submit a final report to each Committee referred to in subparagraph (A) that includes—

(i) the number of individuals provided premium reduction under this section;

(ii) the average dollar amount (monthly and annually) of premium reductions provided to such individuals; and

(iii) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium reduction under this section.

(12) COBRA PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new section:

26 USC 6432.

"SEC. 6432. COBRA PREMIUM ASSISTANCE.

"(a) IN GENERAL.—The person to whom premiums are payable under COBRA continuation coverage shall be reimbursed as provided in subsection (c) for the amount of premiums not paid by assistance eligible individuals by reason of section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009.

"(b) PERSON ENTITLED TO REIMBURSEMENT.—For purposes of subsection (a), except as otherwise provided by the Secretary, the person to whom premiums are payable under COBRA continuation coverage shall be treated as being—

"(1) in the case of any group health plan which is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the plan,

"(2) in the case of any group health plan not described in paragraph (1)—

"(A) which is subject to the COBRA continuation provisions contained in—

"(i) the Internal Revenue Code of 1986,

"(ii) the Employee Retirement Income Security Act of 1974,

"(iii) the Public Health Service Act, or

"(iv) title 5, United States Code, or

"(B) under which some or all of the coverage is not provided by insurance,

the employer maintaining the plan, and

"(3) in the case of any group health plan not described in paragraph (1) or (2), the insurer providing the coverage under the group health plan.

"(c) METHOD OF REIMBURSEMENT.—Except as otherwise provided by the Secretary—

"(1) TREATMENT AS PAYMENT OF PAYROLL TAXES.—Each person entitled to reimbursement under subsection (a) (and filing a claim for such reimbursement at such time and in such manner as the Secretary may require) shall be treated for purposes of this title and section 1324(b)(2) of title 31, United States Code, as having paid to the Secretary, on the date that the assistance eligible individual's premium payment is received, payroll taxes in an amount equal to the portion of such reimbursement which relates to such premium. To the extent that the amount treated as paid under the preceding sentence exceeds the amount of such person's liability for such taxes, the Secretary shall credit or refund such excess in the same manner as if it were an overpayment of such taxes.

"(2) OVERSTATEMENTS.—Any overstatement of the reimbursement to which a person is entitled under this section (and any amount paid by the Secretary as a result of such overstatement) shall be treated as an underpayment of payroll taxes by such person and may be assessed and collected by the Secretary in the same manner as payroll taxes.

"(3) REIMBURSEMENT CONTINGENT ON PAYMENT OF REMAINING PREMIUM.—No reimbursement may be made under this section to a person with respect to any assistance eligible individual until after the reduced premium required under

section 3002(a)(1)(A) of such Act with respect to such individual has been received.

"(d) DEFINITIONS.—For purposes of this section—

"(1) PAYROLL TAXES.—The term 'payroll taxes' means—

"(A) amounts required to be deducted and withheld for the payroll period under section 3402 (relating to wage withholding),

"(B) amounts required to be deducted for the payroll period under section 3102 (relating to FICA employee taxes), and

"(C) amounts of the taxes imposed for the payroll period under section 3111 (relating to FICA employer taxes).

"(2) PERSON.—The term 'person' includes any governmental entity.

"(e) REPORTING.—Each person entitled to reimbursement under subsection (a) for any period shall submit such reports (at such time and in such manner) as the Secretary may require, including—

"(1) an attestation of involuntary termination of employment for each covered employee on the basis of whose termination entitlement to reimbursement is claimed under subsection (a),

"(2) a report of the amount of payroll taxes offset under subsection (a) for the reporting period and the estimated offsets of such taxes for the subsequent reporting period in connection with reimbursements under subsection (a), and

"(3) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.

"(f) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including—

"(1) the requirement to report information or the establishment of other methods for verifying the correct amounts of reimbursements under this section, and

"(2) the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974).".

(B) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—In determining any amount transferred or appropriated to any fund under the Social Security Act, section 6432 of the Internal Revenue Code of 1986 shall not be taken into account.

(C) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 6432. COBRA premium assistance.".

(D) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to premiums to which subsection (a)(1)(A) applies.

(E) SPECIAL RULE.—

(i) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect to the first

period of COBRA continuation coverage to which subsection (a)(1)(A) applies or the immediately subsequent period, the full premium amount for such coverage, the person to whom such payment is payable shall—

(I) make a reimbursement payment to such individual for the amount of such premium paid in excess of the amount required to be paid under subsection (a)(1)(A); or

(II) provide credit to the individual for such amount in a manner that reduces one or more subsequent premium payments that the individual is required to pay under such subsection for the coverage involved.

(ii) REIMBURSING EMPLOYER.—A person to which clause (i) applies shall be reimbursed as provided for in section 6432 of the Internal Revenue Code of 1986 for any payment made, or credit provided, to the employee under such clause.

Time period. Deadlines.

(iii) PAYMENT OR CREDITS.—Unless it is reasonable to believe that the credit for the excess payment in clause (i)(II) will be used by the assistance eligible individual within 180 days of the date on which the person receives from the individual the payment of the full premium amount, a person to which clause (i) applies shall make the payment required under such clause to the individual within 60 days of such payment of the full premium amount. If, as of any day within the 180-day period, it is no longer reasonable to believe that the credit will be used during that period, payment equal to the remainder of the credit outstanding shall be made to the individual within 60 days of such day.

(13) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(A) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

26 USC 6720C.

"SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR COBRA PREMIUM ASSISTANCE.

"(a) IN GENERAL.—Any person required to notify a group health plan under section 3002(a)(2)(C)) of the Health Insurance Assistance for the Unemployed Act of 2009 who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of 110 percent of the premium reduction provided under such section after termination of eligibility under such subsection.

"(b) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under subsection (a) with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.".

(B) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

"Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for COBRA premium assistance.".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to failures occurring after the date of the enactment of this Act.

(14) COORDINATION WITH HCTC.—

(A) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph: 26 USC 35.

"(9) COBRA PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium reduction for COBRA continuation coverage under section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009 for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to taxable years ending after the date of the enactment of this Act.

(15) EXCLUSION OF COBRA PREMIUM ASSISTANCE FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139B the following new section:

"SEC. 139C. COBRA PREMIUM ASSISTANCE. 26 USC 139C.

"In the case of an assistance eligible individual (as defined in section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009), gross income does not include any premium reduction provided under subsection (a) of such section.".

(B) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139B the following new item:

"Sec. 139C. COBRA premium assistance.".

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years ending after the date of the enactment of this Act.

(b) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) RECAPTURE OF SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—If—

(A) premium assistance is provided under this section with respect to any COBRA continuation coverage which covers the taxpayer, the taxpayer's spouse, or any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of the taxpayer during any portion of the taxable year, and

(B) the taxpayer's modified adjusted gross income for such taxable year exceeds $125,000 ($250,000 in the case of a joint return),

then the tax imposed by chapter 1 of such Code with respect to the taxpayer for such taxable year shall be increased by the amount of such assistance.

(2) PHASE-IN OF RECAPTURE.—

(A) IN GENERAL.—In the case of a taxpayer whose modified adjusted gross income for the taxable year does not exceed $145,000 ($290,000 in the case of a joint return), the increase in the tax imposed under paragraph (1) shall not exceed the phase-in percentage of such increase (determined without regard to this paragraph).

(B) PHASE-IN PERCENTAGE.—For purposes of this subsection, the term "phase-in percentage" means the ratio (expressed as a percentage) obtained by dividing—

(i) the excess of described in subparagraph (B) of paragraph (1), by

(ii) $20,000 ($40,000 in the case of a joint return).

(3) OPTION FOR HIGH-INCOME INDIVIDUALS TO WAIVE ASSISTANCE AND AVOID RECAPTURE.—Notwithstanding subsection (a)(3), an individual shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 if such individual—

(A) makes a permanent election (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to waive the right to the premium assistance provided under this section, and

(B) notifies the entity to whom premiums are reimbursed under section 6432(a) of such Code of such election.

(4) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term "modified adjusted gross income" means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(5) CREDITS NOT ALLOWED AGAINST TAX, ETC.—For purposes determining regular tax liability under section 26(b) of such Code, the increase in tax under this subsection shall not be treated as a tax imposed under chapter 1 of such Code.

(6) REGULATIONS.—The Secretary of the Treasury shall issue such regulations or other guidance as are necessary or appropriate to carry out this subsection, including requirements that the entity to whom premiums are reimbursed under section 6432(a) of the Internal Revenue Code of 1986 report to the Secretary, and to each assistance eligible individual, the amount of premium assistance provided under subsection (a) with respect to each such individual.

(7) EFFECTIVE DATE.—The provisions of this subsection shall apply to taxable years ending after the date of the enactment of this Act.

TITLE IV—MEDICARE AND MEDICAID HEALTH INFORMATION TECHNOLOGY; MISCELLANEOUS MEDICARE PROVISIONS

Health Information Technology for Economic and Clinical Health Act.

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Subtitle A—Medicare Incentives

SEC. 4101. INCENTIVES FOR ELIGIBLE PROFESSIONALS.

(a) INCENTIVE PAYMENTS.—Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended by adding at the end the following new subsection:

"(o) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

"(1) INCENTIVE PAYMENTS.—

"(A) IN GENERAL.—

"(i) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, with respect to covered professional services furnished by an eligible professional during a payment year (as defined in subparagraph (E)), if the eligible professional is a meaningful EHR user (as determined under paragraph (2)) for the EHR reporting period with respect to such year, in addition to the amount otherwise paid under this part, there also shall be paid to the eligible professional (or to an employer or facility in the cases described in clause (A) of section 1842(b)(6)), from the Federal Supplementary Medical Insurance Trust Fund established under section 1841 an amount equal to 75 percent of the Secretary's estimate (based on claims submitted not later than 2 months after the end of the payment year) of the allowed charges under this part for all such covered professional services furnished by the eligible professional during such year. Deadline.

"(ii) NO INCENTIVE PAYMENTS WITH RESPECT TO YEARS AFTER 2016.—No incentive payments may be

made under this subsection with respect to a year after 2016.

"(B) LIMITATIONS ON AMOUNTS OF INCENTIVE PAYMENTS.—

"(i) IN GENERAL.—In no case shall the amount of the incentive payment provided under this paragraph for an eligible professional for a payment year exceed the applicable amount specified under this subparagraph with respect to such eligible professional and such year.

"(ii) AMOUNT.—Subject to clauses (iii) through (v), the applicable amount specified in this subparagraph for an eligible professional is as follows:

"(I) For the first payment year for such professional, $15,000 (or, if the first payment year for such eligible professional is 2011 or 2012, $18,000).

"(II) For the second payment year for such professional, $12,000.

"(III) For the third payment year for such professional, $8,000.

"(IV) For the fourth payment year for such professional, $4,000.

"(V) For the fifth payment year for such professional, $2,000.

"(VI) For any succeeding payment year for such professional, $0.

"(iii) PHASE DOWN FOR ELIGIBLE PROFESSIONALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible professional is after 2013, then the amount specified in this subparagraph for a payment year for such professional is the same as the amount specified in clause (ii) for such payment year for an eligible professional whose first payment year is 2013.

"(iv) INCREASE FOR CERTAIN ELIGIBLE PROFESSIONALS.—In the case of an eligible professional who predominantly furnishes services under this part in an area that is designated by the Secretary (under section 332(a)(1)(A) of the Public Health Service Act) as a health professional shortage area, the amount that would otherwise apply for a payment year for such professional under subclauses (I) through (V) of clause (ii) shall be increased by 10 percent. In implementing the preceding sentence, the Secretary may, as determined appropriate, apply provisions of subsections (m) and (u) of section 1833 in a similar manner as such provisions apply under such subsection.

"(v) NO INCENTIVE PAYMENT IF FIRST ADOPTING AFTER 2014.—If the first payment year for an eligible professional is after 2014 then the applicable amount specified in this subparagraph for such professional for such year and any subsequent year shall be $0.

"(C) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—

"(i) IN GENERAL.—No incentive payment may be made under this paragraph in the case of a hospital-based eligible professional.

"(ii) HOSPITAL-BASED ELIGIBLE PROFESSIONAL.—For purposes of clause (i), the term 'hospital-based eligible professional' means, with respect to covered professional services furnished by an eligible professional during the EHR reporting period for a payment year, an eligible professional, such as a pathologist, anesthesiologist, or emergency physician, who furnishes substantially all of such services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including qualified electronic health records, of the hospital. The determination of whether an eligible professional is a hospital-based eligible professional shall be made on the basis of the site of service (as defined by the Secretary) and without regard to any employment or billing arrangement between the eligible professional and any other provider.

"(D) PAYMENT.—

"(i) FORM OF PAYMENT.—The payment under this paragraph may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

"(ii) COORDINATION OF APPLICATION OF LIMITATION FOR PROFESSIONALS IN DIFFERENT PRACTICES.—In the case of an eligible professional furnishing covered professional services in more than one practice (as specified by the Secretary), the Secretary shall establish rules to coordinate the incentive payments, including the application of the limitation on amounts of such incentive payments under this paragraph, among such practices. Regulations.

"(iii) COORDINATION WITH MEDICAID.—The Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State governments to demonstrate meaningful use of certified EHR technology under this title and title XIX. The Secretary may also adjust the reporting periods under such title and such subsections in order to carry out this clause.

"(E) PAYMENT YEAR DEFINED.—

"(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a year beginning with 2011.

"(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to covered professional services furnished by an eligible professional, the first year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', 'fourth payment year', and 'fifth payment year' mean, with respect to covered professional services furnished by such eligible professional, each successive year immediately following the first payment year for such professional.

"(2) MEANINGFUL EHR USER.—

"(A) IN GENERAL.—For purposes of paragraph (1), an eligible professional shall be treated as a meaningful EHR

user for an EHR reporting period for a payment year (or, for purposes of subsection (a)(7), for an EHR reporting period under such subsection for a year) if each of the following requirements is met:

"(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the professional is using certified EHR technology in a meaningful manner, which shall include the use of electronic prescribing as determined to be appropriate by the Secretary.

"(ii) INFORMATION EXCHANGE.—The eligible professional demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

"(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible professional submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary may provide for the use of alternative means for meeting the requirements of clauses (i), (ii), and (iii) in the case of an eligible professional furnishing covered professional services in a group practice (as defined by the Secretary). The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

"(B) REPORTING ON MEASURES.—

"(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

"(I) The Secretary shall provide preference to clinical quality measures that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

Federal Register, publication.

"(II) Prior to any measure being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

"(ii) LIMITATION.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

"(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid

redundant or duplicative reporting otherwise required, including reporting under subsection (k)(2)(C).

"(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

"(i) IN GENERAL.—A professional may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

"(I) an attestation;

"(II) the submission of claims with appropriate coding (such as a code indicating that a patient encounter was documented using certified EHR technology);

"(III) a survey response;

"(IV) reporting under subparagraph (A)(iii); and

"(V) other means specified by the Secretary.

"(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

"(3) APPLICATION.—

"(A) PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this subsection in the same manner as they apply for purposes of such subsection.

"(B) COORDINATION WITH OTHER PAYMENTS.—The provisions of this subsection shall not be taken into account in applying the provisions of subsection (m) of this section and of section 1833(m) and any payment under such provisions shall not be taken into account in computing allowable charges under this subsection.

"(C) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

"(i) the methodology and standards for determining payment amounts under this subsection and payment adjustments under subsection (a)(7)(A), including the limitation under paragraph (1)(B) and coordination under clauses (ii) and (iii) of paragraph (1)(D);

"(ii) the methodology and standards for determining a meaningful EHR user under paragraph (2), including selection of measures under paragraph (2)(B), specification of the means of demonstrating meaningful EHR use under paragraph (2)(C), and the hardship exception under subsection (a)(7)(B);

"(iii) the methodology and standards for determining a hospital-based eligible professional under paragraph (1)(C); and

"(iv) the specification of reporting periods under paragraph (5) and the selection of the form of payment under paragraph (1)(D)(i).

"(D) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone

numbers of the eligible professionals who are meaningful EHR users and, as determined appropriate by the Secretary, of group practices receiving incentive payments under paragraph (1).

"(4) CERTIFIED EHR TECHNOLOGY DEFINED.—For purposes of this section, the term 'certified EHR technology' means a qualified electronic health record (as defined in section 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

"(5) DEFINITIONS.—For purposes of this subsection:

"(A) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

"(B) EHR REPORTING PERIOD.—The term 'EHR reporting period' means, with respect to a payment year, any period (or periods) as specified by the Secretary.

"(C) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).".

(b) INCENTIVE PAYMENT ADJUSTMENT.—Section 1848(a) of the Social Security Act (42 U.S.C. 1395w–4(a)) is amended by adding at the end the following new paragraph:

"(7) INCENTIVES FOR MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

"(A) ADJUSTMENT.—

"(i) IN GENERAL.—Subject to subparagraphs (B) and (D), with respect to covered professional services furnished by an eligible professional during 2015 or any subsequent payment year, if the eligible professional is not a meaningful EHR user (as determined under subsection (o)(2)) for an EHR reporting period for the year, the fee schedule amount for such services furnished by such professional during the year (including the fee schedule amount for purposes of determining a payment based on such amount) shall be equal to the applicable percent of the fee schedule amount that would otherwise apply to such services under this subsection (determined after application of paragraph (3) but without regard to this paragraph).

"(ii) APPLICABLE PERCENT.—Subject to clause (iii), for purposes of clause (i), the term 'applicable percent' means—

"(I) for 2015, 99 percent (or, in the case of an eligible professional who was subject to the application of the payment adjustment under section 1848(a)(5) for 2014, 98 percent);

"(II) for 2016, 98 percent; and

"(III) for 2017 and each subsequent year, 97 percent.

"(iii) AUTHORITY TO DECREASE APPLICABLE PERCENTAGE FOR 2018 AND SUBSEQUENT YEARS.—For 2018 and each subsequent year, if the Secretary finds

that the proportion of eligible professionals who are meaningful EHR users (as determined under subsection (o)(2)) is less than 75 percent, the applicable percent shall be decreased by 1 percentage point from the applicable percent in the preceding year, but in no case shall the applicable percent be less than 95 percent.

"(B) SIGNIFICANT HARDSHIP EXCEPTION.—The Secretary may, on a case-by-case basis, exempt an eligible professional from the application of the payment adjustment under subparagraph (A) if the Secretary determines, subject to annual renewal, that compliance with the requirement for being a meaningful EHR user would result in a significant hardship, such as in the case of an eligible professional who practices in a rural area without sufficient Internet access. In no case may an eligible professional be granted an exemption under this subparagraph for more than 5 years.

"(C) APPLICATION OF PHYSICIAN REPORTING SYSTEM RULES.—Paragraphs (5), (6), and (8) of subsection (k) shall apply for purposes of this paragraph in the same manner as they apply for purposes of such subsection.

"(D) NON-APPLICATION TO HOSPITAL-BASED ELIGIBLE PROFESSIONALS.—No payment adjustment may be made under subparagraph (A) in the case of hospital-based eligible professionals (as defined in subsection (o)(1)(C)(ii)).

"(E) DEFINITIONS.—For purposes of this paragraph:

"(i) COVERED PROFESSIONAL SERVICES.—The term 'covered professional services' has the meaning given such term in subsection (k)(3).

"(ii) EHR REPORTING PERIOD.—The term 'EHR reporting period' means, with respect to a year, a period (or periods) specified by the Secretary.

"(iii) ELIGIBLE PROFESSIONAL.—The term 'eligible professional' means a physician, as defined in section 1861(r).".

(c) APPLICATION TO CERTAIN MA-AFFILIATED ELIGIBLE PROFESSIONALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

"(l) APPLICATION OF ELIGIBLE PROFESSIONAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

"(1) IN GENERAL.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1848(o) and 1848(a)(7) shall apply with respect to eligible professionals described in paragraph (2) of the organization who the organization attests under paragraph (6) to be meaningful EHR users in a similar manner as they apply to eligible professionals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

"(2) ELIGIBLE PROFESSIONAL DESCRIBED.—With respect to a qualifying MA organization, an eligible professional described in this paragraph is an eligible professional (as defined for purposes of section 1848(o)) who—

"(A)(i) is employed by the organization; or

"(ii)(I) is employed by, or is a partner of, an entity that through contract with the organization furnishes at least 80 percent of the entity's Medicare patient care services to enrollees of such organization; and

"(II) furnishes at least 80 percent of the professional services of the eligible professional covered under this title to enrollees of the organization; and

"(B) furnishes, on average, at least 20 hours per week of patient care services.

"(3) ELIGIBLE PROFESSIONAL INCENTIVE PAYMENTS.—

"(A) IN GENERAL.—In applying section 1848(o) under paragraph (1), instead of the additional payment amount under section 1848(o)(1)(A) and subject to subparagraph (B), the Secretary may substitute an amount determined by the Secretary to the extent feasible and practical to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such professionals was payable under part B instead of this part.

"(B) AVOIDING DUPLICATION OF PAYMENTS.—

"(i) IN GENERAL.—In the case of an eligible professional described in paragraph (2)—

"(I) that is eligible for the maximum incentive payment under section 1848(o)(1)(A) for the same payment period, the payment incentive shall be made only under such section and not under this subsection; and

"(II) that is eligible for less than such maximum incentive payment for the same payment period, the payment incentive shall be made only under this subsection and not under section 1848(o)(1)(A).

"(ii) METHODS.—In the case of an eligible professional described in paragraph (2) who is eligible for an incentive payment under section 1848(o)(1)(A) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

"(I) to ensure that duplicate payments are not made with respect to an eligible professional both under this subsection and under section 1848(o)(1)(A); and

"(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

"(C) FIXED SCHEDULE FOR APPLICATION OF LIMITATION ON INCENTIVE PAYMENTS FOR ALL ELIGIBLE PROFESSIONALS.—In applying section 1848(o)(1)(B)(ii) under subparagraph (A), in accordance with rules specified by the Secretary, a qualifying MA organization shall specify a year (not earlier than 2011) that shall be treated as the first payment year for all eligible professionals with respect to such organization.

Deadline.

"(4) PAYMENT ADJUSTMENT.—

"(A) IN GENERAL.—In applying section 1848(a)(7) under paragraph (1), instead of the payment adjustment being an applicable percent of the fee schedule amount for a year under such section, subject to subparagraph (D), the

payment adjustment under paragraph (1) shall be equal to the percent specified in subparagraph (B) for such year of the payment amount otherwise provided under this section for such year.

"(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

"(i) the number of percentage points by which the applicable percent (under section 1848(a)(7)(A)(ii)) for the year is less than 100 percent; and

"(ii) the Medicare physician expenditure proportion specified in subparagraph (C) for the year.

"(C) MEDICARE PHYSICIAN EXPENDITURE PROPORTION.—The Medicare physician expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for physicians' services.

"(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible professionals of the organization are meaningful EHR users with respect to a year, the Secretary shall apply the payment adjustment under this paragraph based on the proportion of all such eligible professionals of the organization that are not meaningful EHR users for such year.

"(5) QUALIFYING MA ORGANIZATION DEFINED.—In this subsection and subsection (m), the term 'qualifying MA organization' means a Medicare Advantage organization that is organized as a health maintenance organization (as defined in section 2791(b)(3) of the Public Health Service Act).

Attestation.

"(6) MEANINGFUL EHR USER ATTESTATION.—For purposes of this subsection and subsection (m), a qualifying MA organization shall submit an attestation, in a form and manner specified by the Secretary which may include the submission of such attestation as part of submission of the initial bid under section 1854(a)(1)(A)(iv), identifying—

"(A) whether each eligible professional described in paragraph (2), with respect to such organization is a meaningful EHR user (as defined in section 1848(o)(2)) for a year specified by the Secretary; and

"(B) whether each eligible hospital described in subsection (m)(1), with respect to such organization, is a meaningful EHR user (as defined in section 1886(n)(3)) for an applicable period specified by the Secretary.

"(7) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names, business addresses, and business phone numbers of—

"(A) each qualifying MA organization receiving an incentive payment under this subsection for eligible professionals of the organization; and

"(B) the eligible professionals of such organization for which such incentive payment is based.

"(8) LIMITATION ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

"(A) the methodology and standards for determining payment amounts and payment adjustments under this subsection, including avoiding duplication of payments under paragraph (3)(B) and the specification of rules for the fixed schedule for application of limitation on incentive payments for all eligible professionals under paragraph (3)(C);

"(B) the methodology and standards for determining eligible professionals under paragraph (2); and

"(C) the methodology and standards for determining a meaningful EHR user under section 1848(o)(2), including specification of the means of demonstrating meaningful EHR use under section 1848(o)(3)(C) and selection of measures under section 1848(o)(3)(B).".

(d) STUDY AND REPORT RELATING TO MA ORGANIZATIONS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study on the extent to which and manner in which payment incentives and adjustments (such as under sections 1848(o) and 1848(a)(7) of the Social Security Act) could be made available to professionals, as defined in 1861(r), who are not eligible for HIT incentive payments under section 1848(o) and receive payments for Medicare patient services nearly-exclusively through contractual arrangements with one or more Medicare Advantage organizations, or an intermediary organization or organizations with contracts with Medicare Advantage organizations. Such study shall assess approaches for measuring meaningful use of qualified EHR technology among such professionals and mechanisms for delivering incentives and adjustments to those professionals, including through incentive payments and adjustments through Medicare Advantage organizations or intermediary organizations.

(2) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the findings and the conclusions of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

(e) CONFORMING AMENDMENTS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended—

(1) in subsection (a)(1)(A), by striking "and (i)" and inserting "(i), and (l)";

(2) in subsection (c)—

(A) in paragraph (1)(D)(i), by striking "section 1886(h)" and inserting "sections 1848(o) and 1886(h)"; and

(B) in paragraph (6)(A), by inserting after "under part B," the following: "excluding expenditures attributable to subsections (a)(7) and (o) of section 1848,"; and

(3) in subsection (f), by inserting "and for payments under subsection (l)" after "with the organization".

(f) CONFORMING AMENDMENTS TO E-PRESCRIBING.—

(1) Section 1848(a)(5)(A) of the Social Security Act (42 U.S.C. 1395w–4(a)(5)(A)) is amended—

(A) in clause (i), by striking "or any subsequent year" and inserting ", 2013 or 2014"; and

(B) in clause (ii), by striking "and each subsequent year".

(2) Section 1848(m)(2) of such Act (42 U.S.C. 1395w–4(m)(2)) is amended—

(A) in subparagraph (A), by striking "For 2009" and inserting "Subject to subparagraph (D), for 2009"; and

(B) by adding at the end the following new subparagraph:

"(D) LIMITATION WITH RESPECT TO EHR INCENTIVE PAYMENTS.—The provisions of this paragraph shall not apply to an eligible professional (or, in the case of a group practice under paragraph (3)(C), to the group practice) if, for the EHR reporting period the eligible professional (or group practice) receives an incentive payment under subsection (o)(1)(A) with respect to a certified EHR technology (as defined in subsection (o)(4)) that has the capability of electronic prescribing.".

SEC. 4102. INCENTIVES FOR HOSPITALS.

(a) INCENTIVE PAYMENT.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(n) INCENTIVES FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, with respect to inpatient hospital services furnished by an eligible hospital during a payment year (as defined in paragraph (2)(G)), if the eligible hospital is a meaningful EHR user (as determined under paragraph (3)) for the EHR reporting period with respect to such year, in addition to the amount otherwise paid under this section, there also shall be paid to the eligible hospital, from the Federal Hospital Insurance Trust Fund established under section 1817, an amount equal to the applicable amount specified in paragraph (2)(A) for the hospital for such payment year.

"(2) PAYMENT AMOUNT.—

"(A) IN GENERAL.—Subject to the succeeding subparagraphs of this paragraph, the applicable amount specified in this subparagraph for an eligible hospital for a payment year is equal to the product of the following:

"(i) INITIAL AMOUNT.—The sum of—

"(I) the base amount specified in subparagraph (B); plus

"(II) the discharge related amount specified in subparagraph (C) for a 12-month period selected by the Secretary with respect to such payment year.

"(ii) MEDICARE SHARE.—The Medicare share as specified in subparagraph (D) for the eligible hospital for a period selected by the Secretary with respect to such payment year.

"(iii) TRANSITION FACTOR.—The transition factor specified in subparagraph (E) for the eligible hospital for the payment year.

"(B) BASE AMOUNT.—The base amount specified in this subparagraph is $2,000,000.

"(C) DISCHARGE RELATED AMOUNT.—The discharge related amount specified in this subparagraph for a 12-

month period selected by the Secretary shall be determined as the sum of the amount, estimated based upon total discharges for the eligible hospital (regardless of any source of payment) for the period, for each discharge up to the 23,000th discharge as follows:

"(i) For the first through 1,149th discharge, $0.

"(ii) For the 1,150th through the 23,000th discharge, $200.

"(iii) For any discharge greater than the 23,000th, $0.

"(D) MEDICARE SHARE.—The Medicare share specified under this subparagraph for an eligible hospital for a period selected by the Secretary for a payment year is equal to the fraction—

"(i) the numerator of which is the sum (for such period and with respect to the eligible hospital) of—

"(I) the estimated number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals with respect to whom payment may be made under part A; and

"(II) the estimated number of inpatient-bed-days (as so established) which are attributable to individuals who are enrolled with a Medicare Advantage organization under part C; and

"(ii) the denominator of which is the product of—

"(I) the estimated total number of inpatient-bed-days with respect to the eligible hospital during such period; and

"(II) the estimated total amount of the eligible hospital's charges during such period, not including any charges that are attributable to charity care (as such term is used for purposes of hospital cost reporting under this title), divided by the estimated total amount of the hospital's charges during such period.

Data.

Insofar as the Secretary determines that data are not available on charity care necessary to calculate the portion of the formula specified in clause (ii)(II), the Secretary shall use data on uncompensated care and may adjust such data so as to be an appropriate proxy for charity care including a downward adjustment to eliminate bad debt data from uncompensated care data. In the absence of the data necessary, with respect to a hospital, for the Secretary to compute the amount described in clause (ii)(II), the amount under such clause shall be deemed to be 1. In the absence of data, with respect to a hospital, necessary to compute the amount described in clause (i)(II), the amount under such clause shall be deemed to be 0.

"(E) TRANSITION FACTOR SPECIFIED.—

"(i) IN GENERAL.—Subject to clause (ii), the transition factor specified in this subparagraph for an eligible hospital for a payment year is as follows:

"(I) For the first payment year for such hospital, 1.

"(II) For the second payment year for such hospital, ¾.

"(III) For the third payment year for such hospital, ½.

"(IV) For the fourth payment year for such hospital, ¼.

"(V) For any succeeding payment year for such hospital, 0.

"(ii) PHASE DOWN FOR ELIGIBLE HOSPITALS FIRST ADOPTING EHR AFTER 2013.—If the first payment year for an eligible hospital is after 2013, then the transition factor specified in this subparagraph for a payment year for such hospital is the same as the amount specified in clause (i) for such payment year for an eligible hospital for which the first payment year is 2013. If the first payment year for an eligible hospital is after 2015 then the transition factor specified in this subparagraph for such hospital and for such year and any subsequent year shall be 0.

"(F) FORM OF PAYMENT.—The payment under this subsection for a payment year may be in the form of a single consolidated payment or in the form of such periodic installments as the Secretary may specify.

"(G) PAYMENT YEAR DEFINED.—

"(i) IN GENERAL.—For purposes of this subsection, the term 'payment year' means a fiscal year beginning with fiscal year 2011.

"(ii) FIRST, SECOND, ETC. PAYMENT YEAR.—The term 'first payment year' means, with respect to inpatient hospital services furnished by an eligible hospital, the first fiscal year for which an incentive payment is made for such services under this subsection. The terms 'second payment year', 'third payment year', and 'fourth payment year' mean, with respect to an eligible hospital, each successive year immediately following the first payment year for that hospital.

"(3) MEANINGFUL EHR USER.—

"(A) IN GENERAL.—For purposes of paragraph (1), an eligible hospital shall be treated as a meaningful EHR user for an EHR reporting period for a payment year (or, for purposes of subsection (b)(3)(B)(ix), for an EHR reporting period under such subsection for a fiscal year) if each of the following requirements are met:

"(i) MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period the hospital is using certified EHR technology in a meaningful manner.

"(ii) INFORMATION EXCHANGE.—The eligible hospital demonstrates to the satisfaction of the Secretary, in accordance with subparagraph (C)(i), that during such period such certified EHR technology is connected in a manner that provides, in accordance with law and standards applicable to the exchange of information, for the electronic exchange of health information to improve the quality of health care, such as promoting care coordination.

"(iii) REPORTING ON MEASURES USING EHR.—Subject to subparagraph (B)(ii) and using such certified EHR technology, the eligible hospital submits information for such period, in a form and manner specified by the Secretary, on such clinical quality measures and such other measures as selected by the Secretary under subparagraph (B)(i).

The Secretary shall seek to improve the use of electronic health records and health care quality over time by requiring more stringent measures of meaningful use selected under this paragraph.

"(B) REPORTING ON MEASURES.—

"(i) SELECTION.—The Secretary shall select measures for purposes of subparagraph (A)(iii) but only consistent with the following:

"(I) The Secretary shall provide preference to clinical quality measures that have been selected for purposes of applying subsection (b)(3)(B)(viii) or that have been endorsed by the entity with a contract with the Secretary under section 1890(a).

Federal Register, publication.

"(II) Prior to any measure (other than a clinical quality measure that has been selected for purposes of applying subsection (b)(3)(B)(viii)) being selected under this subparagraph, the Secretary shall publish in the Federal Register such measure and provide for a period of public comment on such measure.

"(ii) LIMITATIONS.—The Secretary may not require the electronic reporting of information on clinical quality measures under subparagraph (A)(iii) unless the Secretary has the capacity to accept the information electronically, which may be on a pilot basis.

"(iii) COORDINATION OF REPORTING OF INFORMATION.—In selecting such measures, and in establishing the form and manner for reporting measures under subparagraph (A)(iii), the Secretary shall seek to avoid redundant or duplicative reporting with reporting otherwise required, including reporting under subsection (b)(3)(B)(viii).

"(C) DEMONSTRATION OF MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY AND INFORMATION EXCHANGE.—

"(i) IN GENERAL.—An eligible hospital may satisfy the demonstration requirement of clauses (i) and (ii) of subparagraph (A) through means specified by the Secretary, which may include—

"(I) an attestation;

"(II) the submission of claims with appropriate coding (such as a code indicating that inpatient care was documented using certified EHR technology);

"(III) a survey response;

"(IV) reporting under subparagraph (A)(iii); and

"(V) other means specified by the Secretary.

"(ii) USE OF PART D DATA.—Notwithstanding sections 1860D–15(d)(2)(B) and 1860D–15(f)(2), the Secretary may use data regarding drug claims submitted for purposes of section 1860D–15 that are necessary for purposes of subparagraph (A).

"(4) APPLICATION.—

"(A) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

"(i) the methodology and standards for determining payment amounts under this subsection and payment adjustments under subsection (b)(3)(B)(ix), including selection of periods under paragraph (2) for determining, and making estimates or using proxies of, discharges under paragraph (2)(C) and inpatient-bed-days, hospital charges, charity charges, and Medicare share under paragraph (2)(D);

"(ii) the methodology and standards for determining a meaningful EHR user under paragraph (3), including selection of measures under paragraph (3)(B), specification of the means of demonstrating meaningful EHR use under paragraph (3)(C), and the hardship exception under subsection (b)(3)(B)(ix)(II); and

"(iii) the specification of EHR reporting periods under paragraph (6)(B) and the selection of the form of payment under paragraph (2)(F).

"(B) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format, a list of the names of the eligible hospitals that are meaningful EHR users under this subsection or subsection (b)(3)(B)(ix) (and a list of the names of critical access hospitals to which paragraph (3) or (4) of section 1814(l) applies), and other relevant data as determined appropriate by the Secretary. The Secretary shall ensure that an eligible hospital (or critical access hospital) has the opportunity to review the other relevant data that are to be made public with respect to the hospital (or critical access hospital) prior to such data being made public.

"(5) CERTIFIED EHR TECHNOLOGY DEFINED.—The term 'certified EHR technology' has the meaning given such term in section 1848(o)(4).

"(6) DEFINITIONS.—For purposes of this subsection:

"(A) EHR REPORTING PERIOD.—The term 'EHR reporting period' means, with respect to a payment year, any period (or periods) as specified by the Secretary.

"(B) ELIGIBLE HOSPITAL.—The term 'eligible hospital' means a subsection (d) hospital.".

(2) CRITICAL ACCESS HOSPITALS.—Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)) is amended—

(A) in paragraph (1), by striking "paragraph (2)" and inserting "the subsequent paragraphs of this subsection"; and

(B) by adding at the end the following new paragraph:

Regulations. Applicability.

"(3)(A) The following rules shall apply in determining payment and reasonable costs under paragraph (1) for costs described in subparagraph (C) for a critical access hospital that would be a

meaningful EHR user (as would be determined under paragraph (3) of section 1886(n)) for an EHR reporting period for a cost reporting period beginning during a payment year if such critical access hospital was treated as an eligible hospital under such section:

"(i) The Secretary shall compute reasonable costs by expensing such costs in a single payment year and not depreciating such costs over a period of years (and shall include as costs with respect to cost reporting periods beginning during a payment year costs from previous cost reporting periods to the extent they have not been fully depreciated as of the period involved).

"(ii) There shall be substituted for the Medicare share that would otherwise be applied under paragraph (1) a percent (not to exceed 100 percent) equal to the sum of—

"(I) the Medicare share (as would be specified under paragraph (2)(D) of section 1886(n)) for such critical access hospital if such critical access hospital was treated as an eligible hospital under such section; and

"(II) 20 percentage points.

"(B) The payment under this paragraph with respect to a critical access hospital shall be paid through a prompt interim payment (subject to reconciliation) after submission and review of such information (as specified by the Secretary) necessary to make such payment, including information necessary to apply this paragraph. In no case may payment under this paragraph be made with respect to a cost reporting period beginning during a payment year after 2015 and in no case may a critical access hospital receive payment under this paragraph with respect to more than 4 consecutive payment years.

"(C) The costs described in this subparagraph are costs for the purchase of certified EHR technology to which purchase depreciation (excluding interest) would apply if payment was made under paragraph (1) and not under this paragraph.

"(D) For purposes of this paragraph, paragraph (4), and paragraph (5), the terms 'certified EHR technology', 'eligible hospital', 'EHR reporting period', and 'payment year' have the meanings given such terms in sections 1886(n).".

(b) INCENTIVE MARKET BASKET ADJUSTMENT.—

(1) IN GENERAL.—Section 1886(b)(3)(B) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)) is amended—

(A) in clause (viii)(I), by inserting "(or, beginning with fiscal year 2015, by one-quarter)" after "2.0 percentage points"; and

(B) by adding at the end the following new clause:

"(ix)(I) For purposes of clause (i) for fiscal year 2015 and each subsequent fiscal year, in the case of an eligible hospital (as defined in subsection (n)(6)(A)) that is not a meaningful EHR user (as defined in subsection (n)(3)) for an EHR reporting period for such fiscal year, three-quarters of the applicable percentage increase otherwise applicable under clause (i) for such fiscal year shall be reduced by 33⅓ percent for fiscal year 2015, 66⅔ percent for fiscal year 2016, and 100 percent for fiscal year 2017 and each subsequent fiscal year. Such reduction shall apply only with respect to the fiscal year involved and the Secretary shall not take into account such reduction in computing the applicable percentage increase under clause (i) for a subsequent fiscal year.

Applicability.

"(II) The Secretary may, on a case-by-case basis, exempt a subsection (d) hospital from the application of subclause (I) with respect to a fiscal year if the Secretary determines, subject to annual renewal, that requiring such hospital to be a meaningful EHR user during such fiscal year would result in a significant hardship, such as in the case of a hospital in a rural area without sufficient Internet access. In no case may a hospital be granted an exemption under this subclause for more than 5 years.

"(III) For fiscal year 2015 and each subsequent fiscal year, a State in which hospitals are paid for services under section 1814(b)(3) shall adjust the payments to each subsection (d) hospital in the State that is not a meaningful EHR user (as defined in subsection (n)(3)) in a manner that is designed to result in an aggregate reduction in payments to hospitals in the State that is equivalent to the aggregate reduction that would have occurred if payments had been reduced to each subsection (d) hospital in the State in a manner comparable to the reduction under the previous provisions of this clause. The State shall report to the Secretary the methodology it will use to make the payment adjustment under the previous sentence. Reports.

"(IV) For purposes of this clause, the term 'EHR reporting period' means, with respect to a fiscal year, any period (or periods) as specified by the Secretary.".

(2) CRITICAL ACCESS HOSPITALS.—Section 1814(l) of the Social Security Act (42 U.S.C. 1395f(l)), as amended by subsection (a)(2), is further amended by adding at the end the following new paragraphs:

"(4)(A) Subject to subparagraph (C), for cost reporting periods beginning in fiscal year 2015 or a subsequent fiscal year, in the case of a critical access hospital that is not a meaningful EHR user (as would be determined under paragraph (3) of section 1886(n) if such critical access hospital was treated as an eligible hospital under such section) for an EHR reporting period with respect to such fiscal year, paragraph (1) shall be applied by substituting the applicable percent under subparagraph (B) for the percent described in such paragraph (1). Applicability.

"(B) The percent described in this subparagraph is— Applicability.

"(i) for fiscal year 2015, 100.66 percent;

"(ii) for fiscal year 2016, 100.33 percent; and

"(iii) for fiscal year 2017 and each subsequent fiscal year, 100 percent.

"(C) The provisions of subclause (II) of section 1886(b)(3)(B)(ix) shall apply with respect to subparagraph (A) for a critical access hospital with respect to a cost reporting period beginning in a fiscal year in the same manner as such subclause applies with respect to subclause (I) of such section for a subsection (d) hospital with respect to such fiscal year.

"(5) There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

"(A) the methodology and standards for determining the amount of payment and reasonable cost under paragraph (3) and payment adjustments under paragraph (4), including selection of periods under section 1886(n)(2) for determining, and making estimates or using proxies of, inpatient-bed-days, hospital charges, charity charges, and Medicare share under subparagraph (D) of section 1886(n)(2);

"(B) the methodology and standards for determining a meaningful EHR user under section 1886(n)(3) as would apply if the hospital was treated as an eligible hospital under section 1886(n), and the hardship exception under paragraph (4)(C);

"(C) the specification of EHR reporting periods under section 1886(n)(6)(B) as applied under paragraphs (3) and (4); and

"(D) the identification of costs for purposes of paragraph (3)(C).".

(c) APPLICATION TO CERTAIN MA-AFFILIATED ELIGIBLE HOSPITALS.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4101(c), is further amended by adding at the end the following new subsection:

"(m) APPLICATION OF ELIGIBLE HOSPITAL INCENTIVES FOR CERTAIN MA ORGANIZATIONS FOR ADOPTION AND MEANINGFUL USE OF CERTIFIED EHR TECHNOLOGY.—

"(1) APPLICATION.—Subject to paragraphs (3) and (4), in the case of a qualifying MA organization, the provisions of sections 1886(n) and 1886(b)(3)(B)(ix) shall apply with respect to eligible hospitals described in paragraph (2) of the organization which the organization attests under subsection (l)(6) to be meaningful EHR users in a similar manner as they apply to eligible hospitals under such sections. Incentive payments under paragraph (3) shall be made to and payment adjustments under paragraph (4) shall apply to such qualifying organizations.

"(2) ELIGIBLE HOSPITAL DESCRIBED.—With respect to a qualifying MA organization, an eligible hospital described in this paragraph is an eligible hospital (as defined in section 1886(n)(6)(A)) that is under common corporate governance with such organization and serves individuals enrolled under an MA plan offered by such organization.

"(3) ELIGIBLE HOSPITAL INCENTIVE PAYMENTS.—

"(A) IN GENERAL.—In applying section 1886(n)(2) under paragraph (1), instead of the additional payment amount under section 1886(n)(2), there shall be substituted an amount determined by the Secretary to be similar to the estimated amount in the aggregate that would be payable if payment for services furnished by such hospitals was payable under part A instead of this part. In implementing the previous sentence, the Secretary—

"(i) shall, insofar as data to determine the discharge related amount under section 1886(n)(2)(C) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such discharge related amount as the Secretary determines appropriate; and

"(ii) shall, insofar as data to determine the medicare share described in section 1886(n)(2)(D) for an eligible hospital are not available to the Secretary, use such alternative data and methodology to estimate such share, which data and methodology may include use of the inpatient-bed-days (or discharges) with respect to an eligible hospital during the appropriate period which are attributable to both individuals for

whom payment may be made under part A or individuals enrolled in an MA plan under a Medicare Advantage organization under this part as a proportion of the estimated total number of patient-bed-days (or discharges) with respect to such hospital during such period.

"(B) AVOIDING DUPLICATION OF PAYMENTS.—

"(i) IN GENERAL.—In the case of a hospital that for a payment year is an eligible hospital described in paragraph (2) and for which at least one-third of their discharges (or bed-days) of Medicare patients for the year are covered under part A, payment for the payment year shall be made only under section 1886(n) and not under this subsection.

"(ii) METHODS.—In the case of a hospital that is an eligible hospital described in paragraph (2) and also is eligible for an incentive payment under section 1886(n) but is not described in clause (i) for the same payment period, the Secretary shall develop a process—

"(I) to ensure that duplicate payments are not made with respect to an eligible hospital both under this subsection and under section 1886(n); and

"(II) to collect data from Medicare Advantage organizations to ensure against such duplicate payments.

"(4) PAYMENT ADJUSTMENT.—

"(A) Subject to paragraph (3), in the case of a qualifying MA organization (as defined in section 1853(l)(5)), if, according to the attestation of the organization submitted under subsection (l)(6) for an applicable period, one or more eligible hospitals (as defined in section 1886(n)(6)(A)) that are under common corporate governance with such organization and that serve individuals enrolled under a plan offered by such organization are not meaningful EHR users (as defined in section 1886(n)(3)) with respect to a period, the payment amount payable under this section for such organization for such period shall be the percent specified in subparagraph (B) for such period of the payment amount otherwise provided under this section for such period.

"(B) SPECIFIED PERCENT.—The percent specified under this subparagraph for a year is 100 percent minus a number of percentage points equal to the product of—

"(i) the number of the percentage point reduction effected under section 1886(b)(3)(B)(ix)(I) for the period; and

"(ii) the Medicare hospital expenditure proportion specified in subparagraph (C) for the year.

"(C) MEDICARE HOSPITAL EXPENDITURE PROPORTION.—The Medicare hospital expenditure proportion under this subparagraph for a year is the Secretary's estimate of the proportion, of the expenditures under parts A and B that are not attributable to this part, that are attributable to expenditures for inpatient hospital services.

"(D) APPLICATION OF PAYMENT ADJUSTMENT.—In the case that a qualifying MA organization attests that not all eligible hospitals are meaningful EHR users with respect to an applicable period, the Secretary shall apply the payment adjustment under this paragraph based on a methodology specified by the Secretary, taking into account the proportion of such eligible hospitals, or discharges from such hospitals, that are not meaningful EHR users for such period.

"(5) POSTING ON WEBSITE.—The Secretary shall post on the Internet website of the Centers for Medicare & Medicaid Services, in an easily understandable format—

"(A) a list of the names, business addresses, and business phone numbers of each qualifying MA organization receiving an incentive payment under this subsection for eligible hospitals described in paragraph (2); and

"(B) a list of the names of the eligible hospitals for which such incentive payment is based.

"(6) LIMITATIONS ON REVIEW.—There shall be no administrative or judicial review under section 1869, section 1878, or otherwise, of—

"(A) the methodology and standards for determining payment amounts and payment adjustments under this subsection, including avoiding duplication of payments under paragraph (3)(B);

"(B) the methodology and standards for determining eligible hospitals under paragraph (2); and

"(C) the methodology and standards for determining a meaningful EHR user under section 1886(n)(3), including specification of the means of demonstrating meaningful EHR use under subparagraph (C) of such section and selection of measures under subparagraph (B) of such section.".

(d) CONFORMING AMENDMENTS.—

(1) Section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) is amended—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting ", subject to section 1886(d)(3)(B)(ix)(III)," after "then"; and

(B) by adding at the end the following: "For purposes of applying paragraph (3), there shall be taken into account incentive payments, and payment adjustments under subsection (b)(3)(B)(ix) or (n) of section 1886.".

(2) Section 1851(i)(1) of the Social Security Act (42 U.S.C. 1395w–21(i)(1)) is amended by striking "and 1886(h)(3)(D)" and inserting "1886(h)(3)(D), and 1853(m)".

(3) Section 1853 of the Social Security Act (42 U.S.C. 1395w–23), as amended by section 4101(d), is amended—

(A) in subsection (c)—

(i) in paragraph (1)(D)(i), by striking "1848(o)" and inserting ", 1848(o), and 1886(n)"; and

(ii) in paragraph (6)(A), by inserting "and subsections (b)(3)(B)(ix) and (n) of section 1886" after "section 1848"; and

(B) in subsection (f), by inserting "and subsection (m)" after "under subsection (l)".

SEC. 4103. TREATMENT OF PAYMENTS AND SAVINGS; IMPLEMENTATION FUNDING.

(a) PREMIUM HOLD HARMLESS.—

(1) IN GENERAL.—Section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)) is amended by adding at the end the following: "In applying this paragraph there shall not be taken into account additional payments under section 1848(o) and section 1853(l)(3) and the Government contribution under section 1844(a)(3).".

(2) PAYMENT.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—

(A) in paragraph (2), by striking the period at the end and inserting "; plus"; and

(B) by adding at the end the following new paragraph:

"(3) a Government contribution equal to the amount of payment incentives payable under sections 1848(o) and 1853(l)(3).".

(b) MEDICARE IMPROVEMENT FUND.—Section 1898 of the Social Security Act (42 U.S.C. 1395iii), as added by section 7002(a) of the Supplemental Appropriations Act, 2008 (Public Law 110–252) and as amended by section 188(a)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275; 122 Stat. 2589) and by section 6 of the QI Program Supplemental Funding Act of 2008, is amended—

(1) in subsection (a)—

(A) by inserting "medicare" before "fee-for-service"; and

(B) by inserting before the period at the end the following: "including, but not limited to, an increase in the conversion factor under section 1848(d) to address, in whole or in part, any projected shortfall in the conversion factor for 2014 relative to the conversion factor for 2008 and adjustments to payments for items and services furnished by providers of services and suppliers under such original medicare fee-for-service program"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "during fiscal year 2014," and all that follows and inserting the following: "during—

"(A) fiscal year 2014, $22,290,000,000; and

"(B) fiscal year 2020 and each subsequent fiscal year, the Secretary's estimate, as of July 1 of the fiscal year, of the aggregate reduction in expenditures under this title during the preceding fiscal year directly resulting from the reduction in payment amounts under sections 1848(a)(7), 1853(l)(4), 1853(m)(4), and 1886(b)(3)(B)(ix).";

and

(B) by adding at the end the following new paragraph:

"(4) NO EFFECT ON PAYMENTS IN SUBSEQUENT YEARS.—In the case that expenditures from the Fund are applied to, or otherwise affect, a payment rate for an item or service under this title for a year, the payment rate for such item or service shall be computed for a subsequent year as if such application or effect had never occurred.".

(c) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Center for Medicare & Medicaid Services

Program Management Account, $100,000,000 for each of fiscal years 2009 through 2015 and $45,000,000 for fiscal year 2016, which shall be available for purposes of carrying out the provisions of (and amendments made by) this subtitle. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

SEC. 4104. STUDIES AND REPORTS ON HEALTH INFORMATION TECHNOLOGY.

(a) STUDY AND REPORT ON APPLICATION OF EHR PAYMENT INCENTIVES FOR PROVIDERS NOT RECEIVING OTHER INCENTIVE PAYMENTS.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine the extent to which and manner in which payment incentives (such as under title XVIII or XIX of the Social Security Act) and other funding for purposes of implementing and using certified EHR technology (as defined in section 1848(o)(4) of the Social Security Act, as added by section 4101(a)) should be made available to health care providers who are receiving minimal or no payment incentives or other funding under this Act, under title XIII of division A, under title XVIII or XIX of such Act, or otherwise, for such purposes.

(B) DETAILS OF STUDY.—Such study shall include an examination of—

(i) the adoption rates of certified EHR technology by such health care providers;

(ii) the clinical utility of such technology by such health care providers;

(iii) whether the services furnished by such health care providers are appropriate for or would benefit from the use of such technology;

(iv) the extent to which such health care providers work in settings that might otherwise receive an incentive payment or other funding under this Act, under title XIII of division A, under title XVIII or XIX of the Social Security Act, or otherwise;

(v) the potential costs and the potential benefits of making payment incentives and other funding available to such health care providers; and

(vi) any other issues the Secretary deems to be appropriate.

(2) REPORT.—Not later than June 30, 2010, the Secretary shall submit to Congress a report on the findings and conclusions of the study conducted under paragraph (1).

(b) STUDY AND REPORT ON AVAILABILITY OF OPEN SOURCE HEALTH INFORMATION TECHNOLOGY SYSTEMS.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall, in consultation with the Under Secretary for Health of the Veterans Health Administration, the Director of the Indian Health Service, the Secretary of Defense, the Director of the Agency for Healthcare Research and Quality, the Administrator of the Health Resources and Services Administration, and the Chairman

of the Federal Communications Commission, conduct a study on—

(i) the current availability of open source health information technology systems to Federal safety net providers (including small, rural providers);

(ii) the total cost of ownership of such systems in comparison to the cost of proprietary commercial products available;

(iii) the ability of such systems to respond to the needs of, and be applied to, various populations (including children and disabled individuals); and

(iv) the capacity of such systems to facilitate interoperability.

(B) CONSIDERATIONS.—In conducting the study under subparagraph (A), the Secretary of Health and Human Services shall take into account the circumstances of smaller health care providers, health care providers located in rural or other medically underserved areas, and safety net providers that deliver a significant level of health care to uninsured individuals, Medicaid beneficiaries, SCHIP beneficiaries, and other vulnerable individuals.

(2) REPORT.—Not later than October 1, 2010, the Secretary of Health and Human Services shall submit to Congress a report on the findings and the conclusions of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

Subtitle B—Medicaid Incentives

SEC. 4201. MEDICAID PROVIDER HIT ADOPTION AND OPERATION PAYMENTS; IMPLEMENTATION FUNDING.

(a) IN GENERAL.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(3)—

(A) by striking "and" at the end of subparagraph (D);

(B) by striking "plus" at the end of subparagraph (E) and inserting "and"; and

(C) by adding at the end the following new subparagraph:

"(F)(i) 100 percent of so much of the sums expended during such quarter as are attributable to payments to Medicaid providers described in subsection (t)(1) to encourage the adoption and use of certified EHR technology; and

"(ii) 90 percent of so much of the sums expended during such quarter as are attributable to payments for reasonable administrative expenses related to the administration of payments described in clause (i) if the State meets the condition described in subsection (t)(9); plus"; and

(2) by inserting after subsection (s) the following new subsection:

"(t)(1) For purposes of subsection (a)(3)(F), the payments described in this paragraph to encourage the adoption and use of certified EHR technology are payments made by the State in accordance with this subsection —

"(A) to Medicaid providers described in paragraph (2)(A) not in excess of 85 percent of net average allowable costs (as defined in paragraph (3)(E)) for certified EHR technology (and support services including maintenance and training that is for, or is necessary for the adoption and operation of, such technology) with respect to such providers; and

"(B) to Medicaid providers described in paragraph (2)(B) not in excess of the maximum amount permitted under paragraph (5) for the provider involved.

Definition.

"(2) In this subsection and subsection (a)(3)(F), the term 'Medicaid provider' means—

"(A) an eligible professional (as defined in paragraph (3)(B))—

"(i) who is not hospital-based and has at least 30 percent of the professional's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals who are receiving medical assistance under this title;

"(ii) who is not described in clause (i), who is a pediatrician, who is not hospital-based, and who has at least 20 percent of the professional's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals who are receiving medical assistance under this title; and

"(iii) who practices predominantly in a Federally qualified health center or rural health clinic and has at least 30 percent of the professional's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to needy individuals (as defined in paragraph (3)(F)); and

"(B)(i) a children's hospital, or

"(ii) an acute-care hospital that is not described in clause (i) and that has at least 10 percent of the hospital's patient volume (as estimated in accordance with a methodology established by the Secretary) attributable to individuals who are receiving medical assistance under this title.

An eligible professional shall not qualify as a Medicaid provider under this subsection unless any right to payment under sections 1848(o) and 1853(l) with respect to the eligible professional has been waived in a manner specified by the Secretary. For purposes of calculating patient volume under subparagraph (A)(iii), insofar as it is related to uncompensated care, the Secretary may require the adjustment of such uncompensated care data so that it would be an appropriate proxy for charity care, including a downward adjustment to eliminate bad debt data from uncompensated care.

Applicability.

In applying subparagraphs (A) and (B)(ii), the methodology established by the Secretary for patient volume shall include individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

Definitions.

"(3) In this subsection and subsection (a)(3)(F):

"(A) The term 'certified EHR technology' means a qualified electronic health record (as defined in 3000(13) of the Public Health Service Act) that is certified pursuant to section 3001(c)(5) of such Act as meeting standards adopted under section 3004 of such Act that are applicable to the type of record involved (as determined by the Secretary, such as an

ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

"(B) The term 'eligible professional' means a—

"(i) physician;

"(ii) dentist;

"(iii) certified nurse mid-wife;

"(iv) nurse practitioner; and

"(v) physician assistant insofar as the assistant is practicing in a rural health clinic that is led by a physician assistant or is practicing in a Federally qualified health center that is so led.

"(C) The term 'average allowable costs' means, with respect to certified EHR technology of Medicaid providers described in paragraph (2)(A) for—

"(i) the first year of payment with respect to such a provider, the average costs for the purchase and initial implementation or upgrade of such technology (and support services including training that is for, or is necessary for the adoption and initial operation of, such technology) for such providers, as determined by the Secretary based upon studies conducted under paragraph (4)(C); and

"(ii) a subsequent year of payment with respect to such a provider, the average costs not described in clause (i) relating to the operation, maintenance, and use of such technology for such providers, as determined by the Secretary based upon studies conducted under paragraph (4)(C).

"(D) The term 'hospital-based' means, with respect to an eligible professional, a professional (such as a pathologist, anesthesiologist, or emergency physician) who furnishes substantially all of the individual's professional services in a hospital setting (whether inpatient or outpatient) and through the use of the facilities and equipment, including qualified electronic health records, of the hospital. The determination of whether an eligible professional is a hospital-based eligible professional shall be made on the basis of the site of service (as defined by the Secretary) and without regard to any employment or billing arrangement between the eligible professional and any other provider.

"(E) The term 'net average allowable costs' means, with respect to a Medicaid provider described in paragraph (2)(A), average allowable costs reduced by any payment that is made to such Medicaid provider from any other source (other than under this subsection or by a State or local government) that is directly attributable to payment for certified EHR technology or support services described in subparagraph (C).

"(F) The term 'needy individual' means, with respect to a Medicaid provider, an individual—

"(i) who is receiving assistance under this title;

"(ii) who is receiving assistance under title XXI;

"(iii) who is furnished uncompensated care by the provider; or

"(iv) for whom charges are reduced by the provider on a sliding scale basis based on an individual's ability to pay.

"(4)(A) With respect to a Medicaid provider described in paragraph (2)(A), subject to subparagraph (B), in no case shall—

"(i) the net average allowable costs under this subsection for the first year of payment (which may not be later than 2016), which is intended to cover the costs described in paragraph (3)(C)(i), exceed $25,000 (or such lesser amount as the Secretary determines based on studies conducted under subparagraph (C));

"(ii) the net average allowable costs under this subsection for a subsequent year of payment, which is intended to cover costs described in paragraph (3)(C)(ii), exceed $10,000; and

"(iii) payments be made for costs described in clause (ii) after 2021 or over a period of longer than 5 years.

"(B) In the case of Medicaid provider described in paragraph (2)(A)(ii), the dollar amounts specified in subparagraph (A) shall be ⅔ of the dollar amounts otherwise specified.

Study.

"(C) For the purposes of determining average allowable costs under this subsection, the Secretary shall study the average costs to Medicaid providers described in paragraph (2)(A) of purchase and initial implementation and upgrade of certified EHR technology described in paragraph (3)(C)(i) and the average costs to such providers of operations, maintenance, and use of such technology described in paragraph (3)(C)(ii). In determining such costs for such providers, the Secretary may utilize studies of such amounts submitted by States.

"(5)(A) In no case shall the payments described in paragraph (1)(B) with respect to a Medicaid provider described in paragraph (2)(B) exceed—

"(i) in the aggregate the product of—

"(I) the overall hospital EHR amount for the provider computed under subparagraph (B); and

"(II) the Medicaid share for such provider computed under subparagraph (C);

"(ii) in any year 50 percent of the product described in clause (i); and

"(iii) in any 2-year period 90 percent of such product.

"(B) For purposes of this paragraph, the overall hospital EHR amount, with respect to a Medicaid provider, is the sum of the applicable amounts specified in section 1886(n)(2)(A) for such provider for the first 4 payment years (as estimated by the Secretary) determined as if the Medicare share specified in clause (ii) of such section were 1. The Secretary shall establish, in consultation with the State, the overall hospital EHR amount for each such Medicaid provider eligible for payments under paragraph (1)(B). For purposes of this subparagraph in computing the amounts under section 1886(n)(2)(C) for payment years after the first payment year, the Secretary shall assume that in subsequent payment years discharges increase at the average annual rate of growth of the most recent 3 years for which discharge data are available per year.

"(C) The Medicaid share computed under this subparagraph, for a Medicaid provider for a period specified by the Secretary, shall be calculated in the same manner as the Medicare share under section 1886(n)(2)(D) for such a hospital and period, except that there shall be substituted for the numerator under clause (i) of such section the amount that is equal to the number of inpatient-bed-days (as established by the Secretary) which are attributable to individuals who are receiving medical assistance

under this title and who are not described in section 1886(n)(2)(D)(i). In computing inpatient-bed-days under the previous sentence, the Secretary shall take into account inpatient-bed-days attributable to inpatient-bed-days that are paid for individuals enrolled in a Medicaid managed care plan (under section 1903(m) or section 1932).

"(D) In no case may the payments described in paragraph (1)(B) with respect to a Medicaid provider described in paragraph (2)(B) be paid—

"(i) for any year beginning after 2016 unless the provider has been provided payment under paragraph (1)(B) for the previous year; and

"(ii) over a period of more than 6 years of payment.

"(6) Payments described in paragraph (1) are not in accordance with this subsection unless the following requirements are met:

"(A)(i) The State provides assurances satisfactory to the Secretary that amounts received under subsection (a)(3)(F) with respect to payments to a Medicaid provider are paid, subject to clause (ii), directly to such provider (or to an employer or facility to which such provider has assigned payments) without any deduction or rebate.

"(ii) Amounts described in clause (i) may also be paid to an entity promoting the adoption of certified EHR technology, as designated by the State, if participation in such a payment arrangement is voluntary for the eligible professional involved and if such entity does not retain more than 5 percent of such payments for costs not related to certified EHR technology (and support services including maintenance and training) that is for, or is necessary for the operation of, such technology.

"(B) A Medicaid provider described in paragraph (2)(A) is responsible for payment of the remaining 15 percent of the net average allowable cost.

"(C)(i) Subject to clause (ii), with respect to payments to a Medicaid provider—

"(I) for the first year of payment to the Medicaid provider under this subsection, the Medicaid provider demonstrates that it is engaged in efforts to adopt, implement, or upgrade certified EHR technology; and

"(II) for a year of payment, other than the first year of payment to the Medicaid provider under this subsection, the Medicaid provider demonstrates meaningful use of certified EHR technology through a means that is approved by the State and acceptable to the Secretary, and that may be based upon the methodologies applied under section 1848(o) or 1886(n).

"(ii) In the case of a Medicaid provider who has completed adopting, implementing, or upgrading such technology prior to the first year of payment to the Medicaid provider under this subsection, clause (i)(I) shall not apply and clause (i)(II) shall apply to each year of payment to the Medicaid provider under this subsection, including the first year of payment.

"(D) To the extent specified by the Secretary, the certified EHR technology is compatible with State or Federal administrative management systems.

For purposes of subparagraph (B), a Medicaid provider described in paragraph (2)(A) may accept payments for the costs described

in such subparagraph from a State or local government. For purposes of subparagraph (C), in establishing the means described in such subparagraph, which may include clinical quality reporting to the State, the State shall ensure that populations with unique needs, such as children, are appropriately addressed.

"(7) With respect to Medicaid providers described in paragraph (2)(A), the Secretary shall ensure coordination of payment with respect to such providers under sections 1848(o) and 1853(l) and under this subsection to assure no duplication of funding. Such coordination shall include, to the extent practicable, a data matching process between State Medicaid agencies and the Centers for Medicare & Medicaid Services using national provider identifiers. For such purposes, the Secretary may require the submission of such data relating to payments to such Medicaid providers as the Secretary may specify.

"(8) In carrying out paragraph (6)(C), the State and Secretary shall seek, to the maximum extent practicable, to avoid duplicative requirements from Federal and State governments to demonstrate meaningful use of certified EHR technology under this title and title XVIII. In doing so, the Secretary may deem satisfaction of requirements for such meaningful use for a payment year under title XVIII to be sufficient to qualify as meaningful use under this subsection. The Secretary may also specify the reporting periods under this subsection in order to carry out this paragraph.

"(9) In order to be provided Federal financial participation under subsection (a)(3)(F)(ii), a State must demonstrate to the satisfaction of the Secretary, that the State—

"(A) is using the funds provided for the purposes of administering payments under this subsection, including tracking of meaningful use by Medicaid providers;

"(B) is conducting adequate oversight of the program under this subsection, including routine tracking of meaningful use attestations and reporting mechanisms; and

"(C) is pursuing initiatives to encourage the adoption of certified EHR technology to promote health care quality and the exchange of health care information under this title, subject to applicable laws and regulations governing such exchange.

Reports.

"(10) The Secretary shall periodically submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate on status, progress, and oversight of payments described in paragraph (1), including steps taken to carry out paragraph (7). Such reports shall also describe the extent of adoption of certified EHR technology among Medicaid providers resulting from the provisions of this subsection and any improvements in health outcomes, clinical quality, or efficiency resulting from such adoption.".

(b) IMPLEMENTATION FUNDING.—In addition to funds otherwise available, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, $40,000,000 for each of fiscal years 2009 through 2015 and $20,000,000 for fiscal year 2016, which shall be available for purposes of carrying out the provisions of (and the amendments made by) this section. Amounts appropriated under this subsection for a fiscal year shall be available until expended.

Subtitle C—Miscellaneous Medicare Provisions

SEC. 4301. MORATORIA ON CERTAIN MEDICARE REGULATIONS.

(a) DELAY IN PHASE OUT OF MEDICARE HOSPICE BUDGET NEUTRALITY ADJUSTMENT FACTOR DURING FISCAL YEAR 2009.—Notwithstanding any other provision of law, including the final rule published on August 8, 2008, 73 Federal Register 46464 et seq., relating to Medicare Program; Hospice Wage Index for Fiscal Year 2009, the Secretary of Health and Human Services shall not phase out or eliminate the budget neutrality adjustment factor in the Medicare hospice wage index before October 1, 2009, and the Secretary shall recompute and apply the final Medicare hospice wage index for fiscal year 2009 as if there had been no reduction in the budget neutrality adjustment factor.

(b) NON-APPLICATION OF PHASED-OUT INDIRECT MEDICAL EDUCATION (IME) ADJUSTMENT FACTOR FOR FISCAL YEAR 2009.—

Applicability.

(1) IN GENERAL.—Section 412.322 of title 42, Code of Federal Regulations, shall be applied without regard to paragraph (c) of such section, and the Secretary of Health and Human Services shall recompute payments for discharges occurring on or after October 1, 2008, as if such paragraph had never been in effect.

(2) NO EFFECT ON SUBSEQUENT YEARS.—Nothing in paragraph (1) shall be construed as having any effect on the application of paragraph (d) of section 412.322 of title 42, Code of Federal Regulations.

(c) FUNDING FOR IMPLEMENTATION.—In addition to funds otherwise available, for purposes of implementing the provisions of subsections (a) and (b), including costs incurred in reprocessing claims in carrying out such provisions, the Secretary of Health and Human Services shall provide for the transfer from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) to the Centers for Medicare & Medicaid Services Program Management Account of $2,000,000 for fiscal year 2009.

SEC. 4302. LONG-TERM CARE HOSPITAL TECHNICAL CORRECTIONS.

(a) PAYMENT.—Subsection (c) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) is amended—

42 USC 1395ww note.

(1) in paragraph (1)—

(A) by amending the heading to read as follows: "DELAY IN APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT";

(B) by striking "the date of the enactment of this Act" and inserting "July 1, 2007,"; and

(C) in subparagraph (A), by inserting "or to a long-term care hospital, or satellite facility, that as of December 29, 2007, was co-located with an entity that is a provider-based, off-campus location of a subsection (d) hospital which did not provide services payable under section 1886(d) of the Social Security Act at the off-campus location" after "freestanding long-term care hospitals"; and

(2) in paragraph (2)—

(A) in subparagraph (B)(ii), by inserting "or that is described in section 412.22(h)(3)(i) of such title" before the period; and

(B) in subparagraph (C), by striking "the date of the enactment of this Act" and inserting "October 1, 2007 (or July 1, 2007, in the case of a satellite facility described in section 412.22(h)(3)(i) of title 42, Code of Federal Regulations)".

(b) MORATORIUM.—Subsection (d)(3)(A) of such section is amended by striking "if the hospital or facility" and inserting "if the hospital or facility obtained a certificate of need for an increase in beds that is in a State for which such certificate of need is required and that was issued on or after April 1, 2005, and before December 29, 2007, or if the hospital or facility".

42 USC 1395ww note.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective and apply as if included in the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173).

TITLE V—STATE FISCAL RELIEF

SEC. 5000. PURPOSES; TABLE OF CONTENTS.

42 USC 1396a note.

(a) PURPOSES.—The purposes of this title are as follows:

(1) To provide fiscal relief to States in a period of economic downturn.

(2) To protect and maintain State Medicaid programs during a period of economic downturn, including by helping to avert cuts to provider payment rates and benefits or services, and to prevent constrictions of income eligibility requirements for such programs, but not to promote increases in such requirements.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE V—STATE FISCAL RELIEF

Sec. 5000. Purposes; table of contents.
Sec. 5001. Temporary increase of Medicaid FMAP.
Sec. 5002. Temporary increase in DSH allotments during recession.
Sec. 5003. Extension of moratoria on certain Medicaid final regulations.
Sec. 5004. Extension of transitional medical assistance (TMA).
Sec. 5005. Extension of the qualifying individual (QI) program.
Sec. 5006. Protections for Indians under Medicaid and CHIP.
Sec. 5007. Funding for oversight and implementation.
Sec. 5008. GAO study and report regarding State needs during periods of national economic downturn.

42 USC 1396d note.

SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (e), (f), and (g), if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted

for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first calendar quarter in fiscal year 2011.

(b) GENERAL 6.2 PERCENTAGE POINT INCREASE.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g) and paragraph (2), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(3)), the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) by 6.2 percentage points.

(2) SPECIAL ELECTION FOR TERRITORIES.—In the case of a State that is not one of the 50 States or the District of Columbia, paragraph (1) shall only apply if the State makes a one-time election, in a form and manner specified by the Secretary and for the entire recession adjustment period, to apply the increase in FMAP under paragraph (1) and a 15 percent increase under subsection (d) instead of applying a 30 percent increase under subsection (d). Applicability.

(c) ADDITIONAL RELIEF BASED ON INCREASE IN UNEMPLOYMENT.—

(1) IN GENERAL.—Subject to subsections (e), (f), and (g), if a State is a qualifying State under paragraph (2) for a calendar quarter occurring during the recession adjustment period, the FMAP for the State shall be further increased by the number of percentage points equal to the product of—

(A) the State percentage applicable for the State under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) after the application of subsection (a) and after the application of ½ of the increase under subsection (b); and

(B) the applicable percent determined in paragraph (3) for the calendar quarter (or, if greater, for a previous such calendar quarter).

(2) QUALIFYING CRITERIA.—

(A) IN GENERAL.—For purposes of paragraph (1), a State qualifies for additional relief under this subsection for a calendar quarter occurring during the recession adjustment period if the State is 1 of the 50 States or the District of Columbia and the State satisfies any of the following criteria for the quarter:

(i) The State unemployment increase percentage (as defined in paragraph (4)) for the quarter is at least 1.5 percentage points but less than 2.5 percentage points.

(ii) The State unemployment increase percentage for the quarter is at least 2.5 percentage points but less than 3.5 percentage points.

(iii) The State unemployment increase percentage for the quarter is at least 3.5 percentage points.

(B) MAINTENANCE OF STATUS.—If a State qualifies for additional relief under this subsection for a calendar quarter, it shall be deemed to have qualified for such relief for each subsequent calendar quarter ending before July 1, 2010.

(3) APPLICABLE PERCENT.—

(A) IN GENERAL.—For purposes of paragraph (1), subject to subparagraph (B), the applicable percent is—

(i) 5.5 percent, if the State satisfies the criteria described in paragraph (2)(A)(i) for the calendar quarter;

(ii) 8.5 percent if the State satisfies the criteria described in paragraph (2)(A)(ii) for the calendar quarter; and

(iii) 11.5 percent if the State satisfies the criteria described in paragraph (2)(A)(iii) for the calendar quarter.

(B) MAINTENANCE OF HIGHER APPLICABLE PERCENT.—

(i) HOLD HARMLESS PERIOD.—If the percent applied to a State under subparagraph (A) for any calendar quarter in the recession adjustment period beginning on or after January 1, 2009, and ending before July 1, 2010, (determined without regard to this subparagraph) is less than the percent applied for the preceding quarter (as so determined), the higher applicable percent shall continue in effect for each subsequent calendar quarter ending before July 1, 2010.

Deadline.

(ii) NOTICE OF LOWER APPLICABLE PERCENT.—The Secretary shall notify a State at least 60 days prior to applying any lower applicable percent to the State under this paragraph.

(4) COMPUTATION OF STATE UNEMPLOYMENT INCREASE PERCENTAGE.—

(A) IN GENERAL.—In this subsection, the "State unemployment increase percentage" for a State for a calendar quarter is equal to the number of percentage points (if any) by which—

(i) the average monthly unemployment rate for the State for months in the most recent previous 3-consecutive-month period for which data are available, subject to subparagraph (C); exceeds

(ii) the lowest average monthly unemployment rate for the State for any 3-consecutive-month period preceding the period described in clause (i) and beginning on or after January 1, 2006.

(B) AVERAGE MONTHLY UNEMPLOYMENT RATE DEFINED.—In this paragraph, the term "average monthly unemployment rate" means the average of the monthly number unemployed, divided by the average of the monthly civilian labor force, seasonally adjusted, as determined based on the most recent monthly publications of the Bureau of Labor Statistics of the Department of Labor.

(C) SPECIAL RULE.—With respect to—

(i) the first 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in subparagraph (A)(i)

shall be the 3-consecutive-month period beginning with October 2008; and

(ii) the last 2 calendar quarters of the recession adjustment period, the most recent previous 3-consecutive-month period described in such subparagraph shall be the 3-consecutive-month period beginning with December 2009, or, if it results in a higher applicable percent under paragraph (3), the 3-consecutive-month period beginning with January 2010.

(d) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (f) and (g), with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 6 U.S.C. 1308) shall each be increased by 30 percent (or, in the case of an election under subsection (b)(2), 15 percent). In the case of such an election by a territory, subsection (a)(1) of such section shall be applied without regard to any increase in payment made to the territory under part E of title IV of such Act that is attributable to the increase in FMAP effected under subsection (b) for the territory. Applicability.

(e) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under subsections (a) and (b) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.) and, for purposes of the application of this section to the District of Columbia, payments under such part shall be deemed to be made on the basis of the FMAP applied with respect to such District for purposes of title XIX and as increased under subsection (b));

(3) payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008, (including as such standards were proposed to be in effect under a State law enacted but not effective as of such date or a State plan amendment or waiver request under title XIX of such Act that was pending approval on such date).

(f) STATE INELIGIBILITY; LIMITATION; SPECIAL RULES.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to July 1, 2009, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as in effect on July 1, 2008, and would have been in effect as of such date, but for a delay in the effective date of a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—

(A) APPLICATION TO PRACTITIONERS.—

(i) IN GENERAL.—Subject to the succeeding provisions of this subparagraph, no State shall be eligible for an increased FMAP rate as provided under this section for any claim received by a State from a practitioner subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) for such days during any period in which that State has failed to pay claims in accordance with such section as applied under title XIX of such Act.

(ii) REPORTING REQUIREMENT.—Each State shall report to the Secretary, on a quarterly basis, its compliance with the requirements of clause (i) as such requirements pertain to claims made for covered services during each month of the preceding quarter.

(iii) WAIVER AUTHORITY.—The Secretary may waive the application of clause (i) to a State, or the

reporting requirement imposed under clause (ii), during any period in which there are exigent circumstances, including natural disasters, that prevent the timely processing of claims or the submission of such a report.

(iv) APPLICATION TO CLAIMS.—Clauses (i) and (ii) shall only apply to claims made for covered services after the date of enactment of this Act.

(B) APPLICATION TO NURSING FACILITIES AND HOSPITALS.—

(i) IN GENERAL.—Subject to clause (ii), the provisions of subparagraph (A) shall apply with respect to a nursing facility or hospital, insofar as it is paid under title XIX of the Social Security Act on the basis of submission of claims, in the same or similar manner (but within the same timeframe) as such provisions apply to practitioners described in such subparagraph.

(ii) GRACE PERIOD.—Notwithstanding clause (i), no period of ineligibility shall be imposed against a State prior to June 1, 2009, on the basis of the State failing to pay a claim in accordance with such clause.

(3) STATE'S APPLICATION TOWARD RAINY DAY FUND.—A State is not eligible for an increase in its FMAP under subsection (b) or (c), or an increase in a cap amount under subsection (d), if any amounts attributable (directly or indirectly) to such increase are deposited or credited into any reserve or rainy day fund of the State.

(4) NO WAIVER AUTHORITY.—Except as provided in paragraph (2)(A)(iii), the Secretary may not waive the application of this subsection or subsection (g) under section 1115 of the Social Security Act or otherwise.

(5) LIMITATION OF FMAP TO 100 PERCENT.—In no case shall an increase in FMAP under this section result in an FMAP that exceeds 100 percent.

Time period.

(6) TREATMENT OF CERTAIN EXPENDITURES.—With respect to expenditures described in section 2105(a)(1)(B) of the Social Security Act (42 U.S.C. 1397ee(a)(1)(B)), as in effect before April 1, 2009, that are made during the period beginning on October 1, 2008, and ending on March 31, 2009, any additional Federal funds that are paid to a State as a result of this section that are attributable to such expenditures shall not be counted against any allotment under section 2104 of such Act (42 U.S.C. 1397dd).

(g) REQUIREMENTS.—

(1) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2011, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(2) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b) or (c), or an increase in a cap amount under subsection (d), if it requires that such political subdivisions

pay for quarters during the recession adjustment period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term "poverty line" has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term "recession adjustment period" means the period beginning on October 1, 2008, and ending on December 31, 2010.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" has the meaning given such term in section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)(1)) for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

(j) LIMITATION ON FMAP CHANGE.—The increase in FMAP effected under section 614 of the Children's Health Insurance Program Reauthorization Act of 2009 shall not apply in the computation of the enhanced FMAP under title XXI or XIX of the Social Security Act for any period (notwithstanding subsection (i)).

SEC. 5002. TEMPORARY INCREASE IN DSH ALLOTMENTS DURING RECESSION.

Section 1923(f)(3) of the Social Security Act (42 U.S.C. 1396r–4(f)(3)) is amended—

(1) in subparagraph (A), by striking "paragraph (6)" and inserting "paragraph (6) and subparagraph (E)"; and

(2) by adding at the end the following new subparagraph:

"(E) TEMPORARY INCREASE IN ALLOTMENTS DURING RECESSION.—

"(i) IN GENERAL.—Subject to clause (ii), the DSH allotment for any State—

"(I) for fiscal year 2009 is equal to 102.5 percent of the DSH allotment that would be determined under this paragraph for the State for fiscal year 2009 without application of this subparagraph, notwithstanding subparagraphs (B) and (C);

"(II) for fiscal year 2010 is equal to 102.5 percent of the DSH allotment for the State for fiscal year 2009, as determined under subclause (I); and

"(III) for each succeeding fiscal year is equal to the DSH allotment for the State under this paragraph determined without applying subclauses (I) and (II).

"(ii) APPLICATION.—Clause (i) shall not apply to a State for a year in the case that the DSH allotment for such State for such year under this paragraph determined without applying clause (i) would grow higher than the DSH allotment specified under clause (i) for the State for such year.".

SEC. 5003. EXTENSION OF MORATORIA ON CERTAIN MEDICAID FINAL REGULATIONS.

(a) FINAL REGULATIONS RELATING TO OPTIONAL CASE MANAGEMENT SERVICES AND ALLOWABLE PROVIDER TAXES.—Section 7001(a)(3)(A) of the Supplemental Appropriations Act, 2008 (Public Law 110–252) is amended by striking "April 1, 2009" and inserting "July 1, 2009".

(b) FINAL REGULATION RELATING TO SCHOOL-BASED ADMINISTRATION AND SCHOOL-BASED TRANSPORTATION.—Section 206 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 7001(a)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252), is amended by inserting "(July 1, 2009, in the case of the final regulation relating to school-based administration and school-based transportation)" after "April 1, 2009,".

(c) FINAL REGULATION RELATING TO OUTPATIENT HOSPITAL FACILITY SERVICES.—Notwithstanding any other provision of law, with respect to expenditures for services furnished during the period beginning on December 8, 2008, and ending on June 30, 2009, the Secretary of Health and Human Services shall not take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to implement the final regulation relating to clarification of the definition of outpatient hospital facility services under the Medicaid program published on November 7, 2008 (73 Federal Register 66187). Time period.

(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Health and Human Services should not promulgate as final regulations any of the following proposed Medicaid regulations:

(1) COST LIMITS FOR CERTAIN PROVIDERS.—The proposed regulation published on January 18, 2007, (72 Federal Register 2236) (and the purported final regulation published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been "improperly promulgated", *Alameda County Medical Center, et al., v. Leavitt, et al.,* Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008)).

(2) PAYMENTS FOR GRADUATE MEDICAL EDUCATION.—The proposed regulation published on May 23, 2007 (72 Federal Register 28930).

(3) REHABILITATIVE SERVICES.—The proposed regulation published on August 13, 2007 (72 Federal Register 45201).

SEC. 5004. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

(a) 18-MONTH EXTENSION.—

(1) IN GENERAL.—Sections 1902(e)(1)(B) and 1925(f) of the Social Security Act (42 U.S.C. 1396a(e)(1)(B), 1396r–6(f)) are

each amended by striking "September 30, 2003" and inserting "December 31, 2010".

42 USC 1396a note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on July 1, 2009.

(b) STATE OPTION OF INITIAL 12-MONTH ELIGIBILITY.—Section 1925 of the Social Security Act (42 U.S.C. 1396r–6) is amended—

(1) in subsection (a)(1), by inserting "but subject to paragraph (5)" after "Notwithstanding any other provision of this title";

(2) by adding at the end of subsection (a) the following:

"(5) OPTION OF 12-MONTH INITIAL ELIGIBILITY PERIOD.—A State may elect to treat any reference in this subsection to a 6-month period (or 6 months) as a reference to a 12-month period (or 12 months). In the case of such an election, subsection (b) shall not apply."; and

(3) in subsection (b)(1), by inserting "but subject to subsection (a)(5)" after "Notwithstanding any other provision of this title".

(c) REMOVAL OF REQUIREMENT FOR PREVIOUS RECEIPT OF MEDICAL ASSISTANCE.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–6(a)(1)), as amended by subsection (b)(1), is further amended—

(1) by inserting "subparagraph (B) and" before "paragraph (5)";

(2) by redesignating the matter after "REQUIREMENT.—" as a subparagraph (A) with the heading "IN GENERAL.—" and with the same indentation as subparagraph (B) (as added by paragraph (3)); and

(3) by adding at the end the following:

"(B) STATE OPTION TO WAIVE REQUIREMENT FOR 3 MONTHS BEFORE RECEIPT OF MEDICAL ASSISTANCE.—A State may, at its option, elect also to apply subparagraph (A) in the case of a family that was receiving such aid for fewer than three months or that had applied for and was eligible for such aid for fewer than 3 months during the 6 immediately preceding months described in such subparagraph.".

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925 of such Act (42 U.S.C. 1396r–6), as amended by this section, is further amended by adding at the end the following new subsection:

"(g) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—

"(1) COLLECTION OF INFORMATION FROM STATES.—Each State shall collect and submit to the Secretary (and make publicly available), in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section and of the number and percentage of children who become ineligible for medical assistance under this section whose medical assistance is continued under another eligibility category or who are enrolled under the State's child health plan under title XXI. Such information shall be submitted at the same time and frequency in which other enrollment information under this title is submitted to the Secretary.

"(2) ANNUAL REPORTS TO CONGRESS.—Using the information submitted under paragraph (1), the Secretary shall submit

to Congress annual reports concerning enrollment and participation rates described in such paragraph.".

(e) EFFECTIVE DATE.—The amendments made by subsections (b) through (d) shall take effect on July 1, 2009. 42 USC 1396r–6 note.

SEC. 5005. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "December 2009" and inserting "December 2010".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g) of such Act (42 U.S.C. 1396u–3(g)) is amended—

(1) in paragraph (2)—

(A) by striking "and" at the end of subparagraph (K);

(B) in subparagraph (L), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(M) for the period that begins on January 1, 2010, and ends on September 30, 2010, the total allocation amount is $412,500,000; and Time period.

"(N) for the period that begins on October 1, 2010, and ends on December 31, 2010, the total allocation amount is $150,000,000."; and Time period.

(2) in paragraph (3), in the matter preceding subparagraph (A), by striking "or (L)" and inserting "(L), or (N)".

SEC. 5006. PROTECTIONS FOR INDIANS UNDER MEDICAID AND CHIP.

(a) PREMIUMS AND COST SHARING PROTECTION UNDER MEDICAID.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "and (i)" and inserting ", (i), and (j)"; and

(B) by adding at the end the following new subsection:

"(j) NO PREMIUMS OR COST SHARING FOR INDIANS FURNISHED ITEMS OR SERVICES DIRECTLY BY INDIAN HEALTH PROGRAMS OR THROUGH REFERRAL UNDER CONTRACT HEALTH SERVICES.—

"(1) NO COST SHARING FOR ITEMS OR SERVICES FURNISHED TO INDIANS THROUGH INDIAN HEALTH PROGRAMS.—

"(A) IN GENERAL.—No enrollment fee, premium, or similar charge, and no deduction, copayment, cost sharing, or similar charge shall be imposed against an Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization or through referral under contract health services for which payment may be made under this title.

"(B) NO REDUCTION IN AMOUNT OF PAYMENT TO INDIAN HEALTH PROVIDERS.—Payment due under this title to the Indian Health Service, an Indian Tribe, Tribal Organization, or Urban Indian Organization, or a health care provider through referral under contract health services for the furnishing of an item or service to an Indian who is eligible for assistance under such title, may not be reduced by the amount of any enrollment fee, premium, or similar charge, or any deduction, copayment, cost

sharing, or similar charge that would be due from the Indian but for the operation of subparagraph (A).

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as restricting the application of any other limitations on the imposition of premiums or cost sharing that may apply to an individual receiving medical assistance under this title who is an Indian.".

(2) CONFORMING AMENDMENT.—Section 1916A(b)(3) of such Act (42 U.S.C. 1396o–1(b)(3)) is amended—

(A) in subparagraph (A), by adding at the end the following new clause:

"(vii) An Indian who is furnished an item or service directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services."; and

(B) in subparagraph (B), by adding at the end the following new clause:

"(x) Items and services furnished to an Indian directly by the Indian Health Service, an Indian Tribe, Tribal Organization or Urban Indian Organization or through referral under contract health services.".

(b) TREATMENT OF CERTAIN PROPERTY FROM RESOURCES FOR MEDICAID AND CHIP ELIGIBILITY.—

(1) MEDICAID.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by sections 203(c) and 211(a)(1)(A)(ii) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended by adding at the end the following new subsection:

"(ff) Notwithstanding any other requirement of this title or any other provision of Federal or State law, a State shall disregard the following property from resources for purposes of determining the eligibility of an individual who is an Indian for medical assistance under this title:

"(1) Property, including real property and improvements, that is held in trust, subject to Federal restrictions, or otherwise under the supervision of the Secretary of the Interior, located on a reservation, including any federally recognized Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established by the Alaska Native Claims Settlement Act, and Indian allotments on or near a reservation as designated and approved by the Bureau of Indian Affairs of the Department of the Interior.

"(2) For any federally recognized Tribe not described in paragraph (1), property located within the most recent boundaries of a prior Federal reservation.

"(3) Ownership interests in rents, leases, royalties, or usage rights related to natural resources (including extraction of natural resources or harvesting of timber, other plants and plant products, animals, fish, and shellfish) resulting from the exercise of federally protected rights.

"(4) Ownership interests in or usage rights to items not covered by paragraphs (1) through (3) that have unique religious, spiritual, traditional, or cultural significance or rights that support subsistence or a traditional lifestyle according to applicable tribal law or custom.".

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(e)(1)), as amended by sections 203(a)(2),

203(d)(2), 214(b), 501(d)(2), and 503(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), is amended—

(A) by redesignating subparagraphs (C) through (I), as subparagraphs (D) through (J), respectively; and

(B) by inserting after subparagraph (B), the following new subparagraph:

"(C) Section 1902(ff) (relating to disregard of certain property for purposes of making eligibility determinations).".

(c) CONTINUATION OF CURRENT LAW PROTECTIONS OF CERTAIN INDIAN PROPERTY FROM MEDICAID ESTATE RECOVERY.—Section 1917(b)(3) of the Social Security Act (42 U.S.C. 1396p(b)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) The standards specified by the Secretary under subparagraph (A) shall require that the procedures established by the State agency under subparagraph (A) exempt income, resources, and property that are exempt from the application of this subsection as of April 1, 2003, under manual instructions issued to carry out this subsection (as in effect on such date) because of the Federal responsibility for Indian Tribes and Alaska Native Villages. Nothing in this subparagraph shall be construed as preventing the Secretary from providing additional estate recovery exemptions under this title for Indians.".

(d) RULES APPLICABLE UNDER MEDICAID AND CHIP TO MANAGED CARE ENTITIES WITH RESPECT TO INDIAN ENROLLEES AND INDIAN HEALTH CARE PROVIDERS AND INDIAN MANAGED CARE ENTITIES.—

(1) IN GENERAL.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES WITH RESPECT TO INDIAN ENROLLEES, INDIAN HEALTH CARE PROVIDERS, AND INDIAN MANAGED CARE ENTITIES.—

"(1) ENROLLEE OPTION TO SELECT AN INDIAN HEALTH CARE PROVIDER AS PRIMARY CARE PROVIDER.—In the case of a non-Indian Medicaid managed care entity that—

"(A) has an Indian enrolled with the entity; and

"(B) has an Indian health care provider that is participating as a primary care provider within the network of the entity,

insofar as the Indian is otherwise eligible to receive services from such Indian health care provider and the Indian health care provider has the capacity to provide primary care services to such Indian, the contract with the entity under section 1903(m) or under section 1905(t)(3) shall require, as a condition of receiving payment under such contract, that the Indian shall be allowed to choose such Indian health care provider as the Indian's primary care provider under the entity.

"(2) ASSURANCE OF PAYMENT TO INDIAN HEALTH CARE PROVIDERS FOR PROVISION OF COVERED SERVICES.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require any such entity, as a condition of receiving payment under such contract, to satisfy the following requirements:

"(A) DEMONSTRATION OF ACCESS TO INDIAN HEALTH CARE PROVIDERS AND APPLICATION OF ALTERNATIVE PAYMENT ARRANGEMENTS.—Subject to subparagraph (C), to—

"(i) demonstrate that the number of Indian health care providers that are participating providers with respect to such entity are sufficient to ensure timely access to covered Medicaid managed care services for those Indian enrollees who are eligible to receive services from such providers; and

"(ii) agree to pay Indian health care providers, whether such providers are participating or nonparticipating providers with respect to the entity, for covered Medicaid managed care services provided to those Indian enrollees who are eligible to receive services from such providers at a rate equal to the rate negotiated between such entity and the provider involved or, if such a rate has not been negotiated, at a rate that is not less than the level and amount of payment which the entity would make for the services if the services were furnished by a participating provider which is not an Indian health care provider.

Procedures.

The Secretary shall establish procedures for applying the requirements of clause (i) in States where there are no or few Indian health providers.

"(B) PROMPT PAYMENT.—To agree to make prompt payment (consistent with rule for prompt payment of providers under section 1932(f)) to Indian health care providers that are participating providers with respect to such entity or, in the case of an entity to which subparagraph (A)(ii) or (C) applies, that the entity is required to pay in accordance with that subparagraph.

"(C) APPLICATION OF SPECIAL PAYMENT REQUIREMENTS FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—

"(i) FEDERALLY-QUALIFIED HEALTH CENTERS.—

"(I) MANAGED CARE ENTITY PAYMENT REQUIREMENT.—To agree to pay any Indian health care provider that is a federally-qualified health center under this title but not a participating provider with respect to the entity, for the provision of covered Medicaid managed care services by such provider to an Indian enrollee of the entity at a rate equal to the amount of payment that the entity would pay a federally-qualified health center that is a participating provider with respect to the entity but is not an Indian health care provider for such services.

"(II) CONTINUED APPLICATION OF STATE REQUIREMENT TO MAKE SUPPLEMENTAL PAYMENT.—Nothing in subclause (I) or subparagraph (A) or (B) shall be construed as waiving the application of section 1902(bb)(5) regarding the State plan requirement to make any supplemental payment due under such section to a federally-qualified health center for services furnished by such center to an enrollee of a managed care entity (regardless

of whether the federally-qualified health center is or is not a participating provider with the entity).

"(ii) PAYMENT RATE FOR SERVICES PROVIDED BY CERTAIN INDIAN HEALTH CARE PROVIDERS.—If the amount paid by a managed care entity to an Indian health care provider that is not a federally-qualified health center for services provided by the provider to an Indian enrollee with the managed care entity is less than the rate that applies to the provision of such services by the provider under the State plan, the plan shall provide for payment to the Indian health care provider, whether the provider is a participating or nonparticipating provider with respect to the entity, of the difference between such applicable rate and the amount paid by the managed care entity to the provider for such services.

"(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as waiving the application of section 1902(a)(30)(A) (relating to application of standards to assure that payments are consistent with efficiency, economy, and quality of care).

"(3) SPECIAL RULE FOR ENROLLMENT FOR INDIAN MANAGED CARE ENTITIES.—Regarding the application of a Medicaid managed care program to Indian Medicaid managed care entities, an Indian Medicaid managed care entity may restrict enrollment under such program to Indians in the same manner as Indian Health Programs may restrict the delivery of services to Indians.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) INDIAN HEALTH CARE PROVIDER.—The term 'Indian health care provider' means an Indian Health Program or an Urban Indian Organization.

"(B) INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'Indian Medicaid managed care entity' means a managed care entity that is controlled (within the meaning of the last sentence of section 1903(m)(1)(C)) by the Indian Health Service, a Tribe, Tribal Organization, or Urban Indian Organization, or a consortium, which may be composed of 1 or more Tribes, Tribal Organizations, or Urban Indian Organizations, and which also may include the Service.

"(C) NON-INDIAN MEDICAID MANAGED CARE ENTITY.—The term 'non-Indian Medicaid managed care entity' means a managed care entity that is not an Indian Medicaid managed care entity.

"(D) COVERED MEDICAID MANAGED CARE SERVICES.—The term 'covered Medicaid managed care services' means, with respect to an individual enrolled with a managed care entity, items and services for which benefits are available with respect to the individual under the contract between the entity and the State involved.

"(E) MEDICAID MANAGED CARE PROGRAM.—The term 'Medicaid managed care program' means a program under sections 1903(m), 1905(t), and 1932 and includes a managed care program operating under a waiver under section 1915(b) or 1115 or otherwise.".

(2) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by subsection (b)(2), is amended—

(A) by redesignating subparagraph (J) as subparagraph (K); and

(B) by inserting after subparagraph (I) the following new subparagraph:

"(J) Subsections (a)(2)(C) and (h) of section 1932.".

42 USC 1320b–24.

(e) CONSULTATION ON MEDICAID, CHIP, AND OTHER HEALTH CARE PROGRAMS FUNDED UNDER THE SOCIAL SECURITY ACT INVOLVING INDIAN HEALTH PROGRAMS AND URBAN INDIAN ORGANIZATIONS.—

Establishment.

(1) CONSULTATION WITH TRIBAL TECHNICAL ADVISORY GROUP (TTAG).—The Secretary of Health and Human Services shall maintain within the Centers for Medicaid & Medicare Services (CMS) a Tribal Technical Advisory Group (TTAG), which was first established in accordance with requirements of the charter dated September 30, 2003, and the Secretary of Health and Human Services shall include in such Group a representative of a national urban Indian health organization and a representative of the Indian Health Service. The inclusion of a representative of a national urban Indian health organization in such Group shall not affect the nonapplication of the Federal Advisory Committee Act (5 U.S.C. App.) to such Group.

(2) SOLICITATION OF ADVICE UNDER MEDICAID AND CHIP.—

(A) MEDICAID STATE PLAN AMENDMENT.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 501(d)(1) of the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3), (42 U.S.C. 1396a(a)) is amended—

(i) in paragraph (71), by striking "and" at the end;

(ii) in paragraph (72), by striking the period at the end and inserting "; and"; and

(iii) by inserting after paragraph (72), the following new paragraph:

"(73) in the case of any State in which 1 or more Indian Health Programs or Urban Indian Organizations furnishes health care services, provide for a process under which the State seeks advice on a regular, ongoing basis from designees of such Indian Health Programs and Urban Indian Organizations on matters relating to the application of this title that are likely to have a direct effect on such Indian Health Programs and Urban Indian Organizations and that—

"(A) shall include solicitation of advice prior to submission of any plan amendments, waiver requests, and proposals for demonstration projects likely to have a direct effect on Indians, Indian Health Programs, or Urban Indian Organizations; and

"(B) may include appointment of an advisory committee and of a designee of such Indian Health Programs and Urban Indian Organizations to the medical care advisory committee advising the State on its State plan under this title.".

(B) APPLICATION TO CHIP.—Section 2107(e)(1) of such Act (42 U.S.C. 1397gg(1)), as amended by subsections (b)(2) and (d) (2), is amended—

(i) by redesignating subparagraphs (B), (C), (D), (E), (F), (G), (H), (I), (J), and (K) as subparagraphs (D), (F), (B), (E), (G), (I), (H), (J), (K), and (L), respectively;

(ii) by moving such subparagraphs so as to appear in alphabetical order; and

(iii) by inserting after subparagraph (B) (as so redesiganted and moved) the following new subparagraph:

"(C) Section 1902(a)(73) (relating to requiring certain States to seek advice from designees of Indian Health Programs and Urban Indian Organizations).".

(3) RULE OF CONSTRUCTION.—Nothing in the amendments made by this subsection shall be construed as superseding existing advisory committees, working groups, guidance, or other advisory procedures established by the Secretary of Health and Human Services or by any State with respect to the provision of health care to Indians. 42 USC 1396a note.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2009. 42 USC 1396a note.

SEC. 5007. FUNDING FOR OVERSIGHT AND IMPLEMENTATION.

(a) OVERSIGHT.—For purposes of ensuring the proper expenditure of Federal funds under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, $31,250,000 for fiscal year 2009, which shall remain available for expenditure until September 30, 2011, and shall be in addition to any other amounts appropriated or made available to such Office for such purposes.

(b) IMPLEMENTATION OF INCREASED FMAP.—For purposes of carrying out section 5001, there is appropriated to the Secretary of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, $5,000,000 for fiscal year 2009, which shall remain available for expenditure until September 30, 2011, and shall be in addition to any other amounts appropriated or made available to such Secretary for such purposes.

SEC. 5008. GAO STUDY AND REPORT REGARDING STATE NEEDS DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.

(a) IN GENERAL.—The Comptroller General of the United States shall study the period of national economic downturn in effect on the date of enactment of this Act, as well as previous periods of national economic downturn since 1974, for the purpose of developing recommendations for addressing the needs of States during such periods. As part of such analysis, the Comptroller General shall study the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(b) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress on the results of the study conducted under paragraph (1). Such report shall include the following:

(1) Such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance formula for temporary adjustment of the

Federal medical assistance percentage under Medicaid (also referred to as a "countercyclical FMAP") described in GAO report number GAO–07–97 to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that would begin and end the application of such percentage;

(B) how the determination of the amount of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of the amount of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods.

(2) An analysis of the impact on States during such periods of—

(A) declines in private health benefits coverage;

(B) declines in State revenues; and

(C) caseload maintenance and growth under Medicaid, the Children's Health Insurance Program, or any other publicly-funded programs to provide health benefits coverage for State residents.

(3) Identification of, and recommendations for addressing, the effects on States of any other specific economic indicators that the Comptroller General determines appropriate.

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

SEC. 6000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

TITLE VI—BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

Sec. 6000. Table of contents.
Sec. 6001. Broadband Technology Opportunities Program.

47 USC 1305.

SEC. 6001. BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM.

(a) The Assistant Secretary of Commerce for Communications and Information (Assistant Secretary), in consultation with the Federal Communications Commission (Commission), shall establish a national broadband service development and expansion program in conjunction with the technology opportunities program, which shall be referred to as the Broadband Technology Opportunities Program. The Assistant Secretary shall ensure that the program complements and enhances and does not conflict with other Federal broadband initiatives and programs.

(b) The purposes of the program are to—

(1) provide access to broadband service to consumers residing in unserved areas of the United States;

(2) provide improved access to broadband service to consumers residing in underserved areas of the United States;

(3) provide broadband education, awareness, training, access, equipment, and support to—

(A) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and

entities to facilitate greater use of broadband service by or through these organizations;

(B) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and

(C) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture;

(4) improve access to, and use of, broadband service by public safety agencies; and

(5) stimulate the demand for broadband, economic growth, and job creation.

(c) The Assistant Secretary may consult a State, the District of Columbia, or territory or possession of the United States with respect to—

(1) the identification of areas described in subsection (b)(1) or (2) located in that State; and

(2) the allocation of grant funds within that State for projects in or affecting the State.

(d) The Assistant Secretary shall—

(1) establish and implement the grant program as expeditiously as practicable; Grants.

(2) ensure that all awards are made before the end of fiscal year 2010; Deadline.

(3) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially complete projects supported by the program in accordance with project timelines, not to exceed 2 years following an award; and

(4) report on the status of the program to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 90 days. Reports. Deadlines.

(e) To be eligible for a grant under the program, an applicant shall—

(1)(A) be a State or political subdivision thereof, the District of Columbia, a territory or possession of the United States, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)) or native Hawaiian organization;

(B) a nonprofit—

(i) foundation,

(ii) corporation,

(iii) institution, or

(iv) association; or

(C) any other entity, including a broadband service or infrastructure provider, that the Assistant Secretary finds by rule to be in the public interest. In establishing such rule, the Assistant Secretary shall to the extent practicable promote the purposes of this section in a technologically neutral manner;

(2) submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require;

(3) provide a detailed explanation of how any amount received under the program will be used to carry out the purposes of this section in an efficient and expeditious manner, including a showing that the project would not have been implemented during the grant period without Federal grant assistance;

(4) demonstrate, to the satisfaction of the Assistant Secretary, that it is capable of carrying out the project or function to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;

(5) demonstrate, to the satisfaction of the Assistant Secretary, that it will appropriate (if the applicant is a State or local government agency) or otherwise unconditionally obligate, from non-Federal sources, funds required to meet the requirements of subsection (f);

(6) disclose to the Assistant Secretary the source and amount of other Federal or State funding sources from which the applicant receives, or has applied for, funding for activities or projects to which the application relates; and

(7) provide such assurances and procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(f) The Federal share of any project may not exceed 80 percent, except that the Assistant Secretary may increase the Federal share of a project above 80 percent if—

(1) the applicant petitions the Assistant Secretary for a waiver; and

(2) the Assistant Secretary determines that the petition demonstrates financial need.

(g) The Assistant Secretary may make competitive grants under the program to—

(1) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;

(2) construct and deploy broadband service related infrastructure;

(3) ensure access to broadband service by community anchor institutions;

(4) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;

(5) construct and deploy broadband facilities that improve public safety broadband communications services; and

(6) undertake such other projects and activities as the Assistant Secretary finds to be consistent with the purposes for which the program is established.

(h) The Assistant Secretary, in awarding grants under this section, shall, to the extent practical—

(1) award not less than 1 grant in each State;

(2) consider whether an application to deploy infrastructure in an area—

(A) will, if approved, increase the affordability of, and subscribership to, service to the greatest population of users in the area;

(B) will, if approved, provide the greatest broadband speed possible to the greatest population of users in the area;

(C) will, if approved, enhance service for health care delivery, education, or children to the greatest population of users in the area; and

(D) will, if approved, not result in unjust enrichment as a result of support for non-recurring costs through another Federal program for service in the area; and

(3) consider whether the applicant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637).

(i) The Assistant Secretary—

Reports. Deadlines. Public information.

(1) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on such entity's use of the assistance and progress fulfilling the objectives for which such funds were granted, and the Assistant Secretary shall make these reports available to the public;

(2) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;

(3) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available pursuant to this section;

(4) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and

Database. Web site. Records.

(5) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least a list of each entity that has applied for a grant under this section, a description of each application, the status of each such application, the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.

Publication.

(j) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section, including, at a minimum, adherence to the principles contained in the Commission's broadband policy statement (FCC 05-15, adopted August 5, 2005).

Deadline. Reports. Broadband plan.

(k)(1) Not later than 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report containing a national broadband plan.

(2) The national broadband plan required by this section shall seek to ensure that all people of the United States have access to broadband capability and shall establish benchmarks for meeting that goal. The plan shall also include—

(A) an analysis of the most effective and efficient mechanisms for ensuring broadband access by all people of the United States;

(B) a detailed strategy for achieving affordability of such service and maximum utilization of broadband infrastructure and service by the public;

(C) an evaluation of the status of deployment of broadband service, including progress of projects supported by the grants made pursuant to this section; and

(D) a plan for use of broadband infrastructure and services in advancing consumer welfare, civic participation, public safety and homeland security, community development, health care delivery, energy independence and efficiency, education, worker training, private sector investment, entrepreneurial activity, job creation and economic growth, and other national purposes.

(3) In developing the plan, the Commission shall have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note).

Broadband map.

(l) The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State. Not later than 2 years after the date of the enactment of this Act, the Assistant Secretary shall make the broadband inventory map developed and maintained pursuant to this section accessible by the public on a World Wide Web site of the National Telecommunications and Information Administration in a form that is interactive and searchable.

Deadline.
Web posting.
Public information.

Regulations.

(m) The Assistant Secretary shall have the authority to prescribe such rules as are necessary to carry out the purposes of this section.

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

SEC. 7000. TABLE OF CONTENTS.

The table of contents of this title is as follows:

TITLE VII—LIMITS ON EXECUTIVE COMPENSATION

Sec. 7000. Table of contents.
Sec. 7001. Executive compensation and corporate governance.
Sec. 7002. Applicability with respect to loan modifications.

SEC. 7001. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended to read as follows:

"SEC. 111. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) SENIOR EXECUTIVE OFFICER.—The term 'senior executive officer' means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

"(2) GOLDEN PARACHUTE PAYMENT.—The term 'golden parachute payment' means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

"(3) TARP RECIPIENT.—The term 'TARP recipient' means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

"(4) COMMISSION.—The term 'Commission' means the Securities and Exchange Commission.

"(5) PERIOD IN WHICH OBLIGATION IS OUTSTANDING; RULE OF CONSTRUCTION.—For purposes of this section, the period in which any obligation arising from financial assistance provided under the TARP remains outstanding does not include any period during which the Federal Government only holds warrants to purchase common stock of the TARP recipient.

"(b) EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.—

"(1) ESTABLISHMENT OF STANDARDS.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

"(A) the standards established by the Secretary under this section; and

"(B) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

"(2) STANDARDS REQUIRED.—The Secretary shall require each TARP recipient to meet appropriate standards for executive compensation and corporate governance.

"(3) SPECIFIC REQUIREMENTS.—The standards established under paragraph (2) shall include the following:

"(A) Limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding.

"(B) A provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate.

"(C) A prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period in which any

obligation arising from financial assistance provided under the TARP remains outstanding.

"(D)(i) A prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, except that any prohibition developed under this paragraph shall not apply to the payment of long-term restricted stock by such TARP recipient, provided that such long-term restricted stock—

"(I) does not fully vest during the period in which any obligation arising from financial assistance provided to that TARP recipient remains outstanding;

"(II) has a value in an amount that is not greater than ⅓ of the total amount of annual compensation of the employee receiving the stock; and

"(III) is subject to such other terms and conditions as the Secretary may determine is in the public interest.

Applicability.

"(ii) The prohibition required under clause (i) shall apply as follows:

"(I) For any financial institution that received financial assistance provided under the TARP equal to less than $25,000,000, the prohibition shall apply only to the most highly compensated employee of the financial institution.

"(II) For any financial institution that received financial assistance provided under the TARP equal to at least $25,000,000, but less than $250,000,000, the prohibition shall apply to at least the 5 most highly-compensated employees of the financial institution, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient.

"(III) For any financial institution that received financial assistance provided under the TARP equal to at least$250,000,000, but less than $500,000,000, the prohibition shall apply to the senior executive officers and at least the 10 next most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient.

"(IV) For any financial institution that received financial assistance provided under the TARP equal to $500,000,000 or more, the prohibition shall apply to the senior executive officers and at least the 20 next most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient.

"(iii) The prohibition required under clause (i) shall not be construed to prohibit any bonus payment required to be paid pursuant to a written employment contract executed on or before February 11, 2009, as such valid employment contracts are determined by the Secretary or the designee of the Secretary.

"(E) A prohibition on any compensation plan that would encourage manipulation of the reported earnings of such

TARP recipient to enhance the compensation of any of its employees.

"(F) A requirement for the establishment of a Board Compensation Committee that meets the requirements of subsection (c).

"(4) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial officer (or the equivalents thereof) of each TARP recipient shall provide a written certification of compliance by the TARP recipient with the requirements of this section—

"(A) in the case of a TARP recipient, the securities of which are publicly traded, to the Securities and Exchange Commission, together with annual filings required under the securities laws; and

"(B) in the case of a TARP recipient that is not a publicly traded company, to the Secretary.

"(c) BOARD COMPENSATION COMMITTEE.—

"(1) ESTABLISHMENT OF BOARD REQUIRED.—Each TARP recipient shall establish a Board Compensation Committee, comprised entirely of independent directors, for the purpose of reviewing employee compensation plans.

"(2) MEETINGS.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

"(3) COMPLIANCE BY NON-SEC REGISTRANTS.—In the case of any TARP recipient, the common or preferred stock of which is not registered pursuant to the Securities Exchange Act of 1934, and that has received $25,000,000 or less of TARP assistance, the duties of the Board Compensation Committee under this subsection shall be carried out by the board of directors of such TARP recipient.

"(d) LIMITATION ON LUXURY EXPENDITURES.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on—

"(1) entertainment or events;

"(2) office and facility renovations;

"(3) aviation or other transportation services; or

"(4) other activities or events that are not reasonable expenditures for staff development, reasonable performance incentives, or other similar measures conducted in the normal course of the business operations of the TARP recipient.

"(e) SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

"(1) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding shall permit a separate shareholder vote to approve the compensation of executives, as disclosed pursuant to the compensation disclosure rules of the Commission (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material).

"(2) NONBINDING VOTE.—A shareholder vote described in paragraph (1) shall not be binding on the board of directors of a TARP recipient, and may not be construed as overruling

a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

"(3) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of the American Recovery and Reinvestment Act of 2009, the Commission shall issue any final rules and regulations required by this subsection.

"(f) REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.—

"(1) IN GENERAL.—The Secretary shall review bonuses, retention awards, and other compensation paid to the senior executive officers and the next 20 most highly-compensated employees of each entity receiving TARP assistance before the date of enactment of the American Recovery and Reinvestment Act of 2009, to determine whether any such payments were inconsistent with the purposes of this section or the TARP or were otherwise contrary to the public interest.

"(2) NEGOTIATIONS FOR REIMBURSEMENT.—If the Secretary makes a determination described in paragraph (1), the Secretary shall seek to negotiate with the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

"(g) NO IMPEDIMENT TO WITHDRAWAL BY TARP RECIPIENTS.—Subject to consultation with the appropriate Federal banking agency (as that term is defined in section 3 of the Federal Deposit Insurance Act), if any, the Secretary shall permit a TARP recipient to repay any assistance previously provided under the TARP to such financial institution, without regard to whether the financial institution has replaced such funds from any other source or to any waiting period, and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price.

"(h) REGULATIONS.—The Secretary shall promulgate regulations to implement this section.".

SEC. 7002. APPLICABILITY WITH RESPECT TO LOAN MODIFICATIONS.

Section 109(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219(a)) is amended—

(1) by striking "To the extent" and inserting the following: "(1) IN GENERAL.—To the extent"; and

(2) by adding at the end the following:

"(2) WAIVER OF CERTAIN PROVISIONS IN CONNECTION WITH LOAN MODIFICATIONS.—The Secretary shall not be required to apply executive compensation restrictions under section 111, or to receive warrants or debt instruments under section 113, solely in connection with any loan modification under this section.".

Approved February 17, 2009.

LEGISLATIVE HISTORY—H.R. 1 (S. 336) (S. 350):

SENATE REPORTS: No. 111–3 (Comm. on Appropriations) accompanying S. 336.
CONGRESSIONAL RECORD, Vol. 155 (2009):
Jan. 27, 28, considered and passed House.
Feb. 2–7, 9, 10, considered and passed Senate, amended.
Feb. 13, House and Senate agreed to conference report.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Feb. 17, Presidential remarks and statement.

Public Law 111–6
111th Congress

Joint Resolution

Mar. 6, 2009
[H.J. Res. 38]

Making further continuing appropriations for fiscal year 2009, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329) is amended by striking the date specified in section 106(3) and inserting "March 11, 2009".

122 Stat. 3575.

Approved March 6, 2009.

LEGISLATIVE HISTORY—H.J. Res. 38:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 6, considered and passed House and Senate.

Public Law 111–7
111th Congress

An Act

To designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the "Colonel John H. Wilson, Jr. Post Office Building".

Mar. 9, 2009
[S. 234]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, shall be known and designated as the "Colonel John H. Wilson, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Colonel John H. Wilson, Jr. Post Office Building".

Approved March 9, 2009.

LEGISLATIVE HISTORY—S. 234:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Feb. 12, considered and passed Senate.
Feb. 24, considered and passed House.

Public Law 111–8
111th Congress

An Act

Mar. 11, 2009
[H.R. 1105]

Making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Omnibus Appropriations Act, 2009.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Appropriations Act, 2009".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Explanatory statement.
Sec. 5. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Agricultural Programs
Title II—Conservation Programs
Title III—Rural Development Programs
Title IV—Domestic Food Programs
Title V—Foreign Assistance and Related Programs
Title VI—Related Agency and Food and Drug Administration
Title VII—General Provisions

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related Agencies
Title V—General Provisions

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Defense—Civil: Department of the Army
Title II—Department of the Interior
Title III—Department of Energy
Title IV—Independent Agencies
Title V—General Provisions

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009

Title I—Department of the Treasury
Title II—Executive Office of the President and Funds Appropriated to the President
Title III—The Judiciary
Title IV—District of Columbia
Title V—Independent Agencies

Title VI—General Provisions—This Act
Title VII—General Provisions—Government-wide
Title VIII—General Provisions—District of Columbia

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of the Interior
Title II—Environmental Protection Agency
Title III—Related Agencies
Title IV—General Provisions

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related Agencies
Title V—General Provisions
Title VI—Afghan Allies Protection Act of 2009

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009

Title I—Legislative Branch Appropriations
Title II—General Provisions

DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009

Title I—Department of State and Related Agency
Title II—United States Agency for International Development
Title III—Bilateral Economic Assistance
Title IV—International Security Assistance
Title V—Multilateral Assistance
Title VI—Export and Investment Assistance
Title VII—General Provisions

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related Agencies
Title IV—General Provisions This Act

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

SEC. 3. REFERENCES. 1 USC 1 note.

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

SEC. 4. EXPLANATORY STATEMENT.

The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about February 23, 2009 by the Chairman of the Committee on Appropriations of the House shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

SEC. 5. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2009.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,174,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $10,651,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,711,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,054,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $974,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $17,527,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

Reports.

For necessary expenses of the Office of the Chief Financial Officer, $5,954,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $871,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $21,551,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $687,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $244,244,000, to remain available until expended, of which $168,901,000 shall be available for payments to the General Services Administration for rent; of which $13,500,000 for payment to the Department of Homeland Security for building security activities; and of which $61,843,000 for buildings operations and maintenance expenses: *Provided,* That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $5,100,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $27,011,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and

efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,877,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

Time period.
Notification.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,514,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $85,766,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $41,620,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $609,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $79,500,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $151,565,000, of which up to $37,265,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,140,406,000, of which $112,571,000 shall be for the purposes, and in the amounts, specified in the table titled "Agricultural Research Service, Salaries and Expenses, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

7 USC 2254.

Maryland.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $46,752,000, of which $46,752,000 shall be for the purposes, and in the amounts, specified in the table titled "Agricultural Research Service, Buildings and Facilities Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $691,043,000, of which $113,275,000 shall be for the purposes, and in the amounts, specified in the table titled "Cooperative State Research, Education, and Extension Service, Research and Education Activities, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $207,106,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $27,535,000; for payments to eligible institutions (7 U.S.C. 3222), $45,504,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $84,499,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $15,945,000; for competitive grants (7 U.S.C. 450(i)(b)), $201,504,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $819,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,610,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $2,950,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $6,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,196,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,399,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $15,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $800,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Act of 1977 (7 U.S.C. 3319e), $750,000; and for necessary expenses of Research and Education Activities,

$39,426,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $474,250,000, of which $9,388,000 shall be for the purposes, and in the amounts, specified in the table titled "Cooperative State Research, Education, and Extension Service, Extension Activities, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $288,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $66,155,000; payments for the pest management program under section 3(d) of the Act, $9,791,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,500,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,182,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $479,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,008,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,568,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $40,150,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $1,767,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $806,000; and for necessary expenses of Extension Activities, $17,374,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $56,864,000, as follows: for competitive grants programs authorized

under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $41,990,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $4,096,000 for the regional pest management centers program, $4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,365,000 for the crops affected by Food Quality Protection Act implementation, $3,054,000 for the methyl bromide transition program, and $1,842,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $732,000, to remain available until September 30, 2010, for the critical issues program; $1,312,000 for the regional rural development centers program; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2010.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $737,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $876,675,000, of which $23,494,000 shall be for the purposes, and in the amounts, specified in the table titled "Animal and Plant Health Inspection Service, Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), of which $2,025,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $29,590,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $14,500,000 shall be for a National Animal Identification program, of which $3,500,000 is for information technology infrastructure and services, and $9,395,000 is for field implementation, and $1,605,000 is for program administration; of which $60,594,000 shall be used to prevent and control avian influenza and shall remain available until expended; of which $1,015,000 of the plum pox program shall remain available until September 30, 2010: *Provided,* That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the National Veterinary Stockpile, up to $12,895,000 in animal health monitoring

and surveillance for the animal identification system, up to $1,500,000 in the scrapie program for indemnities, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further,* That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further,* That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further,* That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further,* That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2009, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $86,711,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one

building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,888,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Notification.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $17,270,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $40,342,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Notification.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $613,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $971,566,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That no fewer than 120 full-time equivalent positions shall be employed during fiscal year 2009 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Employed positions.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $646,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,170,273,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,461,066,000, of which $1,238,768,000 shall be for unsubsidized guaranteed loans and $222,298,000 shall be for direct loans; operating loans, $1,862,578,000, of which $1,017,497,000 shall be for unsubsidized guaranteed loans, $269,986,000 shall be for subsidized guaranteed loans and $575,095,000 shall be for direct loans; Indian tribe land acquisition loans, $3,940,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

Pink Bollworm.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,803,000, of which $4,088,000 shall be for unsubsidized guaranteed loans, and $12,715,000 shall be for direct loans; operating loans, $130,371,000, of which $25,336,000 shall be for unsubsidized guaranteed loans, $37,231,000 shall be for subsidized guaranteed loans, and $67,804,000 shall be for direct loans; and Indian tribe land acquisition loans, $248,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $317,323,000, of which $309,403,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

Notification. Deadline.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $77,177,000: *Provided,* That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided*

further, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $758,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $853,400,000, to remain available until September 30, 2010, of which $31,650,000 shall be for the purposes, and in the amounts, specified in the table titled "Natural Resources Conservation Service, Conservation Operations Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further,* That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $24,289,000, to remain available until expended, of which $23,643,000 shall be for the purposes, and in the amounts, specified in the table titled "Natural Resources Conservation Service, Watershed and Flood Prevention Operations Congressionally-designated Projects" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That not

to exceed $15,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,730,000: *Provided,* That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $646,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $192,484,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance

fund, as follows: $7,345,347,000 for loans to section 502 borrowers, of which $1,121,488,000 shall be for direct loans, and of which $6,223,859,000 shall be for unsubsidized guaranteed loans; $34,410,000 for section 504 housing repair loans; $69,512,000 for section 515 rental housing; $129,090,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,447,000 for credit sales of acquired property, of which up to $1,447,000 may be for multi-family credit sales; and $4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $154,407,000, of which $75,364,000 shall be for direct loans, and of which $79,043,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $9,246,000; repair, rehabilitation, and new construction of section 515 rental housing, $28,611,000; section 538 multi-family housing guaranteed loans, $8,082,000; credit sales of acquired property, $523,000; and section 523 self-help housing and development loans, $82,000: *Provided,* That of the total amount appropriated in this paragraph, $2,500,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further,* That, for applications received under the 2009 notice of funding availability, section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further,* That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $460,217,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $902,500,000, to remain available through September 30, 2010; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided,* That of this amount, up to $5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further,* That of this amount not less than $2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less

than $3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further,* That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further,* That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further,* That rental assistance provided under agreements entered into prior to fiscal year 2009 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further,* That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

Contracts.

Applicability.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $27,714,000, to remain available until expended: *Provided,* That of the funds made available under this heading, $4,965,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further,* That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further,* That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further,* That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further,* That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further,* That of the funds made available under this heading, $2,889,000 shall be available for the cost of loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further,* That loans under such demonstration program shall

Vouchers.

Loans.

have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further,* That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further,* That of the funds made available under this heading, $19,860,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further,* That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further,* That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further,* That the Secretary may use any unobligated funds appropriated for the rural housing voucher program in a prior fiscal year to support information technology activities of the Rural Housing Service to the extent the Secretary determines that additional funds are not needed for this fiscal year to provide vouchers described in this paragraph: *Provided further,* That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $38,727,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $41,500,000, to remain available until expended: *Provided,* That of the total amount appropriated, $1,200,000 shall be available through June 30, 2009, for authorized empowerment zones and

enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further,* That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $18,269,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $63,830,000, to remain available until expended: *Provided*, That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That not to exceed $1,000,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized

by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $87,385,000, to remain available until expended: *Provided,* That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further,* That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That not to exceed $8,300,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further,* That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,536,000.

For the cost of direct loans, $14,035,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2009, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2009, for Mississippi Delta Region

counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2009, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,853,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $20,000,000 shall not be obligated and $20,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $12,636,000, of which $300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,582,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided,* That not to exceed $1,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which $3,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with empowerment zones and enterprise communities, $8,130,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That the funds provided under this paragraph shall be made available to empowerment zones and enterprise communities in a manner and with the same priorities such funds were made available during the 2007 fiscal year.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $5,000,000: *Provided,* That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $556,268,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $65,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act and for Federally-recognized Native American Tribes authorized by 306C(a)(1): *Provided further*, That not to exceed $19,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $5,600,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $14,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed $12,700,000 of the amount appropriated under this heading shall be available through June 30, 2009, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of such Act: *Provided further*, That $17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any

prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: the cost of telecommunications loans, $525,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,245,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of broadband telecommunication loans, $400,487,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $34,755,000, to remain available until expended: *Provided*, That the Secretary may use funds under this heading for grants authorized by 379(g) of the Consolidated Farm and Rural Development Act: *Provided further,* That $4,965,000 shall be made available to convert analog to digital operation those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and

equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $15,619,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That of the unobligated balances available for the cost of the broadband loans, $6,404,000 are rescinded.

In addition, $13,406,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $610,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $14,951,911,000, to remain available through September 30, 2010, of which $8,496,109,000 is hereby appropriated and $6,455,802,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,860,000,000, to remain available through September 30, 2010, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That of the total amount available, the Secretary shall obligate not less than $14,850,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That, notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2009; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i): *Provided further,* That funds made available for

the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds after the date of enactment of this Act: *Provided further*, That hereafter none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $53,969,246,000, of which $3,000,000,000, to remain available through September 30, 2010, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $230,800,000, to remain available through September 30, 2010: *Provided,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That notwithstanding any other provision of law, effective with funds made available in fiscal year 2009 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2010: *Provided further,* That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $142,595,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $165,436,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

Notification.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, $2,736,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,225,900,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,333,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which

$4,985,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $348,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $2,622,267,000, of which $7,641,000 shall be for the purposes, and in the amounts, specified in the final paragraph under "Food and Drug Administration, Salaries and Expenses" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That of the amount provided under this heading, $510,665,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2010 but collected in fiscal year 2009; $52,547,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $15,260,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $4,831,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2009 received during fiscal year 2009, including any such fees assessed prior to fiscal year 2009 but credited for fiscal year 2009, shall be subject to the

fiscal year 2009 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $648,722,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $777,437,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $41,358,000 shall be available for the Office of Generic Drugs; (3) $271,490,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $134,344,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $310,547,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $52,511,000 shall be for the National Center for Toxicological Research; (7) not to exceed $111,758,000 shall be for Rent and Related activities, of which $41,281,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed $155,425,000 shall be for payments to the General Services Administration for rent; and (9) $160,033,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further,* That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,433,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $49,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSION AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 327 passenger motor vehicles, of which 315 shall be for replacement only, and for the hire of such vehicles.

7 USC 2209b note.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the financial management modernization initiative and the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse

obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

Notifications. Deadlines.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2010 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided,* That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

Deadline.
Notification.
Reports.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. There is hereby appropriated $434,000, to remain available until expended, for the Denali Commission to address deficiencies in solid waste disposal sites which threaten to contaminate rural drinking water supplies.

SEC. 717. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa, et seq.) in excess of $1,067,000,000.

SEC. 718. None of the funds made available in fiscal year 2009 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided,* That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

News stories.

SEC. 721. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 722. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 723. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under subsection (b)(2)(A)(i) of section 14222 of Public Law 110–246 in excess of $1,071,530,000: *Provided,* That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(B) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $16,000,000 until October 1, 2009: *Provided further,* of the unobligated balances under section 32 of the Act of August 24, 1935, $293,530,000 are hereby rescinded.

Waiver authority.

SEC. 724. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to make funding and other assistance available through the emergency watershed protection program under section 403 of the Agricultural Credit Act of 1978

(16 U.S.C. 2203) to repair and prevent damage to non-Federal land in watersheds that have been impaired by fires initiated by the Federal Government and shall waive cost sharing requirements for the funding and assistance.

SEC. 725. There is hereby appropriated $3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 726. There is hereby appropriated $469,000, to remain available until expended, for the planning and design of construction of an agriculture pest facility in the State of Hawaii.

SEC. 727. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 728. There is hereby appropriated $794,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of reforested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 729. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

State listing.

SEC. 730. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the City of Palmview, Texas; the City of Pharr, Texas; the City of Hidalgo, Texas; the City of Alton, Texas; the City of La Joya, Texas; the City of Penitas, Texas; the City of Schertz, Texas; the City of Converse, Texas; the City of Cibolo, Texas; and the Township of Bern, Pennsylvania (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Business Program account;

(2) the County of Nueces, Texas (including individuals and entities with projects within the county), eligible under the Business and Industry Loan Guarantee Program for the purposes of financing a beef processing facility;

(3) the City of Asheboro, North Carolina (including individuals and entities with projects within the city), eligible for loans and grants funded through the Rural Community Facilities Program account;

(4) the City of Healdsburg, California; the City of Imperial, California; the City of Havelock, North Carolina; and the City of Newton, North Carolina (including individuals and entities with projects within the cities), eligible for loans and grants funded through the Rural Water and Waste Disposal Program account; and

(5) the City of Aptos, California (including individuals and entities with projects within the city), eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 731. There is hereby appropriated $2,347,000 for section 4404 of Public Law 107–171.

SEC. 732. Notwithstanding any other provision of law, there is hereby appropriated:

(1) $1,877,000 of which $1,408,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and $469,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) $338,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection; and

(3) $94,000 for a grant to the Graham Avenue Business Improvement District in the State of New York.

SEC. 733. Section 382K(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–10(c)) is repealed.

7 USC 2009aa–10. State listing.

SEC. 734. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance—

(1) through the Watershed and Flood Prevention Operations program for the Pocasset River Floodplain Management Project in the State of Rhode Island;

(2) through the Watershed and Flood Prevention Operations program to carry out the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(3) through the Watershed and Flood Prevention Operations program to carry out the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(4) through the Watershed and Flood Prevention Operations program to carry out the Churchill Woods Dam Removal project in DuPage County, Illinois;

(5) through the Watershed and Flood Prevention Operations program to carry out the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(6) through the Watershed and Flood Prevention Operations program to carry out the Alameda Creek Watershed Project in Alameda County, California;

(7) through the Watershed and Flood Prevention Operations program to carry out the Colgan Creek Restoration project in Sonoma County, California;

(8) through the Watershed and Flood Prevention Operations program to carry out the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(9) through the Watershed and Flood Prevention Operations program to carry out the Lake George Watershed Protection project in Warren County, New York; and

(10) through the Watershed and Flood Prevention Operations program to carry out the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania.

SEC. 735. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by striking "eight" and inserting "ten";

(2) by striking "six" and inserting "eight"; and

(3) by inserting "Vermont, Maryland," after the first instance of "States shall be".

SEC. 736. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

Meats and meat products. Argentina.

SEC. 737. None of the funds made available by this Act may be used to pay the salaries and expenses of any individual to conduct any activities that would allow the importation into the United States of any ruminant or swine, or any fresh (including chilled or frozen) meat or product of any ruminant or swine, that is born, raised, or slaughtered in Argentina: *Provided,* That this section shall not prevent the Secretary from conducting all necessary activities to review this proposal and issue a report on the findings to the Committees on Appropriations of the House and Senate: *Provided further,* That this section shall only have effect until the Secretary of Agriculture has reviewed the domestic animal health aspects of the pending proposal to allow the importation of such products into the United States and has issued a report to the Committees on the findings of such review.

Reports.

Time period. Reports.

SEC. 738. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2010, for information technology expenses.

SEC. 739. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

This division may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2009".

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009.

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 2009.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $429,870,000, to remain available until September 30, 2010, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than $48,592,000 shall be for Manufacturing and Services; not less than $42,332,000 shall be for Market Access and Compliance; not less than $66,357,000 shall be for the Import Administration of which $5,900,000 shall be for the Office of China Compliance; not less than $237,739,000 shall be for the United States and Foreign Commercial Service; and not less than $25,411,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That the International Trade Administration shall be exempt from the requirements of Circular A–25 (or any successor administrative regulation or policy) issued by the Office of Management and Budget: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained

Applicability.

Exemption.

Negotiations.

in the Trade Act of 2002, Public Law 107–210: *Provided further*, That within the amounts appropriated, $4,400,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $83,676,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Applicability.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $240,000,000, to remain available until expended: *Provided,* That of the amounts provided, no more than $4,000,000 may be transferred to "Economic Development Administration, Salaries and Expenses" to conduct management oversight and administration of public works grants.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $32,800,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $29,825,000: *Provided,* That within the amounts appropriated, $825,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $90,621,000, to remain available until September 30, 2010.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $233,588,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $2,906,262,000, to remain available until September 30, 2010: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: *Provided further,* That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities: *Provided further*, That none of the funds made available in this Act shall be used for the conduct of sweepstakes in the 2010 Decennial Census.

13 USC 5 note.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $19,218,000, to remain available until September 30, 2010: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and

related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $2,010,100,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2009, so as to result in a fiscal year 2009 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2009, should the total amount of offsetting fee collections be less than $2,010,100,000, this amount shall be reduced accordingly: *Provided further*, That $750,000 may be transferred to "Departmental Management, Salaries and Expenses" for activities associated with the National Intellectual Property Law Enforcement Coordination Council: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2009 for official reception and representation expenses: *Provided further,* That of the amounts provided to the USPTO within this account, $5,000,000 shall not become available for obligation until the Director of the USPTO has completed a comprehensive review of the assumptions behind the patent examiner expectancy goals and adopted a revised set of expectancy goals for patent examination: *Provided further*, That in fiscal year 2009 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil

Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2009: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further,* That $2,000,000 shall be transferred to Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO: *Provided further,* That from the amounts provided herein, no less than $4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $472,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses: *Provided further,* That within the amounts appropriated, $3,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $110,000,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, $65,000,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $172,000,000, to remain available until expended, of which $30,000,000 is for a competitive construction grant program for research science buildings: *Provided*, That within the amounts appropriated, $44,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That the Secretary of Commerce shall include

Budget estimate.
15 USC 15136 note.

in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,045,549,000, to remain available until September 30, 2010, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2011: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $79,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $3,133,549,000 provided for in direct obligations under this heading $3,045,549,000 is appropriated from the general fund, $82,000,000 is provided by transfer, and $6,000,000 is derived from recoveries of prior year obligations: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $226,809,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $36,583,000: *Provided further,* That within the amounts appropriated, $129,970,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year: *Provided further*, That the number of authorized officers in the NOAA Commissioned Officer Corps shall remain at 321 until such time as section 6 of Public Law 110–386 takes effect.

Grants.

Authorized positions.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,243,647,000, to remain available until September 30, 2011, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the $1,245,647,000 provided for in direct obligations under this heading $1,243,647,000 is appropriated from the general fund and $2,000,000 is provided from recoveries of prior year obligations: *Provided further,* That of the amounts provided for the National Polar-orbiting Operational Environmental Satellite System, funds shall only be made available on a dollar-for-dollar matching basis with funds provided for the same purpose by the Department of Defense: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That within the amounts appropriated, $29,610,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $80,000,000, to remain available until September 30, 2010: *Provided,* That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for restoration of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further,* That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009, obligations of direct loans may not exceed $8,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official entertainment, $53,000,000: *Provided*, That the Secretary, within 120 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That of the amounts provided to the Secretary within this account, $5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

Deadline. Reports.

Certification.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, $5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $25,800,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C.

3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

Notification.
Deadline.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. Hereafter, notwithstanding any other provision of law, no funds appropriated under this Act or any other Act shall be used to register, issue, transfer, or enforce any trademark of the phrase "Last Best Place".

Regulations.
Diving.
33 USC 878b.

SEC. 106. Hereafter, the Secretary of Commerce is permitted to prescribe and enforce standards or regulations affecting safety and health in the context of scientific and occupational diving within the National Oceanic and Atmospheric Administration.

Incorporation by reference.
33 USC 878a note.

SEC. 107. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

SEC. 108. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy

in the Herbert C. Hoover Building, Washington, D.C., or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 109. The amounts made available under section 213 of Public Law 108–199 for a New England lobster fishing capacity reduction program shall be available for transfer by the National Oceanic and Atmospheric Administration from the Fisheries Finance Program Account to the Operations, Research, and Facilities appropriation, to remain available until expended, for the Southern New England Cooperative Research Initiative for cooperative research, marine debris removal, and gear modification for conservation in Rhode Island.

SEC. 110. Section (d)(2)(A) of title 16 U.S.C. 3645 is amended by inserting "Nevada," after "Idaho,".

SEC. 111. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding fisheries, marine mammals, or sea turtles: *Provided*, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section. President.

This title may be cited as the "Department of Commerce Appropriations Act, 2009".

TITLE II

Department of Justice Appropriations Act, 2009.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $105,805,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That $13,213,000 is for Department Leadership; $7,834,000 is for Intergovernmental Relations/External Affairs; $12,254,000 is for Executive Support/Professional Responsibility; and $72,504,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $80,000,000, to remain available until expended, of which $7,132,000 is for the unified financial management system.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $185,000,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $270,000,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,295,319,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $75,681,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,570,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate

of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $804,007,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further,* That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the Federal observer program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further,* That of the amounts provided under this heading for the Federal observer program $3,390,000 shall remain available until expended, of which $1,090,000, previously transferred to the Department of Justice by the Office of Personnel Management under section 126 of division A of Public Law 110–329, shall be transferred back to the Office of Personnel Management by the Department of Justice.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $157,788,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $157,788,000 in fiscal year 2009), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at $0.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,836,336,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed

$25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than $33,600,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $217,416,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $160,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the Fund estimated at $52,416,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $1,823,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed $9,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $9,873,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as

a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $950,000,000; of which not to exceed $30,000 shall be available for official reception and representation expenses; of which not to exceed $4,000,000 shall remain available until expended for information technology systems; and of which not less than $12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $4,000,000, to remain available until expended.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $83,789,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $515,000,000, of which $50,000,000 shall remain

available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; $7,065,100,000; of which not to exceed $150,000,000 shall remain available until expended: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $153,491,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $1,939,084,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,054,215,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided*

further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2009: *Provided further*, That, beginning in fiscal year 2009 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, tribal, or foreign law enforcement agency, or a Federal, State, or local prosecutor, solely in connection with and for use in a criminal investigation or prosecution; or (2) a Federal agency for a national security or intelligence purpose; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C.

Effective date.
Firearms data.
18 USC 923 note.

923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 810, of which 766 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $5,595,754,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2010: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

42 USC 250a.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $575,807,000, to remain available until expended,

of which not less than $110,627,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,328,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); and for related victims services, $415,000,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be

used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(2) $2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(3) $190,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) $1,880,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(4) $60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(5) $12,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(6) $41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(7) $3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(8) $3,000,000 for grants to improve the stalking and domestic violence databases, as authorized by section 40602 of the 1994 Act;

(9) $9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(10) $37,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(11) $4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(12) $14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(13) $6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(14) $3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(15) $1,000,000 for analysis and research on violence against Indian women, as authorized by section 904 of the 2005 Act;

(16) $1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act;

(17) $3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(18) $3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(19) $3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(20) $1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(21) $1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); $220,000,000, to remain available until expended, of which:

(1) $45,000,000 is for criminal justice statistics programs, pursuant to part C of the 1968 Act, of which $26,000,000 is for the National Crime Victimization Survey; and

(2) $48,000,000 is for research, development, and evaluation programs:

Provided, That section 1404(c)(3)(E)(i) of the Victims of Crime Act of 1984, as amended (42 U.S.C. 10603) is amended after "internships" by inserting "and for grants under subparagraphs (1)(A) and (B), pursuant to rules or guidelines that generally establish a publicly-announced, competitive process".

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); and other programs; $1,328,500,000, to remain available until expended as follows:

(1) $546,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and

the special rules for Puerto Rico under section 505(g), of the 1968 Act, shall not apply for purposes of this Act), of which $5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, $2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $7,000,000 is to reimburse State and local law enforcement for security and related costs, including overtime, associated with the extraordinary security required to protect the President-elect during the Presidential transition period; and $20,000,000 is to reimburse State and local governments for extraordinary costs associated with the 2009 Presidential Inauguration;

(2) $400,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) $31,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $3,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of United States Attorneys;

(5) $178,500,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation): *Provided,* That within the amounts appropriated, $178,500,000 shall be used for the projects, and in the amounts specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(6) $30,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(7) $2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(8) $10,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(9) $40,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(10) $7,000,000 for a prescription drug monitoring program;

(11) $12,500,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(12) $10,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(13) $5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful prosecution review;

(14) $10,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(15) $25,000,000 for assistance to Indian tribes, of which—

(A) $10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) $9,000,000 shall be available for the Tribal Courts Initiative; and

(C) $6,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(16) $18,000,000 for economic, high technology and Internet crime prevention grants:

Provided, That, if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, $25,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401), and other juvenile justice programs, $374,000,000, to remain available until expended as follows:

(1) $75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) $82,000,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act: *Provided,* That within the amounts appropriated, $82,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(3) $80,000,000 for youth mentoring grants;

(4) $62,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $25,000,000 shall be for the Tribal Youth Program;

(B) $10,000,000 shall be for a gang resistance education and training program; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $20,000,000 for programs authorized by the Victims of Child Abuse Act of 1990; and

(6) $55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), such sums as are necessary, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340) (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and $5,000,000 for payments authorized by section 1201(b) of such Act; and $4,100,000 for educational assistance, as authorized by section 1212 of such Act.

COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177); the Second Chance Act of 2007 (Public Law 110–199); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108–405), $550,500,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided

(which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $25,000,000 is for the matching grant program for armor vests for law enforcement officers, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs: *Provided further,* That section 2501(f) of part Y of title I of the 1968 Act (42 U.S.C. 3796*ll*(f)), is amended by inserting at the end the following:

"(3) WAIVER.—The Director may waive in whole or in part, the match requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.";

(2) $39,500,000 is for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, and for other anti-methamphetamine-related activities: *Provided,* That within the amounts appropriated, $34,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(3) $187,000,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: *Provided,* That within the amounts appropriated, $185,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(4) $25,000,000 is for offender re-entry programs, as authorized under section 101 and 211 of the Second Chance Act of 2007 (Public Law 110–199), of which $15,000,000 is for grants for adult and juvenile offender state and local reentry demonstration projects, and $10,000,000 is for grants for mentoring and transitional services;

(5) $10,000,000 is for grants to assist States and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110–180);

(6) $10,000,000 is for grants to upgrade criminal records, as authorized under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601);

(7) $156,000,000 is for DNA related and forensic programs and activities as follows:

(A) $151,000,000 for a DNA analysis and capacity enhancement program and for other local, state, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program); and

(B) $5,000,000 for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412);

(8) $20,000,000 is for improving tribal law enforcement, including equipment and training;

(9) $15,000,000 is for programs to reduce gun crime and gang violence;

(10) $4,000,000 is for training and technical assistance;

(11) $18,000,000 is for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which:

(A) $5,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322); and

(B) $1,000,000 is for the National Sex Offender Public Registry;

(12) $16,000,000 is for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(13) $25,000,000 is for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, $174,000,000, of which not to exceed $14,000,000 shall be available for the Office on Violence Against Women; not to exceed $130,000,000 shall be available for the Office of Justice Programs; not to exceed $30,000,000 shall be available for the Community Oriented Policing Services Office: *Provided*, That, notwithstanding section 109 of title I of Public Law 90–351, an additional amount, not to exceed $21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: *Provided further,* That the total amount available for management and administration of such programs shall not exceed $195,000,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Abortion.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice

in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section: *Provided further*, That none of the funds appropriated to "Buildings and Facilities, Federal Prison System" in this or any other Act may be transferred to "Salaries and Expenses, Federal Prison System", or any other Department of Justice account, unless the President certifies that such a transfer is necessary to the national security interests of the United States, and such authority shall not be delegated, and shall be subject to section 505 of this Act.

President. Certification.

SEC. 206. The Attorney General is authorized to extend through September 30, 2010, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

Project extension. 5 USC 3104 note.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

Investigations. Applicability. 28 USC 533 note.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Certification.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts

Notification. Applicability.

designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

Certification.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: *Provided*, That this restriction does not apply to planning and design activities for future phases: *Provided further*, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

Notification.

Deadlines.
Reports.

SEC. 215. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2009 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

This title may be cited as the "Department of Justice Appropriations Act, 2009".

Science Appropriations Act, 2009.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,303,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,503,019,000 to remain available until September 30, 2010.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $500,000,000 to remain available until September 30, 2010.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair,

rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,505,469,000 to remain available until September 30, 2010.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law; environmental compliance and restoration; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,764,710,000, to remain available until September 30, 2010: *Provided,* That of the amounts provided under this heading, $2,981,724,000 shall be for Space Shuttle operations, production, research, development, and support, $2,060,162,000 shall be for International Space Station operations, production, research, development, and support, and $722,824,000 shall be for Space and Flight support.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $169,200,000, to remain available until September 30, 2010.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real

property, as authorized by law; environmental compliance and restoration; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,306,387,000, to remain available until September 30, 2010: *Provided,* That $2,024,000,000, together with not more than $9,000,000 to be derived from receipts pursuant to 42 U.S.C. 2459j, shall be available for center management and operations: *Provided further,* That notwithstanding 42 U.S.C. 2459j, proceeds from enhanced use leases that may be made available for obligation for fiscal year 2009 shall not exceed $9,000,000: *Provided further,* That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to 42 U.S.C. 2459j: *Provided further,* That not less than $45,000,000 shall be available for independent verification and validation activities, of which $5,000,000 shall be available to develop core verification and validation competencies with small businesses, and $40,000,000 shall be available for operations of the independent verification and validation facility: *Provided further,* That within the amounts appropriated $67,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

42 USC 16611b note.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $33,600,000, to remain available until September 30, 2010.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the duration of availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for "Office of Inspector General", when any activity has been initiated by the incurrence of obligations for construction of facilities or environmental compliance and restoration activities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated for institutional minor revitalization and minor construction of facilities, and institutional facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated to the National Aeronautics and Space Administration for any account in this Act, except for "Office of Inspector General", the amounts appropriated for construction of facilities shall remain available until September 30, 2011.

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically

provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement any Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2009.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

For the closeout of all Space Shuttle contracts and associated programs, amounts that have expired but have not been cancelled in the Human Space Flight, Space Flight Capabilities, and Exploration Capabilities appropriations accounts shall remain available through fiscal year 2015 for the liquidation of valid obligations incurred during the period of fiscal year 2001 through fiscal year 2009.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for the National Aeronautics and Space Administration.

Deadline.
Reports.

The Administrator of NASA shall, not later than February 2, 2009, submit to the appropriate committees of Congress a report that delineates by fiscal year, mission directorate and object class the full costs necessary for Space Shuttle retirement and transition activities for fiscal years 2006 through 2015 that includes, but is not limited to, the following:

(1) the costs for environmental compliance and remediation;

(2) the gross and net proceeds from exchange sales of excess Space Shuttle equipment;

(3) the costs to maintain required facilities at Kennedy Space Center during the gap in human space flight;

(4) the costs associated with preservation of historic properties;

(5) the costs of workforce transition; and

(6) other costs related to Space Shuttle retirement and transition.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,183,100,000, to remain available until September 30, 2010, of which not to exceed $540,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science

support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2009 budget request for icebreaking services, up to $54,000,000 shall be available for the procurement of polar icebreaking services: *Provided further*, That the National Science Foundation shall only reimburse the Coast Guard for such sums as are agreed to according to the existing memorandum of agreement: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That not less than $133,000,000 shall be available for activities authorized by section 7002(b)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $152,010,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $845,260,000, to remain available until September 30, 2010: *Provided further,* That not less than $55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $294,000,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2009 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law

86–209 (42 U.S.C. 1880 et seq.), $4,030,000: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $12,000,000.

This title may be cited as the "Science Appropriations Act, 2009".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,800,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $26,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $343,925,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further,* That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

Notification.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $75,100,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $390,000,000, of which $365,800,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $16,000,000 is for management and administration; $3,000,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d).

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2008 and 2009, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,200,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,272,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World

Negotiations.

Negotiations.

Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et. seq.) $4,100,000, of which $250,000 shall remain available until September 30, 2010: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Notifications.
Deadlines.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that:

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

Religious harassment. 42 USC 2000e–12 note.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Deadlines. Reports.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Tobacco and tobacco products.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

Firearms.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

42 USC 10601 note.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $635,000,000 shall not be available for obligation until the following fiscal year.

Discrimination.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

Firearms data.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

Audits. Reports. Deadlines.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

Deadline. Public information. Web posting.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

Certification.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

Effective date.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to

the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

Human organism.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

Torture.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

Exports and imports. Firearms. Canada.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

President. Federal Register, publication.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

Firearms.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

National security letters.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

Notification. Deadline.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

Web posting. 5 USC app. 8L note.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases

of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Contracts. Grants. Certification.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including anti-dumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Commerce from prior appropriations, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

(1) "Economic Development Administration, Economic Development Assistance Programs", $15,000,000;

(2) "National Institute of Standards and Technology, Industrial Technology Services", $5,000,000;

(3) "National Telecommunications and Information Administration, Salaries and Expenses", $3,000,000;

(4) "National Telecommunications and Information Administration, Public Telecommunications, Facilities, Planning and Construction", $1,600,000; and

(5) "Bureau of the Census, Periodic Censuses and Programs", $1,000,000.

Deadline.

(b) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2009, from the following accounts in the specified amounts:

(1) "General Administration, Working Capital Fund", $100,000,000;

(2) "Legal Activities, Assets Forfeiture Fund", $285,000,000;

(3) "Office of Justice Programs", $100,000,000; and

(4) "Community Oriented Policing Services", $100,000,000.

(c) Each department affected by the recissions contained in subsections (a) and (b) shall, within 30 days of enactment of this Act, submit to the Committee on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section. Deadline. Reports.

(d) The recissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2009".

DIVISION C—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Energy and Water Development and Related Agencies Appropriations Act, 2009.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $168,100,000, to remain available until expended: *Provided,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described

in section 4 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,141,677,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Marmet Lock and Dam, West Virginia; McAlpine Lock and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; Gray's Landing Lock and Dam, Pennsylvania; R.C. Byrd Lock and Dam, Ohio and West Virginia; and Point Marion Lock and Dam, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use $13,000,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use $8,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use $8,500,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further,* That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,000,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That the Chief of Engineers is directed to use $17,048,000 of the funds provided herein for planning and design and construction of a rural health care facility on the Fort Berthold Reservation of the Three Affiliated Tribes, North Dakota: *Provided further,* That, except as provided in section 101 of this

Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of the consolidated Act).

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $383,823,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Chief of Engineers is directed to use $5,000,000 of the funds provided herein for design and real estate activities and pump supply elements for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $8,000,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project: *Provided further,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,201,900,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303), shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided,* That of the amounts provided herein, not to exceed $500,000 is provided to the Secretary of the Army to reimburse travel expenses as provided for in section 9003(f) of the Water Resources Development

Act of 2007, Public Law 110–114 (121 Stat. 1289–1290): *Provided further,* That 2 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities: *Provided further,* That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under the heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $183,000,000, to remain available until expended: *Provided,* That the Secretary of the Army, acting through the Chief of Engineers, may use up to $3,200,000 of the funds appropriated herein to reimburse the Port of Arlington, Gillam County, Oregon, for those direct construction costs determined by the Secretary to have been incurred by the Port as a result of and following issuance of the Department of the Army Regulatory Program permit for the construction of a commercial dock and offload facility at the Port in February 2007, including the removal of the commercial dock and offload facility.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers, and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $179,365,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $4,500,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided,* That for a base level less than $100,000, the reprogramming limit is $25,000; *Provided further,* That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided,* That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further,* That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further,* That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided,* That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further,* That for a base level over $1,000,000,

Reprogramming authority.

Notification.

reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study or activity is allowed: *Provided further,* That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further,* That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

Deadline. Reports.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided,* That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

Fines.

(3) An identification of items of special congressional interest: *Provided further,* That the amount appropriated for salaries and expenses of the Corps of Engineers shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the U.S. Army Corps of Engineers.

Contracts.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits an amount for a project in excess of the amounts appropriated for that project that remain unobligated.

Deadline. Reports.

SEC. 104. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 106. Section 121 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) is amended by striking subsection (a) and inserting the following:

"(a) Hereafter, the Secretary of the Army may carry out and fund planning studies, watershed surveys and assessments, or technical studies at 100 percent Federal expense to accomplish the purposes of the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by subsection (b) or any related subsequent biological opinion, and the collaborative program long-term plan. In carrying out a study, survey, or assessment under this subsection, the Secretary of the Army shall consult with Federal, State, tribal and local governmental entities, as well as entities participating in the Middle Rio Grande Endangered Species Collaborative Program referred to in section 205 of this Act: *Provided*, That the Secretary of the Army may also provide planning and administrative assistance to the Middle Rio Grande Endangered Species Collaborative Program, which shall not be subject to cost sharing requirements with non-Federal interests.". Consultation.

SEC. 107. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development shall be used to award any continuing contract that commits additional funding from the Inland Waterway Trust Fund unless or until such time that a permanent solution to enhance revenues in the fund is enacted. Contracts.

SEC. 108. The Secretary is authorized to conduct a study of the Missouri River Projects located within the Missouri River basin at a total cost of $25,000,000 with the express purpose to review the original project purposes based on the Flood Control Act of 1944, as amended, and other subsequent relevant legislation and judicial rulings to determine if changes to the authorized project purposes and existing Federal water resource infrastructure may be warranted: *Provided,* That this study shall be undertaken at full Federal expense. Study.

SEC. 109. Section 134 of Public Law 108–137 (117 Stat. 1842), as amended by section 128(b) of Public Law 109–103 (119 Stat. 2260), is further amended by striking "$30,000,000" wherever it appears and inserting "$48,300,000" in lieu thereof.

SEC. 110. Section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663) is amended—

(1) by inserting "(A) IN GENERAL.—" before "The"; and

(2) by adding at the end the following:

"(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the project the costs expended by non-Federal interests for the replacement and reconstruction of the Soquel Avenue Bridge.

"(C) MAXIMUM AMOUNT OF CREDIT.—The credit under paragraph (B) may not exceed $2,000,000.

"(D) LIMITATION OF TOTAL PROJECT COST.—The Secretary shall not include the costs to be credited under paragraphs (B) and (C) in total project costs in determining the amounts of the Federal and non-Federal contributions.".

SEC. 111. The Missouri River Levee System (MRLS) Unit L–385 Project, Riverside, Missouri, authorized by the Flood Control Act of 1941, Public Law 77–228, and the Flood Control Act of

1944, Public Law 78–534, is modified to direct the Secretary, acting through the Chief of Engineers, to take such action as is necessary to correct deficiencies in the L–385 levee system in Riverside, Missouri at full Federal expense at a cost of no more than $7,000,000.

SEC. 112. Section 115 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 as contained in division C of Public Law 110–161, is amended by striking "$20,000,000. The Secretary shall transfer this facility to the Secretary of the Interior for operation and maintenance upon the completion of construction." and inserting in lieu thereof, "$20,000,000: *Provided,* That the Secretary shall transfer ownership of this facility to the Secretary of Health and Human Services for operation and maintenance upon the completion of construction.". 121 Stat. 1945.

SEC. 113. Section 103(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4811–12), as amended by section 117 of the Energy and Water Development Appropriations Act of 2006 (119 Stat. 2255), is further amended by striking "15,000,000" and inserting "26,000,000".

SEC. 114. Section 3118 of Public Law 110–114 (121 Stat. 1137) is amended by—

(1) in paragraph (b) by inserting after "New Mexico" the following: "in accordance with the plans recommended in the feasibility report for the Middle Rio Grande Bosque, New Mexico, scheduled for completion in December 2008";

(2) redesignating subsection (d) as subsection (e); and

(3) inserting a new subsection (d):

"(d) COST SHARING.—Any requirement for non-Federal participation in a project carried out in the bosque of Bernalillo County, New Mexico, pursuant to this section shall be limited to the provision of lands, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction, operation and maintenance of the project.".

SEC. 115. The non-Federal interest for the project referenced in section 3154 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1148) may carry out design and construction work on the project in advance of Federal appropriations or may provide funds directly to the Secretary for the Secretary to carry out such work: *Provided*, That the Secretary of the Army shall reimburse the non-Federal interest for any costs incurred by the non-Federal interest that are in excess of the non-Federal share of total project costs subject to the availability of appropriations. Reimbursements.

SEC. 116. The Colorado Department of Natural Resources is authorized to perform modifications of the facility (Chatfield Reservoir, Colorado), and any required mitigation which results from implementation of the project: *Provided,* That in carrying out the reassignment of storage space provided for in this section, the Secretary shall collaborate with the Colorado Department of Natural Resources and local interests to determine costs to be repaid for storage that reflects the limited reliability of the resources and the capability of non-Federal interests to make use of the reallocated storage space in Chatfield Reservoir, Colorado. Colorado.

SEC. 117. Section 117 of the Energy and Water Development and Related Agencies Appropriations Act, 2005, as contained in division C of Public Law 108–447, is hereby repealed. 118 Stat. 2944.

SEC. 118. The Secretary of Army, acting through the Chief of Engineers, shall reassign the regulatory boundaries of the Chicago District to align with the existing civil works boundaries of the Chicago District. Reassignment.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $40,360,000, to remain available until expended, of which $987,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,640,000, to remain available until expended. For fiscal year 2009, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $920,259,000, to remain available until expended, of which $46,655,000 shall be available for transfer to the Upper Colorado River Basin Fund and $24,962,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*,

That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That funds provided for the Friant-Kern and Madera Canals improvements may be expended on a non-reimbursable basis: *Provided further,* That $4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: *Provided further,* That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $56,079,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $59,400,000, to be derived from

the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided,* That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses: *Provided further,* That, of the funds provided under this heading, $10,000,000 shall be transferred to "Water and Related Resources" upon the expiration of the 90-day period following the date of enactment of this Act if during such period, the Secretary of the Interior has not submitted to the Committees on Appropriations of the House of Representatives and the Senate the Bureau of Reclamation's five-year budget plan.

Transfer date.
Budget plan.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2009, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is

received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

Definition.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

Reports.
Deadlines.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

Deadline.

California.
Drainage plan.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

New Mexico.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

Grants.
Contracts.

SEC. 205. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: *Provided*, That when such improvements are to federally owned facilities, such funds may be provided in advance on a nonreimbursable basis to an entity operating affected transferred works or may

be deemed nonreimbursable for nontransferred works: *Provided further*, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: *Provided further*, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: *Provided further*, That this section shall not supercede any existing project-specific funding authority: *Provided further*, That the Secretary is also authorized to enter into grants or cooperative agreements with universities or nonprofit research institutions to fund water use efficiency research.

Grants.
Contracts.

SEC. 206. (a) Section 209 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1850) is repealed.

(b) The Secretary of the Interior (referred to in this section as the "Secretary") shall establish and maintain an Executive Committee of the Middle Rio Grande Endangered Species Collaborative Program (referred to in this section as the "Executive Committee") consistent with the bylaws of the Middle Rio Grande Endangered Species Collaborative Program adopted on October 2, 2006.

Establishment.

(c) Hereafter, in compliance with applicable Federal and State laws, the Secretary (acting through the Commissioner of Reclamation), in collaboration with the Executive Committee, may enter into any grants, contracts, cooperative agreements, interagency agreements, or other agreements that the Secretary determines to be necessary to comply with the 2003 Biological Opinion described in section 205(b) of the Energy and Water Development Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 2949) as amended by section 121(b) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2256) or any related subsequent biological opinion or in furtherance of the objectives set forth in the collaborative program long-term plan.

(d)(1) The acquisition of water under subsection (c) and any administrative costs associated with carrying out subsection (c) shall be at full Federal expense.

(2) Not more than 15 percent of amounts appropriated to carry out subsection (c) shall be made available for the payment of administrative expenses associated with carrying out that subsection.

(e)(1) The non-Federal share of activities carried out under subsection (c) (other than an activity or a cost described in subsection (d)(1)) shall be 25 percent. The non-Federal cost share shall be determined on a programmatic, rather than a project-by-project basis.

(2) The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, the value of which shall be determined by the Secretary in consultation with the executive committee.

(f) Nothing in this section modifies or expands the discretion of the Secretary with respect to operating reservoir facilities under the jurisdiction of the Secretary in the Rio Grande Valley, New Mexico.

SEC. 207. Section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1953) is amended—

(1) in subsection (a)—

(A) in paragraph (2)(B), by inserting ", as determined by the nonprofit conservation organization" after "Lake"; and

(B) in paragraph (4), by striking "retirement of water rights" and all that follows through the semicolon at the end and inserting "retirement of water rights;"; and

(2) in subsection (b), by striking "June 30, 2010" and inserting "June 30, 2012".

Nevada.

SEC. 208. Notwithstanding any other provision of law, of amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior acting through the Commissioner of Reclamation, shall allocate—

(1) $300,000 to the Desert Research Institute for LIDAR acquisition data in the Walker River Basin, to supplement water rights research and data funded under section 208(a)(1) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268); and

(2) $300,000 to the Director of the United States Fish and Wildlife Service to conduct a multiyear assessment of and monitoring of the ability of west central Nevada lakes to support migratory loons, and identification of wintering areas and annual range of loons using Walker Lake during migration.

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed two passenger vehicles for replacement, $1,928,540,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $228,803,380 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $137,000,000, to remain available until expended: *Provided,* That,

of the amount appropriated in this paragraph, $19,648,475 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NUCLEAR ENERGY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 29 passenger motor vehicles, including three new buses and 26 replacement vehicles, including one ambulance, $792,000,000, to remain available until expended: *Provided,* That, of the amount appropriated in this paragraph, $2,854,500 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CLEAN COAL TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading for obligation in prior years, $149,000,000 of uncommitted balances are transferred to Fossil Energy Research and Development to be used until expended: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $876,320,000, to remain available until expended, of which $149,000,000 shall be derived by transfer from "Clean Coal Technology": *Provided,* That of the amounts provided, $288,174,000 is available for the Clean Coal Power Initiative Round III solicitation, pursuant to title IV of the Public Law 109–58: *Provided further*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power

Initiative, and FutureGen, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative Round III solicitation under this Act in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further,* That if a Clean Coal Power Initiative project selected after enactment of this legislation for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained by the Department for future coal-related research, development and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further,* That the Secretary may not delegate this responsibility for applications greater than $10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further,* That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further,* That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further,* That funds available for the Clean Coal Power Initiative Round III Funding Opportunity Announcement may be used to support any technology that meets the requirements of the Round III Announcement relating to carbon capture and storage or other beneficial uses of CO_2, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and 402(b)(2)(A) of Public Law 109–58: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further,* That, of the amount appropriated in this paragraph, $43,864,150 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Deadline.
42 USC 15965.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $19,099,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds

remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $205,000,000, to remain available until expended, of which $31,507,000 shall be provided to initiate new site expansion activities, beyond land acquisition, consistent with the budget request: *Provided,* That none of the funds provided for new site expansion activities may be obligated or expended for authorized activities until the Secretary has submitted a report to the Congress on the effects of expansion of the Reserve on the domestic petroleum market, which is required to be submitted within 45 days of enactment of this Act.

Reports.
Deadline.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $9,800,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $261,819,000, to remain available until expended: *Provided,* That the appropriation includes funds for environmental remediation activities associated with the Energy Technology and Engineering Center (ETEC) at the Santa Susana Field Laboratory (SSFL), subject to the following: (1) the Department shall use a portion of this funding to enter into an interagency agreement with the Environmental Protection Agency (EPA) regarding a comprehensive radioactive site characterization of Area IV of the SSFL and (2) the Department shall provide the amount required by EPA for the radioactive site characterization in fiscal year 2009 from within the available funds: *Provided further,* That of the amounts provided, $5,000,000 is available for necessary expenses for the purpose of carrying out remedial actions under this title at real property in the vicinity of the Tuba City processing site designated in section 102(a)(1), of the Uranium Mill Tailings Radiation Control Act of 1978 (Public Law 95–604, as amended; 42 U.S.C. 7901, et seq.), notwithstanding section 112 of that Act, at a dump site immediately adjacent to the north-northwest section of the Tuba City processing site, and

Contracts.

on the north side of Highway 160: *Provided further,* That, of the amount appropriated in this paragraph, $4,757,500 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Non-Defense Environmental Cleanup Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $535,503,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended, of which $10,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 49 passenger motor vehicles for replacement only, including one law enforcement vehicle, one ambulance, and three buses, $4,772,636,000, to remain available until expended: *Provided,* That, of the amount appropriated in this paragraph, $93,686,593 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Nevada.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "NWPA"), including the acquisition of real property or facility construction or expansion, $145,390,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, $1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: *Provided further*, That $9,000,000 shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities: *Provided further*, That of the $9,000,000

California.

provided 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further,* That this funding shall be provided to affected units of local government, as defined in the NWPA: *Provided further,* That $500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds: *Provided further,* That, of the amount appropriated in this paragraph, $1,855,425 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Waste Disposal Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Native Americans.

Deadline. Certification.

Lobbying.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Subject to section 502 of the Congressional Budget Act of 1974, commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, shall not exceed a total principal amount of $47,000,000,000 for eligible projects, to remain available until committed, and of which $18,500,000,000 shall be for nuclear power facilities: *Provided,* That these amounts are in addition to the

authority provided under section 20320 of Division B of Public Law 109–289, as amended by Public Law 110–5: *Provided further,* That such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in this and prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided further,* That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further,* That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees: *Provided further,* That for necessary administrative expenses to carry out this Loan Guarantee program, $19,880,000 is appropriated, to remain available until expended: *Provided further,* That $19,880,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2009 appropriations from the general fund estimated at not more than $0: *Provided further,* That none of the funds made available in this Act shall be available for the execution of a new solicitation with respect to such guaranteed loans until 30 days after the Department of Energy has submitted to the Committees on Appropriations of the House of Representatives and the Senate a loan guarantee implementation plan that defines the proposed award levels and eligible technologies: *Provided further,* That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further,* That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for projects as a result of such projects benefiting from (a) otherwise allowable Federal income tax benefits; (b) being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (i) paid exclusively in cash, (ii) deposited in the Treasury as offsetting receipts, and (iii) equal to the fair market value as determined by the head of the relevant Federal agency; (c) Federal insurance programs, including Price-Anderson; or (d) for electric generation projects, use of transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further,* That none of the loan guarantee authority made available in this Act shall be available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this title.

Effective date. Implementation plan.

Certification.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $272,643,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $117,317,000 in fiscal year 2009 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2009, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $155,326,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed two passenger motor vehicles, and one ambulance; $6,380,000,000, to remain available until expended: *Provided*, That $19,300,000 is authorized to be appropriated for the 09–D–007 LANSCE Refurbishment, PED, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further*, That, of the amount appropriated in this paragraph, $22,836,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Weapons Activities Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $1,482,350,000, to remain available until expended: *Provided,* That, of the amount appropriated in this paragraph, $1,903,000 shall be used for projects specified under the heading "Congressionally Directed Defense Nuclear Nonproliferation Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $828,054,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $439,190,000, to remain available until expended: *Provided,* That, of the amount appropriated in this paragraph, $23,311,750 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Office of the Administrator (NNSA) Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, $5,657,250,000, to remain available until expended, of which $463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund": *Provided,* That, of the amount appropriated in this

paragraph, $17,908,391 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $1,314,063,000, to remain available until expended: *Provided,* That of the funds provided herein, $487,008,000 is for project 99–D–143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further,* That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143: *Provided further,* That, of the amount appropriated in this paragraph, $999,075 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $143,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2009, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,420,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $49,520,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover

purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $28,414,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $35,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $218,346,000, to remain available until expended, of which $208,642,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $7,342,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $403,118,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,959,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $273,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $273,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2009 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $0.

42 USC 7171 note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION. (a) None of the funds in this or any other appropriations Act for fiscal year 2009 or any previous fiscal year may be used to make payments for a non-competitive management and operating contract, or a contract for environmental remediation or waste management in excess of $100,000,000 in annual funding at a current or former management and operating contract site or facility, or to award a significant extension or expansion to an existing management and operating contract, or other contract covered by this section, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

Waiver authority.

(b) Within 30 days of formally notifying an incumbent contractor that the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Subcommittees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

Deadline. Notification. Reports.

(c) In this section the term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

SEC. 302. UNFUNDED REQUESTS FOR PROPOSALS. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 303. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and

community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 304. UNEXPENDED BALANCES. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Certification.

SEC. 305. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

Public information.

SEC. 306. USER FACILITIES. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 307. INTELLIGENCE ACTIVITIES. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for fiscal year 2009.

50 USC 2791a.

SEC. 308. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided,* That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of

a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development: *Provided further,* That notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, all DOE laboratories may be eligible for laboratory directed research and development funding.

SEC. 309. RELIABLE REPLACEMENT WARHEAD. None of the funds provided in this Act shall be available for the Reliable Replacement Warhead (RRW).

SEC. 310. GENERAL PLANT PROJECTS. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with a current estimated cost of less than $10,000,000 are considered for purposes of section 4703 of Public Law 107–314 as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of Public Law 107–314 as a construction project with a current estimated cost of less than a minor construction threshold. 50 USC 2743a.

SEC. 311. ENERGY PRODUCTION. The Secretary of Energy shall provide funding to the National Academy of Sciences to conduct an inventory of the energy development potential on all lands currently managed by the Department of Energy together with a report, to be submitted not later than July 1, 2009, which includes (1) a detailed analysis of all such resources including oil, gas, coal, solar, wind, geothermal and other renewable resources on such lands, (2) a delineation of the resources presently available for development as well as those potentially available in the future, and (3) an analysis of the environmental impacts associated with any future development including actions necessary to mitigate negative impacts. Inventory. Reports. Deadline.

SEC. 312. RENO HYDROGEN FUEL PROJECT. (a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004. Applicability.

SEC. 313. INTEGRATED UNIVERSITY PROGRAM. (a) The Secretary of Energy, along with the Administrator of the National Nuclear Security Administration and the Chairman of the Nuclear Regulatory Commission, shall establish an Integrated University Program. 42 USC 16274a.

(b) For the purposes of carrying out this section, $45,000,000 is authorized to be appropriated in each of fiscal years 2009 to 2019 as follows:

(1) $15,000,000 for the Department of Energy;

(2) $15,000,000 for the Nuclear Regulatory Commission; and

(3) $15,000,000 for the National Nuclear Security Administration.

(c) Of the amounts authorized to carry out this section, $10,000,000 shall be used by each organization to support university research and development in areas relevant to their respective organization's mission, and $5,000,000 shall be used by each organization to support a jointly implemented Nuclear Science and Engineering Grant Program that will support multiyear research projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $75,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State's allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $25,000,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,800,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,034,656,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $49,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $860,857,000 in fiscal year 2009 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than $173,799,000: *Provided further*, That such funds as are made available for necessary expenses of the Commission by this Act or any other Act may be used for the acquisition and lease of additional office space provided by the General Services Administration for personnel of the U.S. Nuclear Regulatory Commission as close as reasonably possible to the Commission's headquarters location in Rockville, Maryland, and of such square footage and for such lease term, as are determined by the Commission to be necessary to maintain the agency's regulatory effectiveness, efficiency, and emergency response capability: *Provided further*, That notwithstanding any other provision of law or any prevailing practice, the acquisition and lease of space for such purpose shall, to the extent necessary to obtain the space, be based on the prevailing rates in the immediate vicinity of the Commission's headquarters.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $10,860,000, to remain available until expended: *Provided,* That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2009 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,811,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,400,000: *Provided,* That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2009 in excess of $4,660,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

TITLE V

GENERAL PROVISIONS

Lobbying.

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This division may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2009".

Financial Services and General Government Appropriations Act, 2009.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF THE TREASURY

Department of the Treasury Appropriations Act, 2009.

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $278,870,000, of which not to exceed $21,619,000 is for executive direction program activities; not to exceed $45,910,000 is for economic policies and programs activities; not to exceed $36,039,000 is for financial policies and programs activities; not to exceed $62,098,000 is for terrorism and financial intelligence activities; not to exceed $21,600,000 is for Treasury-wide management policies and programs activities; and not to exceed $91,604,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on

Notification.

Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2010, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,232,443, to remain available until September 30, 2010, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2010, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $1,100,000, to remain available until September 30, 2010, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, $3,400,000, to remain available until September 30, 2011, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: Provided further, That of the amount appropriated under this heading $3,000,000 to remain available until September 30, 2011, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $26,975,000, to remain available until September 30, 2011: *Provided*, That $11,518,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $26,125,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $146,083,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $91,465,000, of which not to exceed $16,340,000 shall remain available until September 30, 2011; and of which $9,178,000 shall remain available until September 30, 2010: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $239,785,000, of which not to exceed $9,220,000 shall remain available until September 30, 2011, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $99,065,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided,* That of the amount appropriated under this heading, $2,000,000, to remain available until September 30, 2010, is for information technology management.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2009 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $42,150,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,352,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2011, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2009 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at $177,352,000. In addition, $90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $107,000,000, to remain available until September 30, 2010, of which $8,500,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers, $2,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), up to $14,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $7,500,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $16,000,000.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,293,000,000, of which not less than $5,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $9,500,000 shall be available for low-income taxpayer clinic grants, of which not less than $8,000,000, to remain available until September 30, 2010, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, and of which not less than $193,000,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,117,267,000, of

which not less than $57,252,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,867,011,000, of which up to $75,000,000 shall remain available until September 30, 2010, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2011, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $229,914,000, to remain available until September 30, 2011, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

Expenditure plan.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,406,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

Confidentiality.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $6,997,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $490,000,000 shall be available for enhanced tax law enforcement.

Contracts.

SEC. 106. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 108. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no

transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 110. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 111. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 112. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 113. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "10 years" and inserting "11 years".

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing, and Urban Affairs.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 116. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2009 until the enactment of the Intelligence Authorization Act for Fiscal Year 2009.

SEC. 117. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

This title may be cited as the "Department of the Treasury Appropriations Act, 2009".

Executive Office of the President Appropriations Act, 2009.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $53,899,000, of which $1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,363,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events

sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

Notice. Deadlines.

Fines. Deadline.

Deadline. Reports.

Records.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,600,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,118,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,550,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $9,029,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $101,333,000, of which not less than $5,700,000 shall be for e-mail restoration activities, and of which $11,923,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $87,972,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

Deadline.
Policy reviews.

Notification.

Reports.
Deadline.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,200,000; of which $1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702 note.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $3,000,000, which shall remain available until expended for counternarcotics research and development projects: *Provided*, That such amount shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a detailed spending plan for the use of these funds no later than 90 days after enactment of this Act.

Spending plan. Deadline.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $234,000,000, to remain available until September 30, 2010, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which up to $2,100,000 may be used for auditing services and associated activities, and up to $250,000 of the $2,100,000 shall be used to ensure the continued operation and maintenance of the Performance Management System: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2008, shall be funded at no less than the fiscal year 2008 initial allocation levels (as revised by the letter from the Director of the Office of National Drug Control Policy to the Committees on Appropriations of the House of Representatives and the Senate

Deadline.

Funding justification.

dated April 8, 2008) or $3,000,000, whichever is greater, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That no High Intensity Drug Trafficking Area shall receive more than $47,457,447 as its fiscal year 2009 initial allocation level: *Provided further,* That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2007 for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area may be used for other approved activities of that High Intensity Drug Trafficking Area: *Provided further*, That the Office of National Drug Control Policy (ONDCP) shall notify the Committees on Appropriations of the House of Representatives and the Senate of the initial High-Intensity Drug Trafficking Area (HIDTA) allocation funding within 45 days after the enactment of this Act: *Provided further,* That ONDCP shall submit recommendations for approval to the Committees on Appropriations for the use of discretionary HIDTA funding, according to a framework proposed jointly by the HIDTA Directors and ONDCP, within 90 days after the enactment of this Act.

Notification. Deadline.

Recommendations. Deadline.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $174,700,000, to remain available until expended, of which the amounts are available as follows: $70,000,000 to support a national media campaign, of which at least $8,000,000 shall be designated for methamphetamine prevention messages: *Provided*, That the Office of National Drug Control Policy shall maintain funding for non-advertising services for the media campaign at no less than the fiscal year 2003 ratio of service funding to total funds and shall continue the corporate outreach program; $90,000,000 to continue a program of matching grants to drug-free communities, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note): *Provided further,* That any grantee seeking a renewal grant (year 2 through 5, or year 7 through 10) that is determined to be ineligible or not entitled to continuation funding for any reason, shall be afforded a fair, timely, and independent appeal prior to the beginning of the subsequent funding year before being denied a renewal grant; $1,250,000 for the National Drug Court Institute; $9,800,000 for the United States Anti-Doping Agency for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the National Alliance for Model State Drug Laws; and $500,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further,* That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not

to exceed 10 percent shall be for administration, advertising production, research and testing, labor, and related costs of the national media campaign.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2010.

PRESIDENTIAL TRANSITION ADMINISTRATIVE SUPPORT

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Administration to carry out the Presidential Transition Act of 1963 and similar expenses, in addition to amounts otherwise appropriated by law, $8,000,000; *Provided*, That such funds may be transferred to other accounts that provide funding for offices within the Executive Office of the President and the Office of the Vice President in this Act or any other Act, to carry out such purposes.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,496,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $323,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "White House Office", "Executive Residence at the White Notification.

House", "White House Repair and Restoration", "Council of Economic Advisors", "National Security Council", "Office of Administration", "Office of Policy Development", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

Deadline. Financial plan.

SEC. 202. The President shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of the enactment of this Act, and prior to the initial obligation of funds appropriated under the heading "Office of National Drug Control Policy", a detailed narrative and financial plan on the proposed uses of all funds under the heading by program, project, and activity, for which the obligation of funds is anticipated: *Provided*, That up to 20 percent of funds appropriated under this heading may be obligated before the submission of the report subject to prior approval of the Committees on Appropriations: *Provided further*, That the report shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

Reports. Deadlines.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the "Executive Office of the President Appropriations Act, 2009".

Judiciary Appropriations Act, 2009.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for

the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $69,777,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $18,447,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $30,384,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $19,605,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,801,369,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,253,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under section 3006A of title 18, United States Code, and also under section 3599 of title 18, United States Code, in cases in which a defendant is charged with a crime that may

be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under section 3006A(e) of title 18, United States Code, and also under section 3599(f) and (g)(2) of title 18, United States Code, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under section 3006A of title 18, United States Code) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $849,400,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $62,206,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $428,858,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $79,049,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $25,725,000; of which $1,800,000 shall remain available through September 30, 2010, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $65,340,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,225,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections

604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Deadline.
Financial plan.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund.

Applicability.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

Reimbursements.

SEC. 307. (a). IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by striking "magistrate judges appointed under section 631 of this title," and inserting the following: ", United States magistrate judges, bankruptcy judges appointed under chapter 6 of this title, judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, judges of the District Court of the Virgin Islands, bankruptcy judges and magistrate judges retired under section 377 of this title, and judges retired under section 373 of this title, who are".

5 USC 8701 note.

(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) United States magistrate judges.

(2) Bankruptcy judges appointed under chapter 6 of title 28, United States Code.

(3) Judges of the District Court of Guam, judges of the District Court for the Northern Mariana Islands, and judges of the District Court of the Virgin Islands.

(4) Bankruptcy judges and magistrate judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of the enactment of Public Law 110–177. 28 USC 604 note.

SEC. 308. Subsection (c) of section 407 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (division A, title IV, of Public Law 109–115; 119 Stat. 2396, 2471) is repealed. 28 USC 604 note.

SEC. 309. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";

(2) in the third sentence (relating to the District of Kansas), by striking "17 years" and inserting "18 years";

(3) in the sixth sentence (relating to the Northern District of Ohio), by striking "17 years" and inserting "18 years".

(4) by inserting "The first vacancy in the office of the district judge in the district of Hawaii occurring 15 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence. Deadline.

SEC. 310. Pursuant to section 140 of Public Law 97–92, and from funds appropriated in this Act, Justices and judges of the United States are authorized during fiscal year 2009, to receive a salary adjustment in accordance with 28 U.S.C. 461. 28 USC 461 note.

This title may be cited as the "Judiciary Appropriations Act, 2009".

TITLE IV

DISTRICT OF COLUMBIA

District of Columbia Appropriations Act, 2009.

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Accounts.

Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Reports.
Deadline.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $39,177,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, of which $38,825,000 is for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, for the costs of providing support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions; and of which $352,000 is for the District of Columbia National Guard retention and college access program.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $248,409,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,630,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $104,277,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $55,426,000, of which not to exceed $1,500 is for official reception and representation expenses; and $76,076,000, to remain available until September 30, 2010, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees

Reports.
Deadlines.
Contracts.

Deadline.
Notification.

on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $52,475,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $76,076,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $76,076,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

Reports.
Deadlines.
Contracts.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National

Capital Revitalization and Self-Government Improvement Act of 1997, $203,490,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which not to exceed $400,000 for the Community Supervision Program and $160,000 for the Pretrial Services Program, both to remain available until September 30, 2010, are for information technology infrastructure enhancement acquisitions; of which $148,652,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $54,838,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

Deadline.

Records.
Public information.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $35,659,000, of which $700,000 is to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies. *Provided further*, That for fiscal year 2009 and thereafter, the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding 31 U.S.C. 3302, such fees shall be credited to this account, to be available until expended without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $16,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,774,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $4,887,622: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a detailed budget and comprehensive description of the activities to be carried out with such funds no later than 60 days after enactment of this Act, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later than June 1, 2009.

Budget.
Deadlines.
Reports.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $54,000,000, to be allocated as follows: for the District of Columbia Public Schools, $20,000,000 to improve public school education in the District of Columbia; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, $14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments: *Provided,* That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the D.C. School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees: *Provided further,* That use of any funds in this Act or any other Act for opportunity scholarships after school year 2009–2010 shall only be available upon enactment of reauthorization of that program by Congress and the adoption of legislation by the District of Columbia approving such reauthorization.

FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL REFORM

For a Federal payment to jump start public school reform in the District of Columbia, $20,000,000, of which $3,500,000 is to support the recruitment, development and training of principals and other school leaders; $7,000,000 is to develop optimal school programs and intervene in low performing schools; $7,500,000 is for a customized data reporting and accountability system on student performance as well as increased outreach and training for parents and community members; and $2,000,000 is to support data reporting requirements associated with the District of Columbia Public Schools teacher incentive program: *Provided*, That up to $500,000 or 10 percent, whichever is less, of the amounts above may be transferred as necessary from one activity to another activity: *Provided further*, That the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer: *Provided further*, That any amount provided under this heading shall be available only after such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

Notification. Deadline.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $21,000,000, to remain available until September 30, 2010, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR CENTRAL LIBRARY AND BRANCH LOCATIONS

For a Federal payment to the District of Columbia, $7,000,000, to remain available until expended, for the Federal contribution for costs associated with the renovation and rehabilitation of District libraries.

FEDERAL PAYMENT TO THE EXECUTIVE OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Executive Office of the Mayor of the District of Columbia to enhance the quality of life for District residents, $3,387,500, of which $1,250,000 shall be available as matching funds to temporarily continue Federal benefits for low-income couples who decide to marry, and of which $2,137,500 shall be to continue Marriage Development Accounts in the District of Columbia: *Provided*, That no funds shall be expended until the Mayor of the District of Columbia submits a detailed expenditure plan, including performance measures, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the District submit a preliminary progress report on activities no later than June 1, 2009, and a final report including a detailed description of outcomes achieved no later than February 1, 2010.

Expenditure plan.

Reports. Deadlines.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise

specifically provided: *Provided,* That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, approved November 2, 2000 (114 Stat. 2440; D.C. Official Code § 1–204.50a), and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2009 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $9,888,095,000 (of which $6,082,474,000 shall be from local funds (including $420,119,000 from dedicated taxes), $2,177,382,000 shall be from Federal grant funds, $1,621,929,000 shall be from other funds, and $6,310,000 shall be from private funds); in addition, $202,326,130 from funds previously appropriated in this Act as Federal payments: *Provided further,* That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further,* That of these funds the District's intradistrict authority shall be $725,461,000: in addition, for capital construction projects, an increase of $1,482,977,000, of which $1,121,734,000 shall be from local funds, $107,794,000 from the Local Street Maintenance fund, $60,708,000 from the District of Columbia Highway Trust Fund, $192,741,000 from Federal grant funds, and a rescission of $353,447,000 from local funds and a rescission of $37,500,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of $1,092,030,000 to remain available until expended: *Provided further,* That the amounts provided under this heading are to be available, allocated and expended as proposed under "Title III—District of Columbia Funds Division of Expenses" of the Fiscal Year 2009 Proposed Budget and Financial Plan submitted to the Congress by the District of Columbia on June 9, 2008 and such title is hereby incorporated by reference as though set forth fully herein: *Provided further,* That this amount may be increased by proceeds of one-time transactions which are expended for emergency or unanticipated operating or capital needs: *Provided further,* That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1–201.01 et seq.), as amended by this Act: *Provided further,* That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2009, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

Incorporation by reference.

This title may be cited as the "District of Columbia Appropriations Act, 2009".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $1,500,000, of which, not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $1,000,000, to remain available until expended.

COMMODITY FUTURES TRADING COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $146,000,000, including not to exceed $3,000 for official reception and representation expenses: *Provided,* That $34,734,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2009 to the Committees on Appropriations of the House of Representatives and the Senate.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission (CPSC), including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $2,000 for official reception and representation expenses, $105,404,000, of which $6,000,000 shall remain available for obligation until September 30, 2011 for costs associated with the relocation of CPSC's laboratory to a modern facility and the upgrade of laboratory equipment, and of which $2,000,000 shall remain available for obligation until September 30, 2010 to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110–140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $17,959,000, of which $4,000,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That $750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107–252): *Provided further*, That $300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, $106,000,000, to remain available until expended, of which $100,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107–252), $5,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and $1,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $341,875,000: *Provided*, That of the funds provided, not less than $3,000,000 shall be available to establish and administer a State Broadband Data and Development matching grants program for State-level broadband demand aggregation activities and creation of geographic inventory maps of broadband service to identify gaps in service and provide a baseline assessment of statewide broadband deployment: *Provided further,* That $341,875,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $341,875,000 in fiscal year 2009 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available

on October 1, 2008, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2009: *Provided further*, That, in addition, not to exceed $25,480,000 may be transferred from the Universal Service Fund in fiscal year 2009 to remain available until expended, to monitor the Universal Service Fund program to prevent and remedy waste, fraud and abuse, and to conduct audits and investigations by the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2008", each place it appears and inserting "December 31, 2009". 118 Stat. 3998.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $27,495,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $63,618,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $22,674,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-

Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $259,200,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $168,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2009, so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $70,200,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $651,198,000. To carry out the purposes of the Fund established pursuant to section 592 of title 40, United States Code, the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving;

repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,427,771,000, of which: (1) $746,317,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Tuscaloosa Federal Building, $25,000,000.

California:

San Diego, United States Courthouse Annex, $110,362,000.

San Ysidro, Land Port of Entry, $58,910,000.

Colorado:

Lakewood, Denver Federal Center Remediation, $10,472,000.

District of Columbia:

DHS Consolidation and development of St. Elizabeths Campus, $331,390,000.

Federal Office Building 8, $15,000,000.

St. Elizabeths West Campus Infrastructure, $8,249,000.

St. Elizabeths West Campus Site Acquisition, $7,000,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $163,530,000.

North Dakota:

Portal, Land Port of Entry, $15,204,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are affected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2010 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That for fiscal year 2010 and thereafter, the annual budget submission of the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: *Provided further,* That for fiscal year 2010 and thereafter, the annual budget submission of the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) $692,374,000

Expiration date.

Project plan.
40 USC 301 note.

Project plan.

shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

District of Columbia:

Eisenhower Executive Office Building, CBR, $14,700,000.

Eisenhower Executive Office Building, Phase III, $51,075,000.

West Wing Infrastructure Systems Replacement, $76,487,000.

Illinois:

Chicago, Dirksen Courthouse, $152,825,000.

North Carolina:

New Bern, United States Post Office and Courthouse, $10,640,000.

Special Emphasis Programs:

Energy and Water Retrofit and Conservation Measures, $36,647,000.

Basic Repairs and Alterations, $350,000,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2010 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $149,570,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,642,156,000 for rental of space which shall remain available until expended; and (5) $2,197,354,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds

Advanced approval.

Advanced approval.

Expiration date.

may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2009, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $54,578,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $70,645,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $54,000,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $2,934,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

PRESIDENTIAL TRANSITION EXPENSES

For expenses necessary to carry out the Presidential Transition Act of 1963, $8,520,000, of which not to exceed $1,000,000 is for activities authorized by subsections 3(a)(8) and (9) of the Act.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, $36,096,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $50,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2009 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2009 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

Advanced approval.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2010 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration

in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 514. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

Contracts. Explanatory statement.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under section 3307 of title 40, United States Code, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 516. Subsections (a) and (b)(1) of section 323 of title 40, United States Code, are each amended by striking "Consumer Information Center" and inserting "Federal Citizen Services"; and subsection (a) is further amended by striking "consumer".

SEC. 517. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

SEC. 518. WORKING CAPITAL FUND. (a) PURPOSE AND OPERATION OF WORKING CAPITAL FUND.—Subsections (a), (b) and (c) of section 3173 of title 40, United States Code, are amended to read as follows:

"(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget).

"(b) COMPOSITION.—

"(1) IN GENERAL.—Amounts received shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund: *Provided*, That entities for which such services are performed shall be charged at rates which will return in full all costs of providing such services.

"(2) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund

for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged to entities for which services are performed, in accordance with the plan.

"(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year, after making provision for anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.".

(b) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—Section 3173 of title 40, United States Code, is amended to add subsection (d), as follows:

"(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—

"(1) IN GENERAL.—Subject to subparagraph (2), unobligated balances of amounts appropriated or otherwise made available to the General Services Administration for operating expenses and salaries and expenses may be transferred and merged into the 'Major equipment acquisitions and development activity' of the working capital fund of the General Services Administration for agency-wide acquisition of capital equipment, automated data processing systems and financial management and management information systems: *Provided*, That acquisitions are limited to those needed to implement the Chief Financial Officers Act of 1990 (Public Law 101–576, 104 Stat. 2838) and related laws or regulations.

"(2) REQUIREMENTS AND AVAILABILITY.—

"(A) TIME FOR TRANSFER.—Transfer of an amount under this section must be done no later than the end of the fifth fiscal year after the fiscal year for which the amount is appropriated or otherwise made available.

"(B) APPROVAL FOR USE.—An amount transferred under this section may be used only with the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

"(C) AVAILABILITY.—An amount transferred under this section remains available until expended."

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Section 312 of such title is repealed.

(2) The heading for section 3173 of such title is amended to read as follows:

"§ 3173. Working capital fund for General Services Administration".

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $500,000, to remain available until expended: *Provided,* That hereafter, all requests of the Board of Trustees to the Secretary of the Treasury provided for in this section shall be binding on the

20 USC 2009b.

Secretary, including requests for the issuance at par of special obligations exclusively to the fund as provided for in section 10(b), which the Secretary shall implement without regard to the determination related to the public interest required by the last sentence of that section.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $38,811,000 together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $3,750,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $2,100,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $330,308,000, of which $650,000 shall remain available until September 30, 2010.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $67,008,000, of which $45,795,000 shall remain available until September 30, 2011: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

Expenditure plan.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $50,711,000, to remain available until expended: *Provided*, That the Archivist is authorized to construct an addition to the John F. Kennedy Presidential Library and Museum; and of the funds provided, $22,000,000 shall be available for construction costs and related services for building the addition to the John F. Kennedy Presidential Library and Museum and other necessary expenses, including renovating the Library as needed in constructing the addition; $17,500,000 is for necessary expenses related to the repair and renovation of the Franklin D. Roosevelt Presidential Library and Museum in Hyde Park, New York; and $2,000,000 is for the repair and restoration of the plaza that surrounds the Lyndon Baines Johnson Presidential Library and Museum that is under the joint control and custody of the University of Texas: *Provided further*, That such funds shall remain available until expended for this purpose and may be transferred directly to the University and used, together with University funds, for the repair and restoration of the plaza: *Provided further*, That such funds shall be spent

Contracts.

in accordance with the construction plan submitted to the Committees on Appropriations on March 14, 2005: *Provided further*, That the Archivist shall be prohibited from entering into any agreement with the University or any other party that requires additional funding commitments on behalf of the Federal Government for this project: *Provided further,* That hereafter, no further Federal funding shall be provided for this plaza project.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $11,250,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account of the National Archives and Records Administration for operating expenses of the National Historical Publications and Records Commission.

ADMINISTRATIVE PROVISION—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Funding assessment. 44 USC 2102 note.

Hereafter, the National Archives and Records Administration shall include in its annual budget submission a comprehensive capital needs assessment for funding provided under the "Repairs and Restoration" appropriations account to be updated yearly: *Provided*, That funds proposed under the "Repairs and Restoration" appropriations account for each fiscal year shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2009, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2009 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,000,000 shall be available until September 30, 2010 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services

as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $13,000,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $92,829,000, of which $5,851,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,351,000 shall remain available until expended for the Human Resources Line of Business project; and in addition $118,082,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $15,200,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2009, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further,* That within the funds provided, the Office of Personnel Management shall carry out the Intergovernmental Personnel Act Mobility Program, with special attention to Federal agencies employing more than 2,000 nurses: *Provided further,* That funding may be allocated to develop guidelines that provide Federal agencies direction in using their authority under the Intergovernmental Personnel Act Mobility Program, according to the directives outlined in the accompanying report.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,828,000, and in addition, not to exceed $18,755,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

33 USC 776 note.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $17,468,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,043,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,500,000, to remain available until September 30, 2010.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $943,000,000, to remain available until expended; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $130,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $894,356,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $48,644,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2009 shall be reduced as such offsetting fees are received

so as to result in a final total fiscal year 2009 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $22,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

President. Exemption authority.

Military induction.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $386,896,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That $110,000,000 shall be available to fund grants for performance in fiscal year 2009 or fiscal year 2010 as authorized, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110–186, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: *Provided further*, That $7,654,400 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2010.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,750,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $2,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $2,500,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2009 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2009 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000: *Provided further*, That during fiscal year 2009 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2009, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $138,480,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Disaster assistance. Alaska. North Dakota.

SEC. 521. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2009.

SEC. 522. None of the funds made available under this Act may be used by the Small Business Administration to implement the rule relating to women-owned small business Federal contract assistance procedures published in the Federal Register on October 1, 2008 (73 Fed. Reg. 56940 et seq.).

SEC. 523. Of the amount made available under the heading "State and Tribal Assistance Grants" under title II of division F of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2125) for the Mingo County Redevelopment Authority, $2,953,000 is transferred to the "Salaries and Expenses" account of the Small Business Administration. The amount transferred under this section shall be for the Mingo County Redevelopment Authority and shall be available for use under the terms

and conditions otherwise applicable to amounts appropriated for the "Salaries and Expenses" account of the Small Business Administration and shall remain available until expended.

SEC. 524. Funds made available under section 534 of Public Law 110–161 (121 Stat. 2125) for the Alabama Small Business Institute of Commerce, Small Business Incubator, Rainbow City, Alabama shall be made available to Alabama Small Business Institute of Commerce, Rainbow City, Alabama.

SEC. 525. For an additional amount under the heading "Small Business Administration, Salaries and Expenses", $65,653,678, to remain available until September 30, 2010, shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, and in the amounts specified in the table that appears under the heading "Administrative Provisions–Small Business Administration" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $111,831,000, of which $82,831,000 shall not be available for obligation until October 1, 2009: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2009.

Overseas voting.
Blind persons.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $239,356,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $48,463,000: *Provided*,

That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or

reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Deadline. Reports.

Reports.

Fines.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

Expenditure request.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

Abortion.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection

with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest. Abortion.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Section 5112 of title 31, United States Code (as amended by Public Law 110–161), is amended—

(1) by redesignating the second subsection (r) as subsection (s), and

(2) by striking "paragraph (4)" each place it appears in subsection (s)(5) (as redesignated by paragraph (1)) and inserting "paragraph (3)".

SEC. 617. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 618. LIFE INSURANCE FOR TAX COURT JUDGES AGE 65 OR OVER. (a) IN GENERAL.—Section 7472 of title 26, United States Code, is amended by inserting after the word "imposed" where it appears in the second sentence the following phrase "after April 24, 1999, that is incurred".

(b) EFFECTIVE DATE.—This amendment shall take effect as if included in the amendment made by section 852 of the Pension Protection Act of 2006. 26 USC 7472 note.

SEC. 619. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2008, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2009 shall remain available until expended.

SEC. 620. Section 910(a) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7209(a)) is amended to read as follows:

"(a) AUTHORIZATION OF TRAVEL RELATING TO COMMERCIAL SALES OF AGRICULTURAL AND MEDICAL GOODS.—The Secretary of the Treasury shall promulgate regulations under which the travel-related transactions listed in paragraph (c) of section 515.560 of Regulations. Cuba.

title 31, Code of Federal Regulations, are authorized by general license for travel to, from, or within Cuba for the marketing and sale of agricultural and medical goods pursuant to the provisions of this title.".

Cuba.

SEC. 621. None of the funds made available in this Act may be used to administer, implement, or enforce the amendments made to section 515.560 and section 515.561 of title 31, Code of Federal Regulations, related to travel to visit relatives in Cuba, that were published in the Federal Register on June 16, 2004.

SEC. 622. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

SEC. 623. CHRISTOPHER COLUMBUS FELLOWSHIP AUTHORIZATION. The Christopher Columbus Fellowship Act (20 U.S.C. 5701 et seq.) is amended—

(1) in section 426(a) (20 U.S.C. 5705(a))—

(A) in paragraph (3), by striking "and" at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

"(4) amounts appropriated to the Foundation, as authorized under section 430; and"; and

(2) by adding at the end the following new section:

20 USC 5709.

"SEC. 430. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Foundation, such sums as may be necessary to carry out this subtitle.".

12 USC 1843 note.

SEC. 624. Notwithstanding any other provision of law, for fiscal year 2009 and each fiscal year thereafter, neither the Board of Governors of the Federal Reserve System nor the Secretary of the Treasury may determine, by rule, regulation, order, or otherwise, for purposes of section 4(k) of the Bank Holding Company Act of 1956, or section 5136A of the Revised Statutes of the United States, that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

Definition.

For purposes of this section, "real estate brokerage activity" shall mean "real estate brokerage", and "real estate management activity" shall mean "property management", as those terms were understood by the Board of Governors of the Federal Reserve System prior to March 11, 2000.

SEC. 625. (a) Section 102(a)(3)(B) of the Help America Vote Act of 2002 (42 U.S.C. 15302(a)(3)(B)) is amended by striking "March 1, 2008" and inserting "November 1, 2010".

42 USC 15302 note.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Help America Vote Act of 2002.

Deadline. Regulations. Loans. 15 USC 1638 note.

SEC. 626. (a) Within 90 days after the date of enactment of this Act, the Federal Trade Commission shall initiate a rulemaking proceeding with respect to mortgage loans in accordance with section 553 of title 5, United States Code. Any violation of a rule prescribed under this subsection shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.

(b)(1) Except as provided in paragraph (6), a State, as parens patriae, may bring a civil action on behalf of its residents in an

appropriate State or district court of the United States to enforce the provisions of section 128 of the Truth in Lending Act (15 U.S.C. 1638), any other provision of the Truth in Lending Act, or any mortgage loan rule promulgated by the Federal Trade Commission to obtain penalties and relief provided under such Act or rule whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of such Act or rule.

(2) The State shall serve written notice to the Commission of any civil action under paragraph (1) at least 60 days prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide notice immediately upon instituting such civil action.

Notice.
Deadline.

(3) Upon receiving the notice required by paragraph (2), the Commission may intervene in such civil action and upon intervening—

(A) be heard on all matters arising in such civil action;

(B) remove the action to the appropriate United States district court; and

(C) file petitions for appeal of a decision in such civil action.

(4) Nothing in this subsection shall prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence. Nothing in this section shall prohibit the attorney general of a State, or other authorized State officer, from proceeding in State or Federal court on the basis of an alleged violation of any civil or criminal statute of that State.

(5) In a civil action brought under paragraph (1)—

(A) the venue shall be a judicial district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code; and

(B) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted.

(6) Whenever a civil action or an administrative action has been instituted by or on behalf of the Commission for violation of any provision of law or rule described in paragraph (1), no State may, during the pendency of such action instituted by or on behalf of the Commission, institute a civil action under that paragraph against any defendant named in the complaint in such action for violation of any law or rule as alleged in such complaint.

(7) If the attorney general of a State prevails in any civil action under paragraph (1), the State can recover reasonable costs and attorney fees from the lender or related party.

(c) Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by adding at the end the following:

"(m) CIVIL PENALTIES IN FEDERAL TRADE COMMISSION ENFORCEMENT ACTIONS.—For purposes of enforcement by the Federal Trade Commission, any violation of a regulation issued by the Federal Reserve Board pursuant to subsection (l)(2) of this

section shall be treated as a violation of a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) regarding unfair or deceptive acts or practices.".

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2009 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

31 USC 1343 note.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

5 USC 3101 note.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence;

(5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102–404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

Affidavit.

Penalties.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified

Applicability.

under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

5 USC 5343 note.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2009, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2009, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2009, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2009 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2009 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

Regulations.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2008, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed

from the rates in effect on September 30, 2008, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2008. Applicability.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual. Notification. Definition.

SEC. 712. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the

Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

Definitions.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under section 105 of title 5, United States Code;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Chief Acquisition Officers Council for procurement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

Notification.

Breastfeeding.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding section 1346 of title 31, United States Code, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

Reports.
Deadline.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Applicability.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision

Contracts.
Contraception.

providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Sports.
Drugs and drug abuse.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

Reports.

SEC. 733. (a) For fiscal year 2009, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

Justification materials.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the

government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2009 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2010. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

Notification.
Deadline.

Time period.

SEC. 735. Section 739(a)(1) of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2029) is amended by striking "more than 10".

31 USC 501 note.

SEC. 736. Section 739 of division D of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2030) is amended by striking subsection (b) and inserting the following:

"(b) GUIDELINES ON INSOURCING NEW AND CONTRACTED OUT FUNCTIONS.—

"(1) GUIDELINES REQUIRED.—(A) The heads of executive agencies subject to the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note) shall devise and implement guidelines and procedures to ensure that

Procedures.

consideration is given to using, on a regular basis, Federal employees to perform new functions and functions that are performed by contractors and could be performed by Federal employees.

"(B) The guidelines and procedures required under subparagraph (A) may not include any specific limitation or restriction on the number of functions or activities that may be converted to performance by Federal employees.

"(2) SPECIAL CONSIDERATION FOR CERTAIN FUNCTIONS.—The guidelines and procedures required under paragraph (1) shall provide for special consideration to be given to using Federal employees to perform any function that—

"(A) is performed by a contractor and—

"(i) has been performed by Federal employees at any time during the previous 10 years;

"(ii) is a function closely associated with the performance of an inherently governmental function;

"(iii) has been performed pursuant to a contract awarded on a non-competitive basis; or

"(iv) has been performed poorly, as determined by a contracting officer during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality; or

"(B) is a new requirement, with particular emphasis given to a new requirement that is similar to a function previously performed by Federal employees or is a function closely associated with the performance of an inherently governmental function.

"(3) EXCLUSION OF CERTAIN FUNCTIONS FROM COMPETITIONS.—The head of an executive agency may not conduct a public-private competition under Office of Management and Budget Circular A–76 or any other provision of law or regulation before—

"(A) in the case of a new agency function, assigning the performance of the function to Federal employees;

"(B) in the case of any agency function described in paragraph (2), converting the function to performance by Federal employees; or

"(C) in the case of an agency function performed by Federal employees, expanding the scope of the function.

"(4) DEADLINE.—(A) The head of each executive agency shall implement the guidelines and procedures required under this subsection by not later than 120 days after the date of the enactment of this subsection.

Reports.

"(B) Not later than 210 days after the date of the enactment of this subsection, the Government Accountability Office shall submit a report on the implementation of this subsection to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

"(5) DEFINITIONS.—In this subsection:

"(A) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

"(B) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

"(6) APPLICABILITY.—This subsection shall not apply to the Department of Defense.".

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 738. (a) Section 142(a) of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580) is amended by striking "Security." and inserting "Security and shall apply to civilian employees in the Department of Defense who are represented by a labor organization as defined in section 7103(a)(4) of title 5, United States Code.". 5 USC 5303 note.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. 5 USC 5303 note.

SEC. 739. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency. News story.

SEC. 740. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 741. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct. 5 USC 5701 note. Guidelines. Procedures.

SEC. 742. CROSSCUT BUDGET. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms "Great Lakes" and "Great Lakes State" have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term "Great Lakes restoration activities" means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

Certification.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 743. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 744. (a) Each executive department and agency shall establish and maintain on the homepage of its website, an obvious, direct link to the website of its respective Inspector General. Web links. 5 USC app. 8L.

(b) Each Office of Inspector General shall: (1) post on its website any public report or audit or portion of any report or audit issued within one day of its release; (2) provide a service on its website to allow an individual to request automatic receipt of information relating to any public report or audit or portion of that report or audit and which permits electronic transmittal of the information, or notice of the availability of the information without further request; and (3) establish and maintain a direct link on its website for individuals to anonymously report waste, fraud and abuse. Web posting.

SEC. 745. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 746. None of the funds made available by this or any other Act may be used to implement, administer, or enforce section 5(b) of Executive Order 13422 (72 Fed. Reg. 2763; relating to Regulatory Policy Officer).

SEC. 747. No later than 120 days after enactment of this Act, the Office of Management and Budget shall submit a status report on the pilot program, established under section 748 of division D of Public Law 110–161, to develop and implement an inventory to track the cost and size (in contractor manpower equivalents) of service contracts, particularly with respect to contracts that have been performed poorly by a contractor because of excessive costs or inferior quality, as determined by a contracting officer within the last 5 years, involve inherently governmental functions, or were undertaken without competition. Deadline. Reports.

SEC. 748. Executive Order 13423 (72 Fed. Reg. 3919; Jan. 24, 2007) shall remain in effect hereafter except as otherwise provided by law after the date of the enactment of this Act. 42 USC 4321 note.

SEC. 749. Effective January 20, 2009, and for each fiscal year thereafter, no part of any appropriation contained in this or any other Act may be used for the payment of services to any individual carrying out the responsibilities of any position requiring Senate advice and consent in an acting or temporary capacity after the second submission of a nomination for that individual to that position has been withdrawn or returned to the President. Effective date. 5 USC 5501 note prec.

SEC. 750. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII. 28 USC 461 note.

SEC. 751. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD. (a) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive,

for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

Regulations.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

Procedures.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

Definitions.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given those terms in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section,

means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act. 5 USC 5538 note.

SEC. 752. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2008. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers. Deadlines. Reports. Statement.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature. Lobbying.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available

to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

Notification. Deadlines. Reports.

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless in the case of Federal funds, the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming and in the case of local funds, the Committees on Appropriations of the House of Representatives and the Senate are provided summary reports on April 1, 2009 and October 1, 2009, setting forth detailed information regarding each such local funds reprogramming conducted subject to this subsection.

Reports. Deadlines.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and the Senate are provided summary reports on April 1, 2009 and October 1, 2009, setting forth detailed information regarding each reprogramming conducted subject to this subsection.

(c) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through December 1, 2009.

Applicability.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

Cohabiting couples.

SEC. 807. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32–701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 808. (a) Section 446B(f) of the District of Columbia Home Rule Act (sec. 1–204.46b(f), D.C. Official Code) is amended by striking "fiscal years 2006 through 2008" and inserting "fiscal year 2006 and each succeeding fiscal year".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the 2005 District of Columbia Omnibus Authorization Act.

SEC. 809. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses,

or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 810. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

Voting rights.

SEC. 811. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Needle distribution.

SEC. 812. None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Contraceptives. Conscience exceptions.

SEC. 813. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 814. (a) Notwithstanding section 615(i)(3)(B) of the Individuals With Disabilities Education Act (20 U.S.C. 1415(i)(3)(B)), none of the funds contained in this Act or in any other Act making appropriations for the government of the District of Columbia for fiscal year 2009 or any succeeding fiscal year may be made available—

(1) to pay the fees of an attorney who represents a party in or defends an IDEA proceeding which was initiated prior to the date of the enactment of this Act in an amount in excess of $4,000 for that proceeding; or

(2) to pay the fees of an attorney or firm who represents a party in or defends an IDEA proceeding if the Chief Financial Officer of the District of Columbia determines that the attorney or firm has a pecuniary interest (either directly or through an attorney, officer, or employee of the firm) in any special education diagnostic services or schools or other special education service providers.

Definitions.

(b) In this section, the term "IDEA proceeding" means any action or administrative proceeding (including any ensuing or related proceedings before a court of competent jurisdiction) brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

Reports.

SEC. 815. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

Effective dates.

SEC. 816. Beginning in fiscal year 2009 and each fiscal year thereafter, the amount appropriated to the District of Columbia may be increased by no more than $100,000,000 from funds identified in the annual comprehensive annual financial report as the

District's immediately preceding fiscal year's unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality. Certification.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and the Senate not fewer than 30 days in advance of the obligation or expenditure. Notification. Deadline.

SEC. 817. (a) Beginning in fiscal year 2009 and each fiscal year thereafter, consistent with revenue collections, the amount appropriated as District of Columbia Funds may be increased— Effective dates.

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the annual Proposed Budget and Financial Plan submitted to Congress by the District of Columbia; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify— Certification.

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and the Senate not fewer than 30 days in advance of the obligation or expenditure. Notification. Deadline.

SEC. 818. Beginning in fiscal year 2009 and each fiscal year thereafter, the Chief Financial Officer for the District of Columbia may, for the purpose of cash flow management, conduct short- Effective dates. Loans.

term borrowing from the emergency reserve fund and from the contingency reserve fund established under section 450A of the District of Columbia Home Rule Act (Public Law 93–198): *Provided*, That the amount borrowed shall not exceed 50 percent of the total amount of funds contained in both the emergency and contingency reserve funds at the time of borrowing: *Provided further*, That the borrowing shall not deplete either fund by more than 50 percent: *Provided further*, That 100 percent of the funds borrowed shall be replenished within 9 months of the time of the borrowing or by the end of the fiscal year, whichever occurs earlier: *Provided further*, That in the event that short-term borrowing has been conducted and the emergency or the contingency reserve funds are later depleted below 50 percent as a result of an emergency or contingency, an amount equal to the amount necessary to restore reserve levels to 50 percent of the total amount of funds contained in both the emergency and contingency reserve fund must be replenished from the amount borrowed within 60 days.

Deadlines.

Deadline.

Drugs and drug abuse.

SEC. 819. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

Abortion.

SEC. 820. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 821. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred shall retain appropriation authority consistent with the provisions of this Act.

SEC. 822. (a) INCREASE IN THE HOURLY RATE FOR ATTORNEYS REPRESENTING INDIGENT DEFENDANTS IN THE DISTRICT OF COLUMBIA COURTS.—Section 11–2604(a), District of Columbia Official Code, is amended by striking "$80 per hour" and inserting "$90 per hour".

(b) SPECIAL RULE FOR COMPENSATION OF ATTORNEYS IN NEGLECT AND TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.—Section 16–2326.01(b), District of Columbia Official Code, is amended—

(1) in paragraph (1), by striking "$1,760" and inserting "$1,980";

(2) in paragraph (2), by striking "$1,760" and inserting "$1,980";

(3) in paragraph (3), by striking "$2,400" and inserting "$2,700"; and

(4) in paragraph (4), by striking "$1,200" and inserting "$1,350".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to cases and proceedings initiated on or after the date of enactment of this Act.

SEC. 823. Section 2 of the Act entitled "An Act Relative to the control of wharf property and certain public spaces in the

District of Columbia", approved March 3, 1899 (sec. 10–501.02(a), D.C. Official Code) is amended by striking the last sentence.

SEC. 824. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2009".

DIVISION E—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009.

TITLE I

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $890,194,000, to remain available until expended, of which not to exceed $79,478,000 is available for oil and gas management; and of which $1,500,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2009 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $36,400,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $4,000 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $34,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $890,194,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $6,590,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $14,775,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $109,949,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

43 USC 1735 note.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

PAYMENTS FROM PROCEEDS, SALE OF WATER

(RESCISSION)

The unobligated balances available under this heading on the date of enactment of this Act are permanently rescinded.

USE OF RECEIPTS FROM MINERAL LEASING ACTIVITIES ON CERTAIN NAVAL OIL SHALE RESERVES

(RESCISSION)

Of the unobligated balances available under this heading, $12,996,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws

administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis.

Fees.
30 USC 28*l*.

In fiscal year 2009 and each fiscal year thereafter, the Bureau of Land Management shall collect mining law administration fees; such fees shall be collected in the same manner as those authorized by 30 U.S.C. 28f and 28g only to the extent provided in advance in appropriations Acts.

The provisions of law codified at sections 28f(a) and 28g of title 30, United States Code, are amended to remove the modifications made under the heading "administrative provisions", under the heading "Bureau of Land Management" in title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (division F of Public Law 110–161; 121 Stat. 2101).

43 USC 1474f.

Sums not to exceed 1 percent of the total value of procurements received by the Bureau of Land Management from vendors under enterprise information technology-procurements that the Department of the Interior and other Federal Government agencies may use to order information technology hereafter may be deposited into the Management of Lands and Resources account to offset costs incurred in conducting the procurement.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,140,962,000, to remain available until September 30, 2010 except as otherwise provided herein: *Provided,* That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further,* That not to exceed $19,266,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $10,458,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection

(a)(1) prior to October 1, 2008: *Provided further,* That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further,* That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $35,587,000, to remain available until expended: *Provided,* That of the unobligated balances made available in Public Law 101–512 to carry out the Anadromous Fish Conservation Act, all remaining amounts are permanently rescinded.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $42,455,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $1,500,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $80,001,000, to remain available until expended, of which $25,307,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $54,694,000 is to be derived from the Land and Water Conservation Fund: *Provided,* That of the unobligated balances available under this heading, $4,500,000 are permanently rescinded.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,100,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $42,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $4,750,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $10,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $11,106,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of

the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further,* That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2009 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2010, shall be reapportioned, together with funds appropriated in 2011, in the manner provided herein.

WILDLIFE CONSERVATION AND APPRECIATION FUND

(RESCISSION)

Of the unobligated balances available under this heading from prior year appropriations, all remaining amounts are permanently rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,131,529,000, of which $9,851,000 for planning and interagency coordination in support of Everglades restoration and $99,586,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park

Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2010.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $59,684,000.

HISTORIC PRESERVATION FUND

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $69,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2010; of which $20,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts: *Provided*, That any individual Save America's Treasures grant shall be matched by non-Federal funds; individual projects shall only be eligible for one grant; and all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: *Provided further,* That Save America's Treasures funds allocated for Federal projects, following approval, shall be available by transfer to appropriate accounts of individual agencies: *Provided further,* That of the unobligated balances in this account, $516,000 are permanently rescinded.

CONSTRUCTION

(INCLUDING RESCISSION OF FUNDS)

For construction, improvements, repair or replacement of physical facilities, including a portion of the expense for the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $233,158,000, to remain available until expended: *Provided*, That funds appropriated in this Act, or in any prior Act of Congress, for the implementation of the Modified Water Deliveries to Everglades National Park Project, shall be made available to the Army Corps of Engineers which shall, notwithstanding any other provision of law, immediately and without further delay construct or cause to be constructed Alternative 3.2.2.a to U.S. Highway 41 (the Tamiami Trail) consistent with the Limited Reevaluation Report with Integrated Environmental Assessment and addendum, approved August 2008: *Provided further,* That the Secretary of the Interior, acting through the National Park Service, is directed to immediately evaluate the feasibility of additional bridge length, beyond that to be constructed pursuant to the Modified Water Deliveries to Everglades National Park Project (16 U.S.C. § 410r–8), including a continuous bridge, or additional bridges or some combination thereof, for the Tamiami Trail (U.S. Highway 41) to restore more natural water flow to Everglades National Park and Florida Bay and for the purpose of restoring habitat within the Park and the ecological

Study.
Bridges.

connectivity between the Park and the Water Conservation Areas. The feasibility study and the recommendation of the Secretary shall be submitted to the Congress no later than 12 months from the date of enactment of this Act: *Provided further,* That for fiscal year 2009 and hereafter, fees paid by the National Park Service to the West Yellowstone/Hebgen Basin Solid Waste District will be restricted to operations and maintenance costs of the facility, given the capital contribution made by the National Park Service: *Provided further,* That, notwithstanding any other provision of law, a single procurement for the construction project at the Jefferson Memorial plaza and seawall in Washington, DC, may be issued which includes the full scope of the project: *Provided further,* That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: *Provided further,* That the National Park Service shall grant funds not to exceed $3,000,000 to the St. Louis Metropolitan Park and Recreation District for the purpose of planning and constructing a pedestrian bridge to provide safe visitor access to the Jefferson National Expansion Memorial Arch: *Provided further,* That the unobligated balances in the Federal Infrastructure Improvement Fund under this heading are permanently rescinded.

Study. Recommendations. Deadline.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2009 by 16 U.S.C. 460l–10a is rescinded.

16 USC 460*l*–10a note.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $65,190,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $20,000,000 is for the State assistance program and of which $4,000,000 is available for grants, subject to a match by at least an equal amount, to States, regional entities, local communities, and the private sector for cost-shared fee simple acquisition of land or permanent, protective interests in land, to preserve, conserve, and enhance nationally significant Civil War Battlefields: *Provided,* That of the unobligated balances under this heading for State Assistance, $1,000,000 are permanently rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the unobligated balances available under this heading, $1,300,000 are rescinded.

ADMINISTRATIVE PROVISIONS

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

42 USC 4601 note.

For fiscal year 2009 and hereafter, a willing seller from whom the Service acquires title to real property may be considered a "displaced person" for purposes of the Uniform Relocation Assistance and Real Property Acquisition Policy Act and its implementing regulations, whether or not the Service has the authority to acquire such property by eminent domain.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

Section 3(f) of the Act of August 21, 1935 (16 U.S.C. 463(f)), related to the National Park System Advisory Board, is amended in the first sentence by striking "2009" and inserting "2010".

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,043,803,000, to remain available until September 30, 2010, of which $64,078,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; and of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost: *Provided,* That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more

43 USC 50.

than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further,* That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $157,373,000, to remain available until September 30, 2010, of which $86,684,000 shall be available for royalty management activities; and an amount not to exceed $146,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided,* That in fiscal year 2009 and each fiscal year thereafter, fees and charges authorized by 31 U.S.C. 9701 may be collected only to the extent provided in advance in appropriations Acts: *Provided further,* That notwithstanding 31 U.S.C. 3302, in fiscal year 2009, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further,* That to the extent $146,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $146,730,000 shall be credited to this appropriation

30 USC 1759.

Definition.

from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2009 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $120,156,000, to remain available until September 30, 2010: *Provided,* That, in fiscal year 2009 and thereafter, the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

30 USC 1308a.

30 USC 1211 note.

ABANDONED MINE RECLAMATION FUND

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $52,946,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until

expended: *Provided,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That in fiscal year 2009 and hereafter, the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Act, if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount, together with all interest earned on the amount, is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects: *Provided further,* That of the unobligated balances available under this heading, $8,500,000 are permanently rescinded: *Provided further,* That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,128,630,000, to remain available until September 30, 2010 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: *Provided,* That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $147,294,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2009, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual

funding agreements and for unmet welfare assistance costs; of which not to exceed $499,470,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2009, and shall remain available until September 30, 2010; and of which not to exceed $58,623,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2008 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2008, of Bureau-funded schools: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2010, may be transferred during fiscal year 2011 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 2011.

Expiration date.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $217,688,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further,* That for fiscal year 2009, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further,* That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further,* That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable

Negotiation.

building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further,* That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further,* That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further,* That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further,* That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, and 109–479, and for implementation of other land and water rights settlements, $21,627,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,186,000, of which $1,600,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That of the amounts provided herein for administrative expenses, $500,000 is for the modernization of a management and accounting system: *Provided further,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $85,200,517.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Charter schools.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $107,264,000; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided,* That, for fiscal year 2009 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further,* That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100.

MANAGEMENT OF FEDERAL LANDS FOR SUBSISTENCE USES

(RESCISSION)

The unobligated balances under this heading as of the date of enactment of this provision are permanently rescinded.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,665,000, of which: (1) $69,815,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $8,850,000 shall be available until September 30, 2010 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts

48 USC 1469b.

Pacific Basin Development Council.

Close Up Foundation.

provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $62,050,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $45,953,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $181,648,000, to remain available until expended, of which not to exceed $56,445,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2009, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not

commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: *Provided further,* That not to exceed $6,000,000 may be transferred from unobligated balances (Treasury Accounts 14X6039, 14X6803 and 14X8030) for the purpose of one-time accounting reconciliations of the balances, as sanctioned by the Chief Financial Officers Act of 1990, American Indian Trust Fund Management Reform Act of 1994 and the Federal Managers' Financial Integrity Act (FMFIA).

Deadline. Account statement. Records.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $859,453,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*,

That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further,* That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

Guidance.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,148,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,338,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system, $73,435,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement

to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Determination.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2009. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided,* That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Kempthorne to the extent that such fees and costs are not paid by the Department of Justice

or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Kempthorne.

Salmon.

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 109. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

New York.
New Jersey.
Contracts.

SEC. 110. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 110–161, is further amended by deleting the phrase "in fiscal year 2008 only" and inserting in lieu thereof "in fiscal years 2008 and 2009 only".

SEC. 112. No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

SEC. 113. The Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

SEC. 114. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition

funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

Applicability.

SEC. 115. Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

Federal buildings and grounds. 16 USC 760–4 note.

SEC. 116. The Pittsford National Fish Hatchery in Chittenden, Vermont is hereby renamed the Dwight D. Eisenhower National Fish Hatchery.

SEC. 117. Section 6 of the Great Sand Dunes National Park and Preserve Act of 2000 (16 U.S.C. 410hhh–4) is amended—

(1) in subsection (a)—

(A) by striking "(a) ESTABLISHMENT.—(1) When" and inserting the following:

"(a) ESTABLISHMENT AND PURPOSE.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—When";

(B) in paragraph (2), by striking "(2) Such establishment" and inserting the following:

"(B) EFFECTIVE DATE.—The establishment of the refuge under subparagraph (A)"; and

(C) by adding at the end the following:

"(2) PURPOSE.—The purpose of the Baca National Wildlife Refuge shall be to restore, enhance, and maintain wetland, upland, riparian, and other habitats for native wildlife, plant, and fish species in the San Luis Valley.";

(2) in subsection (c)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(B) by adding at the end the following:

"(2) REQUIREMENTS.—In administering the Baca National Wildlife Refuge, the Secretary shall, to the maximum extent practicable—

"(A) emphasize migratory bird conservation; and

"(B) take into consideration the role of the Refuge in broader landscape conservation efforts."; and

(3) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) subject to any agreement in existence as of the date of enactment of this paragraph, and to the extent consistent with the purposes of the Refuge, use decreed water rights on the Refuge in approximately the same manner that the water rights have been used historically.".

SEC. 118. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $790,051,000, to remain available until September 30, 2010.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $19,000 for official reception and representation expenses, $2,392,079,000, to remain available until September 30, 2010: *Provided,* That of the funds included under this heading, not less than $95,846,000 shall be for the Geographic Programs specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2010.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $35,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6),

and (e)(4) (42 U.S.C. 9611) $1,285,024,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2008, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,285,024,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2010, and $26,417,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2010.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $112,577,000, to remain available until expended, of which $77,077,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $35,500,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $17,687,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,968,464,000, to remain available until expended, of which $689,080,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which up to $75,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $829,029,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as

amended; $20,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $18,500,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: *Provided,* That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $145,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $97,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $15,000,000 shall be for grants for cost-effective emission reduction projects in accordance with the terms and conditions of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); and $1,094,855,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States

Alaska.

under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further,* That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2009 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further,* That for fiscal year 2009, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further,* That for fiscal year 2009, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further,* That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING RESCISSION OF FUNDS)

For fiscal year 2009, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Fees.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

42 USC 4370g.

For fiscal year 2009 and thereafter, the Science and Technology and Environmental Programs and Management Accounts are available for uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–02 and for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the daily equivalent of the rate paid for level IV of the Executive Schedule. Unless specifically authorized by law, for fiscal year 2009 and thereafter, none of

the funds available under this title for grants may be used to pay for the salaries of individual consultants at more than the daily equivalent of the rate paid for level IV of the Executive Schedule.

None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

Title II of Public Law 109–54, under the heading Administrative Provisions, is amended: in the fourth paragraph, strike "make not to exceed five appointments in any fiscal year under the authority provided in 42 U.S.C. 209 for the Office of Research and Development" and insert "employ up to thirty persons at any one time in the Office of Research and Development under the authority provided in 42 U.S.C. 209". 119 Stat. 531.

From unobligated balances to carry out projects and activities funded through the State and Tribal Assistance Grants Account, $10,000,000 are permanently rescinded.

Of the funds provided in the Environmental Programs and Management Account, not less than $6,500,000 shall be used for activities to develop and publish a final rule not later than June 26, 2009, and to begin implementation, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States, as required by Public Law 110–161. Publication. Regulations. Deadline. Greenhouse gas emissions.

For fiscal year 2009 and thereafter, the Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities provided that the cost does not exceed $85,000 per project. 42 USC 4370h.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $296,380,000, to remain available until expended: *Provided,* That of the funds provided, $60,770,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $265,861,000, to remain available until expended, as authorized

by law; and of which $49,445,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL FOREST SYSTEM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,514,805,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided,* That of the unobligated balances in this account, $5,000,000 are rescinded.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $495,393,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $50,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That up to $40,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further,* That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2009 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

Roads.
Notice.
Public comment.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $49,775,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended. (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,131,630,000, to remain available until expended: *Provided,* That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further,* That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the

extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further,* That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further,* That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further,* That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further,* That of the funds provided, $328,086,000 is for hazardous fuels reduction activities, $11,500,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $55,000,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $17,252,000 is for forest health activities on Federal lands and $9,928,000 is for forest health activities on State and private lands: *Provided further,* That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further,* That up to $15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief of the Forest Service 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further,* That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $10,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further,* That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under

Notification.
Transfer date.

the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further,* That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)). 16 USC 556i.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Not more than $73,285,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the

Department of Agriculture and not more than $19,400,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided,* That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $50,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,190,956,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $634,477,000 for contract medical care, including $31,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That no less than $36,189,000 is provided for maintaining operations of the urban Indian health program: *Provided further*, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $7,500,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian

Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $282,398,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2009, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $390,168,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That

not to exceed $2,700,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities for which the appropriation is made or otherwise contribute to the improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published

Regulations.
Budget request.

in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account that provided the funding, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

Notification.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $78,074,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $74,039,000, of which up to $1,000 to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none

of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2009, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,703,000: *Provided,* That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $10,199,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, $300,000 shall be paid to the "Office of Inspector General" appropriation of the Environmental Protection Agency.

Government positions.

5 USC app. 8G note.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $7,530,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate

eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $7,900,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $593,400,000, of which not to exceed $19,352,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $1,553,000 for fellowships and scholarly awards shall remain available until September 30, 2010; and including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $123,000,000, to remain available until

expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

For major restoration, renovation, and rehabilitation of existing Smithsonian facilities, $15,000,000, to remain available until expended: *Provided,* That such funds may be made available in incremental amounts for individual projects after being matched by an equal amount in private donations, which shall not include in-kind contributions: *Provided further,* That none of the funds made available under this heading, or any required matching funds, shall be used for day-to-day maintenance, general salaries and expenses, or programmatic purposes: *Provided further,* That the total amount of private contributions may be adjusted to reflect any provision in this or any other appropriations Act that affects the overall amount of the Federal appropriation for this Fund.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $105,388,000, of which not to exceed $3,350,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $17,368,000, to remain available until expended: *Provided,* That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price. Contracts.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $21,300,000.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $15,064,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $10,000,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $155,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided,* That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447: *Provided further,* That hereinafter funds previously appropriated to the National Endowment for the Arts "Challenge America" account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $155,000,000, to remain available until expended, of which $140,700,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,300,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall

be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISION

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson. Grants.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,234,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $9,500,000: *Provided*, That no organization shall receive a grant in excess of $650,000 in a single year.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,498,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,328,000: *Provided,* That one-quarter

of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $47,260,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $17,450,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $2,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Contracts.

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

Lobbying.

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or

employee of such department or agency except as otherwise provided by law.

Budget estimates.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

Forests and forest products.

SEC. 407. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2006.

Patents. Mines and mining.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2009, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–

277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), and Public Law 110–161 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2008 for such purposes, except that for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

Plan.
16 USC 1604 note.

SEC. 410. Prior to October 1, 2009, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

Contracts.
Foreign relations.
Wildfires.

SEC. 412. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression: *Provided,* That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country: *Provided further,* That when an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further,* That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

Contracts.
Urban and rural areas.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided,* That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further,* That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Guidance.

Competitive sourcing.

SEC. 414. None of the funds made available by this or any other Act may be used in fiscal year 2009 for competitive sourcing studies and any related activities involving Forest Service personnel.

SEC. 415. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 416. None of the funds made available under this Act may be used to promulgate or implement the Environmental Protection Agency proposed regulations published in the Federal Register on January 3, 2007 (72 Fed. Reg. 69).

SEC. 417. Section 337(a) of the Department of the Interior and Related Agencies Appropriations Act, 2005 (Public Law 108–447; 118 Stat. 3012) is amended by striking "September 30, 2006" and inserting "September 30, 2010".

43 USC 1701 note.

SEC. 418. Section 330 of Public Law 106–291 concerning Service First authorities (114 Stat. 996), as amended by section 428 of Public Law 109–54 (119 Stat. 555–556), is further amended by striking "2008" and inserting in lieu thereof "2011".

121 Stat. 2149.

SEC. 419. Section 422 of title IV of division F of Public Law 110–161 is amended by inserting after "fiscal year 2007" the following: "and subsequent fiscal years through fiscal year 2014".

SEC. 420. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to

remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

Alaska.

SEC. 421. The boundaries of the Tongass National Forest in the State of Alaska are modified to include the approximately 1,043.38 acres of land acquired by the United States from the Alaska Mental Health Trust Authority, which is more particularly described as lots 1-B and 1-C, Mt. Verstovia-Gavan Hill Subdivision of U.S. Survey No. 3858 and U.S. Survey No. 3849.

SEC. 422. Title V of the Forest Service Realignment and Enhancement Act, 2005, Public Law 109–54, 119 Stat. 559–563; 16 U.S.C. 580d note, is amended as follows:

(1) In section 503, subsection (f) by striking "2008" and inserting in lieu thereof "2011" and;

(2) In section 504—

(A) in subsection (a)(3) by striking in whole, and inserting in lieu thereof "TERMS, CONDITIONS, AND RESERVATIONS.—The conveyance of an administrative site under this title shall be subject to such terms, conditions, and reservations as the Secretary determines to be necessary to protect the public interest";

(B) in subsection (d)(1) by striking "Subchapter I of chapter 5", and inserting in lieu thereof "Chapter 5 of subtitle I"; and

(C) in subsection (d)(4)(B) by striking in whole, and inserting in lieu thereof "determine whether to include terms, conditions, and reservations under subsection (a)(3); and".

Sec. 423. LAKE TAHOE BASIN HAZARDOUS FUEL REDUCTION PROJECTS. (a) Hereafter, subject to subsection (b), a proposal to authorize a hazardous fuel reduction project, not to exceed 5,000 acres, including no more than 1,500 acres of mechanical thinning, on the Lake Tahoe Basin Management Unit may be categorically excluded from documentation in an environmental impact statement or an environmental assessment under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) if the project:

(1) is consistent with the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy published in December 2007 and any subsequent revisions to the Strategy;

(2) is not conducted in any wilderness areas; and

(3) does not involve any new permanent roads.

(b) A proposal that is categorically excluded under this section shall be subject to—

(1) the extraordinary circumstances procedures established by the Forest Service pursuant to section 1508.4 of title 40, Code of Federal Regulations; and

(2) an opportunity for public input.

Deadline.
Determination.
Greenhouse gas emissions.

SEC. 424. Not later than June 30, 2009, the Administrator of the Environmental Protection Agency shall reconsider, and confirm or reverse, the decision to deny the request of the State of California to regulate greenhouse gas emissions from new motor vehicles.

SEC. 425. TOXICS RELEASE INVENTORY REPORTING. Notwithstanding any other provision of law—

(1) none of the funds made available by this or any other Act may, hereafter, be used to implement the final rule promulgated by the Administrator of the Environmental Protection Agency entitled "Toxics Release Inventory Burden Reduction Final Rule" (71 Fed. Reg. 76932); and

(2) the final rule described in paragraph (1) shall have no force or effect. The affected regulatory text shall revert to what it was before the final rule described in paragraph (1) became effective, until any future action taken by the Administrator.

SEC. 426. Section 325 of Public Law 108–108 is amended by striking "fiscal years 2004–2008" and inserting "fiscal year 2009." 43 USC 1752 note.

SEC. 427. The Secretary of Agriculture and the Secretary of the Interior shall execute an agreement that transfers management and oversight including transfer of function for the workforce, of the Centennial, Collbran, Columbia Basin, Fort Simcoe, Treasure Lake, and Weber Basin Job Corps Centers to the Forest Service. These Job Corps centers shall continue to be administered as described in section 147(c) of Public Law 105–220, Workforce Investment Act of 1998. Contracts.

SEC. 428. Section 434 of division F of Public Law 110–161 is amended by striking paragraph (3) and inserting a new paragraph (3) as follows: 16 USC 2104 note.

"(3) By adding at the end the following:

"'(m) Section 106 of Public Law 108–148 shall apply to all projects authorized by this Act. Sections 104 and 105 of Public Law 108–148 may be applied to projects authorized by this Act.'.". Applicability.

SEC. 429. (a) During the 60-day period beginning on the date of the enactment of this Act— Time period.

(1) the Secretary of the Interior and the Secretary of Commerce may withdraw or reissue the rule described in subsection (c)(1) without regard to any provision of statute or regulation that establishes a requirement for such withdrawal; and

(2) the Secretary of the Interior may withdraw or reissue the rule referred to in subsection (c)(2) without regard to any provision of statute or regulation that establishes a requirement for such withdrawal.

(b) If the Secretary of the Interior or the Secretary of Commerce (or both) withdraws a rule under subsection (a), such Secretary shall implement the provisions of law under which the rule was issued in accordance with the regulations in effect under such provisions immediately before the effective date of such rule, except as otherwise provided by any Act or rule that takes effect after the effective date of the rule that is withdrawn.

(c) The rules referred to in subsection (a) are the following:

(1) The final rule relating to "Interagency Cooperation under the Endangered Species Act", issued by the United States Fish and Wildlife Service and the National Marine Fisheries Service and signed November 26, 2008, by the Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior and the Deputy Assistant Administrator for the Regulatory Programs of the National Marine Fisheries Service. Endangered species.

(2) The final rule relating to "Endangered and Threatened Wildlife and Plants; Special Rule for the Polar Bear", issued by the Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior on December 10, 2008. Polar bear.

SEC. 430. Within the amounts appropriated in this division, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled "Congressionally Directed Spending" included in the explanatory statement accompanying this Act (as described in section 4, in the matter preceding division A of this consolidated Act).

This division may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009".

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009. Department of Labor Appropriations Act, 2009.

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2009

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,626,448,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,969,449,000 as follows:

(A) $861,540,000 for adult employment and training activities, of which $149,540,000 shall be available for the period July 1, 2009, through June 30, 2010, and of which $712,000,000 shall be available for the period October 1, 2009 through June 30, 2010;

(B) $924,069,000 for youth activities, which shall be available for the period April 1, 2009 through June 30, 2010; and

(C) $1,183,840,000 for dislocated worker employment and training activities, of which $335,840,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which $848,000,000 shall be available for the period October 1, 2009 through June 30, 2010:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor;

(2) for federally administered programs, $489,429,000 as follows:

(A) $283,051,000 for the dislocated workers assistance national reserve, of which $71,051,000 shall be available for the period July 1, 2009 through June 30, 2010, and of which $212,000,000 shall be available for the period October 1, 2009 through June 30, 2010: *Provided*, That up to $125,000,000 may be made available for Community-

Based Job Training grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers;

(B) $52,758,000 for Native American programs, which shall be available for the period July 1, 2009 through June 30, 2010;

(C) $82,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $76,710,000 for formula grants (of which not less that 70 percent shall be for employment and training services), $5,400,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $510,000 for other discretionary purposes, which shall be available for the period July 1, 2009 through June 30, 2010: *Provided,* That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2009 through June 30, 2010; and

(E) $70,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2009 through June 30, 2010: *Provided,* That for program years 2008 and 2009, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy; (3) for national activities, $167,570,000, as follows:

(A) $48,781,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2009 through June 30, 2010, of which $5,000,000 shall be for competitive grants to address the employment and training needs of young parents (notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA), and of which $41,324,000 shall be used for the projects, and in the amounts, specified under the heading "Training and Employment Services" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That funding

provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $108,493,000 for ex-offender activities, under the authority of section 171 of the WIA, which shall be available for the period April 1, 2009 through June 30, 2010, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D): *Provided*, That not less than $88,500,000 shall be for youthful offender activities, of which $35,000,000 shall be for a program of competitive grants to local educational agencies or community-based organizations to develop and implement mentoring strategies that integrate educational and employment interventions designed to prevent youth violence in schools identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act;

(C) $6,918,000 for Evaluation, which shall be available for the period July 1, 2009 through June 30, 2010; and

(D) $3,378,000 for the Denali Commission, which shall be available for the period July 1, 2009 through June 30, 2010.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, $571,925,000, which shall be available for the period July 1, 2009 through June 30, 2010: *Provided,* That funds made available under this heading in this Act may, in accordance with section 517(c) of the Older Americans Act of 1965, be recaptured and reobligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2009 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, $958,800,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2009.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $91,698,000, together with not to exceed $3,563,167,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $2,782,145,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper

payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2009, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2011, and funds used for unemployment insurance workloads experienced by the States through September 30, 2009 shall be available for Federal obligation through December 31, 2009;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $680,893,000 from the Trust Fund, together with $22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010;

(4) $20,869,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $67,950,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $52,821,000 shall be available for the Federal administration of such activities, and $15,129,000 shall be available for grants to States for the administration of such activities;

(6) $51,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2009 through June 30, 2010; and

(7) $17,295,000 from the General Fund is to provide for work incentive grants to the States and shall be available for the period July 1, 2009 through June 30, 2010:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2009 is projected by the Department of Labor to exceed 3,487,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants

to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: *Provided further,* That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews: *Provided,* That not later than June 30, 2010, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further,* That not later than June 30, 2011, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

Deadline. Reports.

Deadline. Reports.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal unemployment benefits and allowances" account, to remain available through September 30, 2010, $422,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2009, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $85,323,000, together with not to exceed $45,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $143,419,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by 31 U.S.C. 9104 as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2009, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2009 shall be available for obligations for administrative expenses in excess of $444,722,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2009, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pre-termination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

Notification.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $438,166,000, together with $2,101,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under

Fees.

title I of the Migrant and Seasonal Agricultural Worker Protection Act.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $97,000,000 are rescinded as of September 30, 2009.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $163,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2008, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2009: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,720,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $15,068,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $23,273,000;

(3) For periodic roll management and medical review, $14,379,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $188,130,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2010, $56,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $49,654,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2009 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2009 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,308,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $24,694,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $325,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

26 USC 9501 note.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $513,042,000, including not to exceed $92,593,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and

Fees.

education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2009, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

Farms and farming.

Small businesses.

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,000,000 shall be available for Susan Harwood training grants, of which $3,144,000 shall be used for the Institutional Competency Building training grants awarded in February 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further,* That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

Farms and farming.

Grants.
Deadline.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $347,003,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, and $1,808,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster. 30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $518,918,000, together with not to exceed $78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series. Survey.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to

the training and employment of people with disabilities, $26,679,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,871,000, of which $86,074,000 is for the Bureau of International Labor Affairs (including $6,500,000 to implement model programs to address worker rights issues through technical assistance in countries with which the United States has trade preference programs), and of which $21,286,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,683,938,000, plus reimbursements, as follows:

(1) $1,540,276,000 for Job Corps Operations, of which $949,276,000 shall be available for obligation for the period July 1, 2009 through June 30, 2010 and of which $591,000,000 shall be available for obligation for the period October 1, 2009 through June 30, 2010;

(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 shall be available for the period July 1, 2009 through June 30, 2012 and $100,000,000 shall be available for the period October 1, 2009 through June 30, 2012; and

(3) $28,662,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2008 through September 30, 2009:

Contracts.

Provided, That the Office of Job Corps shall have contracting authority: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $205,468,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall

be available for obligation by the States through December 31, 2009, of which $1,949,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $33,971,000, of which $7,641,000 shall be available for obligation for the period July 1, 2009 through June 30, 2010.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $76,326,000, together with not to exceed $5,815,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Deadline.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

Child labor.

SEC. 104. After September 30, 2008, the Secretary of Labor shall issue a monthly transit subsidy of not less than the full amount (of not less than $115) that each of its employees of the National Capital Region is eligible to receive.

Effective date.
Transit subsidy.
5 USC 7905 note.

SEC. 105. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Reports.

SEC. 106. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 107. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 108. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community-Based Job Training grants and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 110. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.

SEC. 111. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs

involved including Employment and Training Administration programs.

This title may be cited as the "Department of Labor Appropriations Act, 2009".

TITLE II

Department of Health and Human Services Appropriations Act, 2009.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act ("PHS Act"), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, $7,234,436,000, of which $39,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided,* That of the funds made available under this heading, $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $56,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $40,000 is available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further,* That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $307,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $1,886,873,000 shall remain available

Abortions. Political activities.

Deadline.
Grants.
Urban and rural areas.

to the Secretary of Health and Human Services through September 30, 2011, for parts A and B of title XXVI of the PHS Act: *Provided further*, That within the amounts provided for part A of title XXVI of the PHS Act, $10,853,000 is available to the Secretary of Health and Human Services through September 30, 2011, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2009 to metropolitan areas that received grant funding in fiscal year 2008 under subpart I of part A of title XXVI of the PHS Act to ensure that an area's total funding under subpart I of part A for fiscal year 2008, together with the amount of this additional funding, is not less than 93.7 percent of the amount of such area's total funding under part A for fiscal year 2006, and to transitional areas that received grant funding in fiscal year 2008 under subpart II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subpart II of part A for fiscal year 2008, together with the amount of this additional funding, is not less than 88.7 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2008, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That $815,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further,* That notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $92,551,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further,* That notwithstanding section 747(e)(2) of the PHS Act, not less than $5,000,000 shall be for general dentistry programs, not less than $5,000,000 shall be for pediatric dentistry programs including faculty loan repayment, and not less than $29,025,000 shall be for family medicine programs: *Provided further*, That of the funds provided, $19,642,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds provided, $26,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: *Provided further,* That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: *Provided further*, That of the amount appropriated in this paragraph, $310,470,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading "Health Resources and Services" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and of which up to one percent of

the amount for each project may be used for related agency administrative expenses: *Provided further,* That notwithstanding section 338J(k) of the PHS Act, $9,201,000 is available for State Offices of Rural Health: *Provided further,* That of the funds provided, $15,000,000 is available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act ("PHS Act"). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $5,404,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,283,350,000, of which $151,500,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which $570,307,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act; of which $21,997,000 shall be used for the projects, and in the amounts, specified under the heading "Disease Control, Research, and Training" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act); of which $118,863,000 for international HIV/AIDS shall remain available through September 30, 2010; and of which $70,000,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: *Provided,* That in addition, such sums as may be derived from

authorized user fees, which shall be credited to this account: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $124,701,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $46,780,000 for Health Marketing; (5) $31,000,000 to carry out Public Health Research; and (6) $91,225,000 to carry out research activities within the National Occupational Research Agenda: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That of the funds made available under this heading, up to $1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further,* That not to exceed $19,528,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further*, That out of funds made available under this heading for domestic HIV/AIDS testing, up to $15,000,000 shall be for States newly eligible in fiscal year 2009 under section 2625 of the PHS Act as of December 31, 2008 and shall be distributed by May 31, 2009 based on standard criteria relating to a State's epidemiological profile, and of which not more than $1,000,000 may be made available to any one State, and amounts that have not been obligated by May 31, 2009 shall be made available to States and local public health departments for HIV testing activities: *Provided further,* That none of the funds made available in this Act to carry out part A of title XIX of the PHS Act may be used to provide more than 75 percent of any State's allotment under section 1902 of the PHS Act until

Gun control.

Notification.

Contracts.

Certification.
Plans.
Deadline.

such State certifies that it will submit a plan to the Secretary of Health and Human Services, not later than January 1, 2010, to reduce healthcare-associated infections: *Provided further,* That each such State plan shall be consistent with the Department of Health and Human Services' national action plan for reducing healthcare-associated infections and include measurable 5-year goals and interim milestones for reducing such infections: *Provided further,* That the Secretary shall conduct a review of the State plans submitted pursuant to the preceding proviso and report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010, regarding the adequacy of such plans for achieving State and national goals for reducing healthcare-associated infections: *Provided further,* That for purposes of the two preceding provisos, the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

Review. Reports. Deadline.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: *Provided,* That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,968,973,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,015,689,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $402,652,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,761,338,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,593,344,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,702,572,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,997,801,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,294,894,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $688,480,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $662,820,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,080,796,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $524,872,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $407,259,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $141,879,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $450,230,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,032,759,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,450,491,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $502,367,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $308,208,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,226,263,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $125,471,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $205,959,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $68,691,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act ("PHS Act") with respect to health information communications, $330,771,000, of which $4,000,000 shall be available until

expended for improvement of information systems: *Provided*, That in fiscal year 2009, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health ("NIH"), $1,246,864,000, of which up to $25,000,000 shall be used to carry out section 214 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $192,300,000 shall be available for continuation of the National Children's Study: *Provided further*, That $541,133,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act ("PHS Act"): *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $125,581,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, $3,334,906,000, of which $15,666,000 shall be used for the projects, and in the amounts, specified under the heading "Substance Abuse and Mental Health Services" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided,* That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further,* That $2,000,000 shall be

available to establish State-administered controlled substance monitoring systems as authorized by Public Law 109–60: *Provided further,* That $772,000 shall be for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2009: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $22,750,000 to carry out national surveys on drug abuse and mental health; and (4) $8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2009.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act ("PHS Act"), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed $372,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $149,335,031,000, to remain available until expended.

For making, after May 31, 2009, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2009 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2010, $71,700,038,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $195,383,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act ("PHS Act"), and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,305,386,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That $35,700,000, to remain available through September 30, 2010, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further,* That $108,900,000, to remain available through September 30, 2010, shall be for the Centers for Medicare and Medicaid Services ("CMS") Medicare contracting reform activities: *Provided further,* That funds appropriated under this heading shall be available for the Healthy Start, Grow Smart program under which the CMS may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2009 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That $4,542,000 shall be used for the projects, and in the amounts, specified under the heading "Program Management" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That $75,000,000 is available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006.

Fees.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $198,000,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $147,038,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act, including activities listed in section 1893(b) of such Act; of which $18,967,000 shall be for the Department of Health and Human Services Office of Inspector General; of which $13,028,000 shall be for the Medicaid and State Children's Health Insurance Program ("SCHIP") program integrity activities; and of which $18,967,000 shall be for the Department of Justice: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2009 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and SCHIP programs for the funds provided by this appropriation. Reports.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,759,078,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2010, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $633,442,000, of which up to $9,814,000

shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2009 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2011.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $271,401,000 shall be reserved by the States for activities authorized under section 658G, of which $99,534,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act ("PHS Act"), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low-Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,301,111,000, of which $36,500,000, to remain available through September 30, 2010, shall

be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2009: *Provided,* That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further,* That $7,112,786,000 shall be for making payments under the Head Start Act, of which $2,000,000, to remain available through September 30, 2010, shall be designated to fund section 657B: *Provided further*, That $746,000,000 shall be for making payments under the CSBG Act: *Provided further,* That not less than $10,000,000 shall be for section 680(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $47,688,000 shall be for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further,* That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $94,659,000 shall be for making competitive grants to provide abstinence education (as defined by section 510(b)(2) of the Social Security Act) to adolescents, and for Federal costs of administering the grants: *Provided further*, That grants under the immediately preceding proviso shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grants, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required

Adoption incentives.

Procedures. 42 USC 9921 note.

Applicability.

Abstinence education.

by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which abstinence education was provided: *Provided further,* That information provided through such competitive grants for abstinence education shall be scientifically accurate and shall comply with section 317P(c)(2) of the PHS Act: *Provided further*, That within amounts provided herein for abstinence education for adolescents, up to $10,000,000 may be available for a national abstinence education campaign: *Provided further,* That in addition to amounts provided herein for abstinence education for adolescents, $4,455,000 shall be available from amounts available under section 241 of the PHS Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further,* That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further,* That $16,910,000 shall be used for the projects, and in the amounts, specified under the heading "Children and Families Services Programs" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,311,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,050,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2010, $1,800,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,491,343,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $5,123,000 shall be used for the projects, and in the amounts, specified under the heading "Aging Services Programs" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, XXI, and XXIX of the Public Health Service Act ("PHS Act"), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $389,925,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities: *Provided*, That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; $5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: *Provided further*, That of the funds made available under this heading for carrying out title XX of the PHS Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act without application of the limitation of section 2010(c) of such title XX: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That $2,854,000 shall be used for the projects, and in the amounts, specified under the heading "General Departmental Management" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate ("Committees on Appropriations") in a prompt, professional manner and within the time frame specified in the request: *Provided further,* That scientific information, including such information provided in congressional testimony, requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay.

Deadline.

Embryo adoption.

Scientific information.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $64,604,000,

to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $43,552,000: *Provided*, That in addition to amounts provided herein, $17,679,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $45,279,000: *Provided,* That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $36,785,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $537,704,000, of which not to exceed $22,052,000 shall be to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act ("PHS Act").

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, $275,000,000, to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2010.

For expenses necessary to prepare for and respond to an influenza pandemic, $448,091,000, together with $137,000,000 to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, of which $507,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the PHS Act: *Provided further*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

Government employees. Children and youth. AIDS.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

Reports.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human

Services shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Deadline.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Deadline.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

Certification.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and

Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

Drugs and drug abuse. Certification. Deadline. Tobacco and tobacco products.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act if such State certifies to the Secretary of Health and Human Services by May 1, 2009, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2009 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2008, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2008 State expenditures and all fiscal year 2009 obligations for tobacco prevention and compliance activities by program activity by July 31, 2009.

Reports. Deadline.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2009.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 of the Public Health Service Act from a territory that receives less than $1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2009:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to

the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 214. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act ("PHS Act") to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

Applicability.

SEC. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

42 USC 2940o note.

SEC. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

Electronic records. Public information. Deadline. 42 USC 282c.

SEC. 217. The Director of the National Institutes of Health ("NIH") shall require in the current fiscal year and thereafter that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 218. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 219. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 220. Section 223 of division G of the Consolidated Appropriations Act, 2008, is amended in its first proviso by striking "for" the first time it appears and inserting "in". 42 USC 3514a.

SEC. 221. (a) IN GENERAL.—Section 1927(c)(1)(D) of the Social Security Act (42 U.S.C. § 1396r–8(c)(1)(D)), as added by section 6001(d)(2) of the Deficit Reduction Act of 2005, is amended— 42 USC 1396r–8.

(1) in clause (i)—

(A) by redesignating subclause (IV) as subclause (VI); and

(B) by inserting after subclause (III) the following:

"(IV) An entity that—

"(aa) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Act or is State-owned or operated; and

"(bb) would be a covered entity described in section 340(B)(a)(4) of the Public Health Service Act insofar as the entity provides the same type of services to the same type of populations as a covered entity described in such section provides, but does not receive funding under a provision of law referred to in such section;

"(V) A public or nonprofit entity, or an entity based at an institution of higher learning whose primary purpose is to provide health care services to students of that institution, that provides a service or services described under section 1001(a) of the Public Health Service Act, 42 U.S.C. 300.".

(2) by adding at the end the following new clause:

"(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to alter any existing statutory or regulatory prohibition on services with respect to an entity described in clause (i)(IV), including the prohibition set forth in section 1008 of the Public Health Service Act.".

(b) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6001(d)(2) of the Deficit Reduction Act of 2005. 42 USC 1396r–8 note.

42 USC 238f note.

SEC. 222. Section 202 of Public Law 102–394 is hereby amended by substituting "4,000" for "2,800".

Deadline. Notice. Public comment.

SEC. 223. Within 60 days of passage of this Act, the Secretary of the Department of Health and Human Services shall issue an Advanced Notice of Proposed Rulemaking to solicit public comment in advance of modifying regulations at 42 CFR Part 50 Subpart F for the purpose of strengthening Federal oversight and identifying enhancements of policies, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health.

Designation. 42 USC 280g–1 note.

SEC. 224. Hereafter, the activities authorized under section 399M of the Public Health Service Act shall be known as the "James T. Walsh Universal Newborn Hearing Screening Program."

(RESCISSION OF FUNDS)

SEC. 225. Of the funds available for carrying out section 204 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170), $21,500,000 are rescinded: *Provided,* That notwithstanding subsection (c)(3)(B) of such section, in no case may the aggregate amount of payments made by the Secretary of Health and Human Services to States under such section exceed $223,500,000.

SEC. 226. Section 1941(b)(1)(B) of the Social Security Act, as added by section 7002(b) of the Supplemental Appropriations Act, 2008, is amended by inserting "each of" after "for".

42 USC 1396w–1.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2009".

Department of Education Appropriations Act, 2009.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,760,086,000, of which $4,739,881,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $10,841,176,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That $6,597,946,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2008, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,265,718,000, of which $1,128,535,000 shall be for basic support payments under section 8003(b), $48,602,000 shall be for payments for children with disabilities under section 8003(d), $17,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2010, $66,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2008–2009, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,362,016,000, of which $3,495,865,000 shall become available on July 1, 2009, and remain available through September 30, 2010, and of which $1,681,441,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010, for academic year 2009–2010: *Provided*, That of the funds available for section 2103(a) of the ESEA, $5,000,000 shall be available for a school leadership partnership initiative and up to $7,500,000 shall be available for teacher and principal quality national activities administered by the Secretary of Education, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center

Hawaii.

of Excellence in Native Hawaiian law: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further,* That $57,113,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $33,791,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That $7,360,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $122,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965, $996,425,000: *Provided*, That $10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c), including $1,000,000 to develop a National Board certification for principals of elementary and secondary schools: *Provided further*, That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: *Provided further*, That $347,640,000 shall be available to carry out part D of title V: *Provided further*, That $88,015,000 shall be used for the projects, and in the amounts, specified under the heading "Innovation and Improvement" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That $97,270,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one

non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V, the Secretary shall use up to $21,031,000 to carry out activities under section 5205(b) and under subpart 2, and shall use not less than $195,000,000 to carry out other activities authorized under subpart 1.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, $690,370,000, of which $294,759,000 shall become available on July 1, 2009, and remain available through September 30, 2010: *Provided*, That $294,759,000 shall be available for subpart 1 of part A of title IV and $220,240,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $141,912,000 shall be available to carry out part D of title V: *Provided further,* That of the funds available to carry out subpart 3 of part C of title II, up to $13,383,000 may be used to carry out section 2345 and $2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $730,000,000, which shall become available on July 1, 2009, and shall remain available through September 30, 2010, except that 6.5 percent of such amount shall be available on October 1, 2008, and shall remain available through September 30, 2010, to carry out activities under section 3111(c)(1)(C): *Provided,* That the Secretary of Education shall use the American Community Survey child counts to calculate State allocations under such part but, for any State that would otherwise receive greater than a 10-percent reduction from its previous year's allocation, the Secretary shall carry out such calculation using the average of the American Community Survey child counts for the 3 most recent years.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, $12,579,677,000, of which $3,726,354,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $8,592,383,000 shall become available on October 1, 2009, and shall remain available through

September 30, 2010, for academic year 2009–2010: *Provided*, That $13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of recorded educational materials: *Provided further*, That $737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2008, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games hosted in the United States.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,387,762,000: *Provided,* That $3,088,000 shall be used for the projects, and in the amounts, specified under the heading "Rehabilitation Services and Disability Research" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $22,599,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $64,212,000, of which $1,175,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $124,000,000, of which $6,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the

Adult Education and Family Literacy Act, subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, $1,944,348,000, of which $4,400,000 shall become available on October 1, 2008 and remain available until September 30, 2010, of which $1,148,948,000 shall become available on July 1, 2009, and shall remain available through September 30, 2010, and of which $791,000,000 shall become available on October 1, 2009, and shall remain available through September 30, 2010: *Provided,* That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for the Adult Education and Family Literacy Act, $6,878,000 shall be for national leadership activities under section 243 and $6,468,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available October 1, 2008, and shall remain available through September 30, 2010, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2009, and remain available through September 30, 2010, for grants to local educational agencies: *Provided further*, That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $19,156,973,000, which shall remain available through September 30, 2010.

The maximum Pell Grant for which a student shall be eligible during award year 2009–2010 shall be $4,860. 20 USC 1070a note.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, $887,000,000 shall not be available until October 1, 2009.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $753,402,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, section 515 of the Federal Mine Safety and Health Act of 1977, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,100,150,000: *Provided*, That $9,687,000, to remain available through September 30, 2010, shall be available to fund fellowships for academic year 2010–2011 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That up to $6,556,000 shall be available to continue funding for recipients of multi-year awards under section 204 of the HEA, as that Act was in effect prior to the date of enactment of the Higher Education Opportunity Act ("HEOA"), in accordance with the terms of their awards: *Provided further,* That notwithstanding any other provision of law, funds available under section 371 of the HEA for Tribal Colleges and Universities may be used for construction grants, including such funds to recipients of continuation grants for multi-year awards that were made in fiscal year 2008 under section 316 of the HEA, as that Act was in effect prior to the date of enactment of the HEOA, in accordance with the terms of such multi-year awards: *Provided further,* That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the HEOA, that would have otherwise received a continuation award for fiscal year 2009 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further,* That the portion of the funds received under section 316 by a recipient described

in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further,* That $1,000,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: *Provided further,* That the Secretary of Education shall identify these scholarships as "Erma Byrd Scholarships": *Provided further,* That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: *Provided further,* That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: *Provided further,* That the Secretary shall be authorized to accept contributions for such scholarships from private sources: *Provided further,* That these funds shall be used for scholarships for academic year 2009–2010 and may be available for scholarships in academic year 2010–2011: *Provided further*, That $91,243,000 shall be used for the projects, and in the amounts, specified under the heading "Higher Education" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

Designation.
Notice.
Federal Register, publication.

HOWARD UNIVERSITY

For partial support of Howard University, $234,977,000, of which not less than $3,464,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

Notwithstanding the limitations contained in section 344(a) of the Higher Education Act of 1965 ("HEA"), the aggregate principal amount of outstanding bonds insured under the Historically Black College and University Capital Financing Program is authorized to equal but not exceed $725,000,000, which may be used for loans to public and private historically black colleges and universities without regard to paragraphs (1) and (2) of section 344(a).

For the cost of guaranteed loans, $10,000,000, as authorized pursuant to Part D of title III of the HEA: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed

$100,000,000. In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $617,175,000, of which $312,241,000 shall be available until September 30, 2010: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information: *Provided further*, That up to $5,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $433,482,000, of which $5,400,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $96,826,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,539,000.

GENERAL PROVISIONS

Racial desegregation.

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose

of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Voluntary prayer. Meditation.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification. Deadline.

Montana.

SEC. 305. The signature pages submitted by Heart Butte School District in Pondera County, Montana, as part of its application for Impact Aid under title VIII of the Elementary and Secondary Education Act of 1965, shall be considered to have been timely and complete for purposes of receiving funding under such program for fiscal year 2009.

SEC. 306. The Outlying Areas may consolidate funds received under this Act as well as any remaining funds received under the Department of Education Appropriations Act, 2008, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

This title may be cited as the "Department of Education Appropriations Act, 2009".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,094,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service

Act of 1990 ("1990 Act"), $680,564,000, of which $309,835,000 shall be to carry out the 1973 Act and $370,729,000 shall be to carry out the 1990 Act: *Provided*, That $27,500,000 of the amount provided under this heading shall be available to carry out subtitle E of the 1990 Act at five campuses throughout the United States: *Provided further*, That up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle: *Provided further*, That none of the funds made available under this heading for activities authorized by section 122 and part E of title II of the 1973 Act shall be used to provide stipends or other monetary incentives to program participants or volunteer leaders whose incomes exceed the income guidelines in subsections 211(e) and 213(b) of the 1973 Act: *Provided further*, That notwithstanding subtitle H of title I of the 1990 Act, none of the funds provided for quality and innovation activities shall be used to support salaries and related expenses (including travel) attributable to Corporation for National and Community Service employees: *Provided further*, That of the amounts provided under this heading: (1) not more than $55,000,000 of grants made under subtitle C of the 1990 Act may be used to administer, reimburse, or support any national service program authorized under section 129(d)(2) of the 1990 Act; and (2) $11,790,000 shall be to provide assistance to State commissions on national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(4) of the 1990 Act.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), $131,075,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" for grants made under subtitle C of the 1990 Act to this appropriation upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $71,715,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $6,512,000.

ADMINISTRATIVE PROVISIONS

Definition.

SEC. 401. Notwithstanding any other provision of law, the term "qualified student loan" with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act of 1990.

SEC. 402. Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act of 1990 ("1990 Act") to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the 1990 Act.

Notice.
Public comment.

SEC. 403. The Corporation for National and Community Service ("the Corporation") shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2009, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 404. Professional Corps programs described in section 122(a)(8) of the National and Community Service Act of 1990 may apply to the Corporation for National and Community Service for a waiver of application of section 140(c)(2).

SEC. 405. Notwithstanding 31 U.S.C. 1342, the Corporation for National and Community Service ("the Corporation") may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws: *Provided*, That an individual who provides services under this section shall be subject to the same protections and limitations as volunteers under section 196(a) of the National and Community Service Act of 1990.

SEC. 406. Organizations operating projects under the AmeriCorps Education Awards Program shall do so without regard to the requirements of sections 121(d) and (e), 131(e), 132, and 140(a), (d), and (e) of the National and Community Service Act of 1990.

42 USC 12571 note.

SEC. 407. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first three years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver

consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 408. Notwithstanding any other provision of law, formula-based grants to States and territories under section 129(a)(1)–(2) of the National and Community Service Act of 1990 to operate AmeriCorps programs may be made if the application describes proposed positions into which participants will be placed, the proposed minimum qualifications of such participants, and includes an assurance that the State will select national service programs for subgrants on a competitive basis, and an assurance that the aforementioned information will be provided for each subgrant awarded prior to the execution of such subgrants.

(TRANSFER OF FUNDS)

Deadline.
Notice.
42 USC 12601a.

SEC. 409. For fiscal year 2009 and thereafter, in addition to amounts otherwise provided to the National Service Trust, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of appropriations available for grants under the National Service Trust Program under subtitle C of title I of the 1990 Act during such fiscal year may be transferred to the National Service Trust after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate, if such funds are initially obligated before the expiration of their period of availability.

SEC. 410. Of the amounts provided in this Act which the Corporation for National and Community Service ("the Corporation") allocates for the provision of assistance under subsections 129(a) and (b) of the National and Community Service Act of 1990 ("1990 Act"), the Corporation shall apply the formula in section 129(a)(1) of the 1990 Act in such a manner so as to ensure that each State shall receive a minimum of $500,000: *Provided,* That, in no event shall the total amount allotted under section 129(a)(1) exceed 33⅓ percent of the funds allocated by the Corporation for the provision of assistance under subsections 129(a) and (b) of the 1990 Act.

SEC. 411. Notwithstanding section 139(b) of the National and Community Service Act of 1990 ("1990 Act"), an individual in an approved national service position performing full-time or part-time national service directly related to disaster relief efforts may continue in that term of service for a period of 6 months beyond the periods otherwise specified in sections 139(b) and 153(e) of the 1990 Act or section 104 of the Domestic Volunteer Service Act of 1973. Service in an extended term as provided under this section shall constitute a single term of service for purposes of sections 146(b) and (c) of the 1990 Act.

SEC. 412. Donations made to the Corporation for National and Community Service ("the Corporation") under section 196 of the National and Community Service Act of 1990 ("1990 Act") for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitles B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("Corporation"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2011, $430,000,000: *Provided*, That no funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That no funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That for fiscal year 2009, in addition to the amounts provided above, $34,591,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2009, in addition to the amounts provided above, $26,642,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation by this Act, division G of the Consolidated Appropriations Act, 2008, or the Continuing Appropriations Resolution, 2007, shall be used to support the Television Future Fund or any similar purpose.

Political test.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $45,476,000: *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $8,653,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $274,840,000, of which $10,737,000 shall be used for the projects, and in the amounts, specified under the heading "Office of Museum and Library Services: Grants and Administration" in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funds may be made available for support through inter-agency agreement or grant to commemorative Federal commissions that support museum and library activities, in partnership with libraries and museums that are eligible for funding under programs carried out by the Institute of Museum and Library Services.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,403,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,206,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $262,595,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated

on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,186,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $72,000,000, which shall include amounts becoming available in fiscal year 2009 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2010, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $105,463,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General ("Office") for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $7,806,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided,* That none of the funds

made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office, except as permitted pursuant to the last proviso under this heading in division G of the Consolidated Appropriations Act, 2008.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,406,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $30,471,537,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2010, $15,400,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $10,067,500,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2009 not needed for fiscal year 2009 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or

support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $264,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $240,000,000, for additional continuing disability reviews and redeterminations of eligibility: *Provided,* That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002. Reports.

In addition, $145,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2009 exceed $145,000,000, the amounts shall be available in fiscal year 2010 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $28,000,000, together with not to exceed $70,127,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate. Notice.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall

be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Lobbying.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and expenses".

Needle distribution.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Abortion.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Definition.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Abortion.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

Human embryos.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

Definition.

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

Drugs and drug abuse.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

Contracts.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

Reports.

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

Notifications.
Deadlines.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

Political disclosures.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

Scientific information.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

Deadline. Operating plan.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2009 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), or the fiscal year 2009 budget request.

Aliens.

SEC. 519. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act.

Reports.

SEC. 520. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2009, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

Deadline.

Contracts. Certification.

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies

in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 522. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 523. (a) Section 14002(a)(2)(A)(i) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended, in the matter preceding subclause (I), by inserting "education" after "secondary".

Ante, p. 280.

(b) Section 14002(b)(1) of such division is amended by striking "14001" and inserting "14001(d)".

(c) Section 14003(a) of such division is amended by striking "the Adult and Family Literacy Act (20 U.S.C. 1400 et seq.)" and inserting "the Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.)".

Ante, p. 281.

(d) Section 14005(a) of such division is amended by striking "14001" and inserting "14001(d)".

Ante, p. 282.

(e) Section 14005(d)(4)(C) of such division is amended by striking "6401(e)(1)(9)(A)(ii)" and inserting "6401(e)(1)(A)(ii)".

Ante, p. 283.

(f) Section 14005(d)(5) of such division is amended—

(1) by striking "1116(a)(7)(C)(iv)" and inserting "1116(b)(7)(C)(iv)"; and

(2) by striking "1116(a)(8)(B)" and inserting "1116(b)(8)(B)".

(g) Section 14011 of such division is amended by inserting before the period at the end the following: ", unless such funds are used to provide special education and related services to children with disabilities, as authorized by the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)".

Ante, p. 285.

(h) Section 14012(c) of such division is amended to read as follows:

Ante, p. 286.

"(c) CRITERIA.—The Secretary shall not grant a waiver or modification under this section unless the Secretary determines that the State receiving such waiver or modification will not provide for elementary, secondary, and public higher education, for the fiscal year under consideration, a smaller percentage of the total revenues available to the State than the percentage provided for such purpose in the preceding fiscal year.".

TITLE VI

8 USC 1101 note.

AFGHAN ALLIES PROTECTION ACT OF 2009

Afghan Allies Protection Act of 2009.

SEC. 601. SHORT TITLE.

This Act may be cited as the "Afghan Allies Protection Act of 2009".

SEC. 602. PROTECTION FOR AFGHAN ALLIES.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN AFGHANS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary of Homeland Security, or, notwithstanding any other provision of law, the Secretary of State in consultation with the Secretary of Homeland Security, may provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa;

(C) is otherwise admissible to the United States for permanent residence (excluding the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)); and

(D) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security.

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this subparagraph if the alien—

(i) is a citizen or national of Afghanistan;

(ii) was or is employed by or on behalf of the United States Government in Afghanistan on or after October 7, 2001, for not less than one year;

(iii) provided faithful and valuable service to the United States Government, which is documented in a positive recommendation or evaluation, subject to subparagraph (D), from the employee's senior supervisor or the person currently occupying that position, or a more senior person, if the employee's senior supervisor has left the employer or has left Afghanistan; and

(iv) has experienced or is experiencing an ongoing serious threat as a consequence of the alien's employment by the United States Government.

(B) SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) is the spouse or child of a principal alien described in subparagraph (A); and

(ii) is accompanying or following to join the principal alien in the United States.

(C) SURVIVING SPOUSE OR CHILD.—An alien is described in this subparagraph if the alien—

(i) was the spouse or child of a principal alien described in subparagraph (A) who had a petition for classification approved pursuant to this section or section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note) which included the alien as an accompanying spouse or child; and

(ii) due to the death of the principal alien—

(I) such petition was revoked or terminated (or otherwise rendered null); and

(II) such petition would have been approved if the principal alien had survived.

Risk assessment. Records.

(D) APPROVAL BY CHIEF OF MISSION REQUIRED.—A recommendation or evaluation required under subparagraph (A)(iii) shall be accompanied by approval from the appropriate Chief of Mission, or the designee of the appropriate Chief of Mission, who shall conduct a risk assessment of the alien and an independent review of records maintained by the United States Government or hiring organization or entity to confirm employment and faithful and valuable service to the United States Government prior to approval of a petition under this section.

(3) NUMERICAL LIMITATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the total number of principal aliens who may be provided special immigrant status under this section may not exceed 1,500 per year for each of the fiscal years 2009, 2010, 2011, 2012, and 2013.

(B) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant status under this subsection shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(C) CARRY FORWARD.—

(i) FISCAL YEARS 2009 THROUGH 2013.—If the numerical limitation specified in subparagraph (A) is not reached during a given fiscal year, with respect to fiscal year 2009, 2010, 2011, 2012, or 2013, the numerical limitation specified in such subparagraph for the following fiscal year shall be increased by a number equal to the difference between—

(I) the numerical limitation specified in subparagraph (A) for the given fiscal year; and

(II) the number of principal aliens provided special immigrant status under this section during the given fiscal year.

(ii) FISCAL YEAR 2014.—If the numerical limitation determined under clause (i) is not reached in fiscal year 2013, the total number of principal aliens who may be provided special immigrant status under this

subsection for fiscal year 2014 shall be equal to the difference between—

(I) the numerical limitation determined under clause (i) for fiscal year 2013; and

(II) the number of principal aliens provided such status under this section during fiscal year 2013.

(4) PROHIBITION ON FEES.—The Secretary of Homeland Security or the Secretary of State may not charge an alien described in subparagraph (A), (B), or (C) of paragraph (2) any fee in connection with an application for, or issuance of, a special immigrant visa under this section.

(5) ASSISTANCE WITH PASSPORT ISSUANCE.—The Secretary of State shall make a reasonable effort to ensure that an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is issued a special immigrant visa pursuant to this subsection is provided with the appropriate series Afghan passport necessary to enter the United States.

(6) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien described in subparagraph (A), (B), or (C) of paragraph (2) who is seeking special immigrant status under this subsection protection or to immediately remove such alien from Afghanistan, if possible, if the Secretary determines, after consultation, that such alien is in imminent danger.

(7) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this subsection solely because such alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(8) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act (8 U.S.C. 1157) for a period not to exceed 8 months.

(9) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (A), (B), or (C) of paragraph (2) of this subsection or in section 1244(b) of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 397) to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a nonimmigrant into the United States; and

(B) is otherwise eligible for special immigrant status under—

(i)(I) this subsection; or

(II) such section 1244(b); and

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(10) REPORT ON IMPLEMENTATION AND AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—

(A) REQUIREMENT FOR REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate committees of Congress a report on the implementation of this subsection.

(B) CONTENT OF REPORT.—The report required by subparagraph (A) shall describe actions taken, and additional administrative measures that may be needed, to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(C) AUTHORITY TO CARRY OUT ADMINISTRATIVE MEASURES.—The Secretary of Homeland Security and the Secretary of State shall implement any additional administrative measures described in subparagraph (B) as they may deem necessary and appropriate to ensure the integrity of the program established under this subsection and the national security interests of the United States related to such program.

(11) ANNUAL REPORT ON USE OF SPECIAL IMMIGRANT STATUS.—

(A) REQUIREMENT.—Not later than 120 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Homeland Security shall submit to the appropriate committees of Congress a report on the number of citizens or nationals of Afghanistan or Iraq who have applied for status as special immigrants under this subsection or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 396).

(B) CONTENT.—Each report required by subparagraph (A) submitted in a fiscal year shall include the following information for the previous fiscal year:

(i) The number of citizens or nationals of Afghanistan or Iraq who submitted an application for status as a special immigrant pursuant to this section or section 1244 of the Refugee Crisis in Iraq Act of 2007 (Public Law 110–181; 122 Stat. 396), disaggregated—

(I) by the number of principal aliens applying for such status; and

(II) by the number of spouses and children of principal aliens applying for such status.

(ii) The number of applications referred to in clause (i) that—

(I) were approved; or

(II) were denied, including a description of the basis for each denial.

(c) INFORMATION REGARDING CITIZENS OR NATIONALS OF AFGHANISTAN EMPLOYED BY THE UNITED STATES OR FEDERAL CONTRACTORS IN AFGHANISTAN.—

(1) REQUIREMENT TO COMPILE INFORMATION.—

Deadline. Records.

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Administrator of the United States Agency for International Development, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury shall—

(i) review internal records and databases of their respective agencies for information that can be used to verify employment of citizens or nationals of Afghanistan by the United States Government; and

(ii) request from each prime contractor or grantee that has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with their respective agencies that is valued in excess of $25,000, information that may be used to verify the employment of such citizens or nationals by such contractor or grantee.

(B) INFORMATION REQUIRED.—To the extent data is available, the information referred to in subparagraph (A) shall include the name and dates of employment of, biometric data for, and other data that can be used to verify the employment of each citizen or national of Afghanistan who has performed work in Afghanistan since October 7, 2001, under a contract, grant, or cooperative agreement with an executive agency.

(2) REPORT ON ESTABLISHMENT OF DATABASE.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the United States Agency for International Development, the Secretary of Homeland Security, the Secretary of State, and the Secretary of the Treasury, shall submit to the appropriate committees of Congress a report examining the options for establishing a unified and classified database of information related to contracts, grants, or cooperative agreements entered into by executive agencies for the performance of work in Afghanistan since October 7, 2001, including the information described and collected under paragraph (1), to be used by relevant Federal departments and agencies to adjudicate refugee, asylum, special immigrant visa, and other immigration claims and applications.

(3) REPORT ON NONCOMPLIANCE.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a report that describes—

(A) the inability or unwillingness of any contractor or grantee to provide the information requested under paragraph (1)(A)(ii); and

(B) the reasons that such contractor or grantee provided for failing to provide such information.

(4) EXECUTIVE AGENCY DEFINED.—In this subsection, the term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the authority of the Secretary of Homeland Security under section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 8 U.S.C. 1101 note).

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009".

Legislative Branch Appropriations Act, 2009.
2 USC 60a note.

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2009

TITLE I

LEGISLATIVE BRANCH

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $171,699,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,413,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $720,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore Emeritus, $100,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $4,998,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,096,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,200,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,655,000 for each such committee; in all, $3,310,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $814,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,690,000 for each such committee; in all, $3,380,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $397,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $24,020,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $66,800,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,758,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $44,693,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $6,743,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,484,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $137,400,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2013.

MISCELLANEOUS ITEMS

For miscellaneous items, $21,043,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $400,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

2 USC 61–1 and note. Effective date.

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2008, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2008, increased by an additional $50,000 each.

2 USC 61h–6.

SEC. 2. CONSULTANTS. (a) IN GENERAL.—

(1) The first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended by striking "eight individual consultants" and inserting "nine individual consultants".

(2) The second sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) is amended by striking "two individual consultants" and inserting "three individual consultants".

(b) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and shall apply to fiscal year 2009 and each fiscal year thereafter. 2 USC 61h–6 note.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,301,267,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,113,000, including: Office of the Speaker, $4,879,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,436,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,390,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,115,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,630,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $501,000; Republican Steering Committee, $950,000; Republican Conference, $1,777,000; Republican Policy Committee, $337,000; Democratic Steering and Policy Committee, $1,315,000; Democratic Caucus, $1,749,000; nine minority employees, $1,502,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $476,000; and Cloakroom Personnel—minority, $476,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $609,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $154,000,000: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $9,500,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $187,954,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $27,457,000, of which $500,000 shall remain available until December 31, 2010 and $2,060,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $8,355,000; for salaries and expenses of the Office of the Chief Administrative Officer, including not more than $3,000 for official representation and reception expenses, $125,838,000, of which $7,057,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $4,945,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $3,974,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,357,000; for the Office of the Chaplain, $173,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,007,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,057,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,337,000; for salaries and expenses of the Office of Interparliamentary Affairs, $777,000; for other authorized employees, $1,158,000; and for salaries and expenses of the Office of the Historian, including the costs of the House Fellows Program (including lodging and related expenses for visiting Program participants), $519,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $293,900,000, including: supplies, materials, administrative costs and Federal tort claims, $11,656,000, of which $2,500,000 shall remain available until expended; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $260,703,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $1,900,000, to remain available until expended; Business Continuity and Disaster Recovery, $18,698,000, of which $6,260,000 shall remain available until expended; and

miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $742,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2009. Any amount remaining after all payments are made under such allowances for fiscal year 2009 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. (a) The Chief Administrative Officer of the House of Representatives shall deposit all amounts received as promotional rebates and incentives on credit card purchases, balances, and payments into the House Services Revolving Fund under section 105 of the Legislative Branch Appropriations Act, 2005.

(b) Section 105(a) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 117m(a)) is amended by adding at the end the following new paragraph:

"(6) The collection of promotional rebates and incentives on credit card purchases, balances, and payments.".

(c) The amendments made by this section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

Applicability. 2 USC 117m note.

SEC. 103. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by adding at the end the following new subsection:

"(d) Amounts appropriated for any fiscal year for the House of Representatives under the heading 'Allowances and Expenses' may be transferred to the Architect of the Capitol and made available under the heading 'House Office Buildings', subject to the approval of the Committee on Appropriations of the House of Representatives.".

(b) The amendment made by subsection (a) shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

Applicability. 2 USC 95b note.

Effective dates.
2 USC 74a–10a.

SEC. 104. (a) Effective with respect to fiscal year 2008 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Floor Leader is increased by $200,000.

(2) The allowance for the office of the Minority Floor Leader is increased by $200,000.

Effective dates.

(b) Effective with respect to fiscal year 2009 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows:

(1) The allowance for the office of the Majority Whip is increased by $72,000.

(2) The allowance for the office of the Minority Whip is increased by $72,000.

SEC. 105. (a) Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b) is amended by striking "transferred among" each place it appears in subsections (a), (b), and (c)(1) and inserting "transferred among and merged with".

(b) Section 101(c)(2) of such Act (2 U.S.C. 95b(c)) is amended to read as follows:

"(2) The headings referred to in paragraph (1) are 'House Leadership Offices', 'Members' Representational Allowances', 'Committee Employees', 'Salaries, Officers and Employees', and 'Allowances and Expenses'.".

Applicability.
2 USC 95b note.

(c) The amendments made by this section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

SEC. 106. PERMITTING HOUSE CHILD CARE CENTER TO OFFER SERVICES FOR SCHOOL-AGE CHILDREN.—Section 312(a)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062(a)(1)) is amended by striking "pre-school child care" and inserting the following: "pre-school child care and (subject to the approval of regulations by the Committee on House Administration) child care for school age children other than during the course of the ordinary school day".

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,626,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $10,719,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the

Attending Physician; (2) an allowance of $1,300 per month to one Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,223,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,105,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $800,000, to be disbursed by the Secretary of the Senate.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

SALARIES AND EXPENSES

For salaries and expenses of the Capitol Guide Service, $9,940,000, to be disbursed by the Secretary of the Senate and Special Services Office.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 110th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $248,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances,

relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $57,750,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2009 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY.—Amounts appropriated for fiscal year 2009 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,072,000, of which $800,000 shall remain available until September 30, 2010: *Provided,* That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further,* That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $44,082,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings

and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $90,659,000, of which $1,505,000 shall remain available until September 30, 2013.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $35,840,000, of which $10,681,000 shall remain available until September 30, 2013.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $9,649,000, of which $340,000 shall remain available until September 30, 2013.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $69,359,000, of which $9,743,000 shall remain available until September 30, 2013.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $65,814,000, of which $19,603,000 shall remain available until September 30, 2013.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $149,042,000, of which $63,570,000 shall remain available until September 30, 2013: *Provided,* That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2009.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and

grounds, $39,094,000, of which $13,640,000 shall remain available until September 30, 2013.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $18,996,000, of which $3,497,000 shall remain available until September 30, 2013.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $10,906,000, of which $2,055,000 shall remain available until September 30, 2013: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $31,124,000, to remain available until expended, and in addition, $9,103,000 for Capitol Visitor Center operations costs: *Provided,* That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISIONS

2 USC 1811 note.

SEC. 1101. (a) COLLECTION AND SALE OF RECYCLABLE MATERIALS.—

(1) ESTABLISHMENT OF PROGRAM.—The Architect of the Capitol shall establish a program for the collection and sale of recyclable materials collected from or on the Capitol buildings and grounds, in accordance with the procedures applicable under subchapter III of chapter 5 of subtitle I of title 40, United States Code to the sale of surplus property by an executive agency.

(2) EXCLUSION OF MATERIALS SUBJECT TO OTHER PROGRAMS.—The program established under this section shall not apply with respect to any materials which are subject to collection and sale under—

(A) the third undesignated paragraph under the center heading "MISCELLANEOUS" in the first section of the Act entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes", approved August 7, 1882 (2 U.S.C. 117);

(B) section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99–500 and Public Law 99–591) (2 U.S.C. 117e);

(C) the Senate waste recycling program referred to in section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f); or

(D) any other authorized program for the collection and sale of recyclable materials.

(b) REVOLVING FUND.—

(1) IN GENERAL.—There is established in the Treasury a revolving fund for the Office of the Architect of the Capitol, which shall consist of—

(A) proceeds from the sale of recyclable materials under the program established under this section; and

(B) such amounts as may be appropriated under law.

(2) USE OF FUND.—Amounts in the revolving fund established under paragraph (1) shall be available without fiscal year limitation to the Architect of the Capitol, subject to the Architect providing prior notice to the Committees on Appropriations of the House of Representatives and Senate— Notice.

(A) to carry out the program established under this section;

(B) to carry out authorized programs and activities of the Architect to improve the environment; and

(C) to carry out authorized programs and activities of the Architect to promote energy savings.

(c) EFFECTIVE DATE.—This section shall apply with respect to each of the fiscal years 2009 through 2013.

SEC. 1102. (a) PERMITTING LEASING OF SPACE.—Subject to the availability of funds, the Architect of the Capitol may acquire real property by lease for the use of the Library of Congress in any State or the District of Columbia if— 2 USC 1823a.

(1) the Architect of the Capitol and the Librarian of Congress submit a joint request for the Architect to lease the property to the Joint Committee on the Library and to the Committees on Appropriations of the House of Representatives and Senate; and Property request.

(2) the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate each approve the request.

(b) TRANSFER OF FUNDS.—Subject to the approval of the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol and the Librarian of Congress may transfer between themselves appropriations or other available funds to pay the costs incurred in acquiring real property pursuant to the authority of this section and the costs of necessary expenses incurred in connection with the acquisition of the property.

(c) LIMIT ON OBLIGATIONS.—No obligation entered into pursuant to the authority of this section shall be in advance of, or in excess of, available appropriations.

(d) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $419,030,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2009, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2009 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further,* That of the total amount appropriated, $17,959,000 shall remain available until September 30, 2011 for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,170,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further*, That of the total amount appropriated, $1,495,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further,* That of the total amount appropriated, $560,000 shall be transferred to the Federal Library and Information Center's FEDLINK Program: *Provided further,* That of the total amount appropriated, $190,000 shall be used to provide a grant to the New York Historical Society for the digitization of its collection: *Provided further,* That of the total amount appropriated, $95,000 shall be used to provide a grant to the University of Florida for development of a library of original case studies.

Grants.

Grants.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $51,592,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2009 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $4,564,000 shall be derived from collections during fiscal year 2009 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $33,315,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $107,323,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $68,816,000, of which $30,155,000 shall remain available until expended: *Provided,* That of the total amount appropriated, $650,000 shall be

available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

SEC. 1201. INCENTIVE AWARDS PROGRAM.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1202. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2009, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $134,212,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2009, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "Library of Congress", under the subheading "Salaries and expenses", to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1203. TRANSFER AUTHORITY. (a) IN GENERAL.—Amounts appropriated for fiscal year 2009 for the Library of Congress may be transferred during fiscal year 2009 between any of the headings under the heading "Library of Congress" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading "Library of Congress" for fiscal year 2009 may be transferred from that account by all transfers made under subsection (a).

SEC. 1204. ABRAHAM LINCOLN BICENTENNIAL COMMISSION. Section 5(d) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. note prec. 101; Public Law 106–173) is amended by striking "that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date that member ceases to be a Member of Congress" and inserting "that member may continue to serve on the Commission for the life of the Commission".

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary

for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $96,828,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $38,744,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2007 and 2008 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $4,995,000 for information technology development and facilities repair: *Provided,* That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts

and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings "Office of Superintendent of Documents" and "Salaries and Expenses" may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

Regulations.

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $531,000,000: *Provided,* That not more than $5,375,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2009: *Provided further,* That not more than $2,260,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2009: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

SEC. 1301. REPEAL AND MODIFICATION OF CERTAIN REPORTING REQUIREMENTS. (a) SPECTRUM RELOCATION FUND TRANSFERS.—Section 118(e)(1)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(e)(1)(B)) is amended—

(1) in clause (ii) by adding "and" after the semicolon;

(2) in clause (iii) by striking "; and" and inserting a period; and

(3) by striking clause (iv).

(b) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151(d)) is amended by striking subsection (d) and inserting the following:

"(d) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall regularly review the implementation of this section.".

(c) GAO STUDY AND REPORT ON IMPACT OF SAFE HARBOR ON MEDIGAP POLICIES.—Section 5201(b)(2) of title V of division J of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 42 U.S.C. 1320a–7a note) is repealed.

(d) GAO REPORT ON DATE RAPE DRUG CAMPAIGN.—Section 7(b)(3) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 (Public Law 106–172; 21 U.S.C. 801 note) is repealed.

(e) INSPECTOR GENERAL AUDIT AND GAO REPORT ON ENROLLEES ELIGIBLE FOR MEDICAID.—Section 2108(d) of the Social Security Act (42 U.S.C. 1397hh(d)) is amended—

(1) in the heading by striking "AND GAO REPORT"; and

(2) by striking paragraph (3).

(f) GAO REPORT ON MA REGIONAL PLAN STABILIZATION FUND.—Section 1858(e)(7) of the Social Security Act (42 U.S.C. 1395w–27a(e)(7)) is repealed.

(g) BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL.—Section 214 of the Medical Device User Fee and Modernization Act of 2002 (Public Law 107–250; 42 U.S.C. 289g–3 note) is repealed.

(h) DISPOSITION OF RIGHTS.—Section 202(b) of title 35, United States Code is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $13,900,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2009 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

Contracts.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets in the irregular shaped grassy areas bounded by Washington Avenue SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency,

or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 209. GUIDED TOURS OF THE CAPITOL. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

SEC. 210. LIMITATION ON CERTAIN INSPECTORS GENERAL AUTHORITY TO USE FIREARMS. None of the funds made available in this Act may be used by the Inspector General of the Architect of the Capitol or the Inspector General of the Library of Congress to purchase, maintain, or carry any firearm.

This division may be cited as the "Legislative Branch Appropriations Act, 2009".

DIVISION H—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2009

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009.

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $5,360,318,000, of which $1,117,000,000 is for Worldwide Security Protection (to remain available until expended), to be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,118,598,000 to remain available until September 30, 2010, of which not less than $130,637,000 shall be available only for public diplomacy American salaries.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $1,548,617,000, to remain available until September 30, 2010, of which not less than

$264,169,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $585,078,000, to remain available until September 30, 2010.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $1,108,025,000, to remain available until September 30, 2010.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,605,150 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER AND REPROGRAMMING.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

Establishment.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development, and for related reconstruction and stabilization assistance to prevent or

respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $45,000,000, to remain available until expended: *Provided,* That up to $23,014,000 may be made available in fiscal year 2009 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further,* That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, only to support an actively deployed civilian response corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That not later than 60 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title II of this Act.

President. Transfer authority. Notification.

Deadline. Spending plan.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $71,000,000, to remain available until expended, as authorized: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $37,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $538,000,000, to remain available until expended: *Provided,* That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $22,814,000, to remain available until September 30, 2010.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds

otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $801,344,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $770,000,000, to remain available until expended: *Provided,* That funds made available by this paragraph may not be obligated until a plan is submitted to the Committees on Appropriations with the proposed allocation of funds made available by this Act and by proceeds of sales for all projects in fiscal year 2009: *Provided further,* That the Under Secretary for Management, United States Department of State, shall consult with the Committees on Appropriations on a regular and ongoing basis on the design of any proposed self-financed New Embassy Compound.

Plans.

Consultation.

In addition, for necessary expenses for overseas facility construction and related costs for the United States Agency for International Development, pursuant to section 667 of the Foreign Assistance Act of 1961, $135,225,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $9,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), $5,000,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $678,000, as authorized: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $675,000, which may be transferred to, and merged with, funds made available under the heading "Diplomatic and Consular Programs".

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $16,840,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $157,100,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a note.

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,529,400,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

Budget.
United Nations.

Notification.
Deadline.
United Nations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $1,517,000,000, of which 15 percent shall remain available until September 30, 2010: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping mission from trafficking in persons, exploiting

Deadline.
Notifications.
Human trafficking.

victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (3) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the Committees on Appropriations that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

Certification.

22 USC 269a note.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $32,256,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

Canada.
Great Britain.

For necessary expenses, not otherwise provided, $11,649,000, of which $7,559,000 is for the International Joint Commission and $1,970,000 is for the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and $2,120,000 is for the Border Environment Cooperation Commission as authorized by Public Law 103–182: *Provided,* That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses 45 days after submission to the Committees on Appropriations of a report detailing obligations, expenditures, and associated activities for fiscal years 2006, 2007, and 2008, including any unobligated funds which expired at the end of each fiscal year and the justification for why such funds were not obligated.

Availability date.
Reports.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $29,925,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $698,187,000: *Provided,* That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed $2,000,000 in receipts from advertising and revenue from business ventures, not to exceed $500,000 in receipts from cooperating international organizations, and not to exceed $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

Cuba.
Middle East.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $11,296,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), $16,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $31,000,000, to remain available until September 30, 2010.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2009, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2009, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Nonprofit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2009, to remain available until expended.

EAST-WEST CENTER

Hawaii.

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $21,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $115,000,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner among the core institutes and $15,000,000 shall be for democracy, human rights, and rule of law programs, of which $250,000 shall be for programs and activities in Tibet: *Provided,* That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis: *Provided further,* That funds made available by this Act for the promotion of democracy may be made available

Deadline.
Reports.

for the National Endowment for Democracy notwithstanding any other provision of law or regulation.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $599,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,000,000, to remain available until September 30, 2010.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,610,000, to remain available until September 30, 2010.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2010.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $4,000,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2010: *Provided,* That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: *Provided further,* That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission

Deadlines. Reports.

Applicability.

Compliance.

on the People's Republic of China: *Provided further,* That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: *Provided further,* That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: *Provided further,* That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: *Provided further,* That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff.

UNITED STATES SENATE-CHINA INTERPARLIAMENTARY GROUP

SALARIES AND EXPENSES

For necessary expenses of the United States Senate-China Interparliamentary Group, as authorized under section 153 of the Consolidated Appropriations Act, 2004 (22 U.S.C. 276n; Public Law 108–99; 118 Stat. 448), $150,000, to remain available until September 30, 2010.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $808,584,000, of which up to $85,000,000 may remain available until September 30, 2010: *Provided,* That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this Act may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further,* That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further,* That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2010: *Provided further,* That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the

Reports.
Deadline.

Notification.

regular notification procedures of the Committees on Appropriations: *Provided further,* That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 shall be available for representation and entertainment allowances, of which not to exceed $5,000 shall be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further,* That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $30,000,000, to remain available until expended: *Provided,* That not later than 60 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title I of this Act.

Deadline.
Spending plan.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $35,775,000, to remain available until expended: *Provided,* That this amount is in addition to funds otherwise available for such purposes: *Provided further,* That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $42,000,000, to remain available until September 30, 2010, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2009, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $1,955,000,000, to remain available until September 30, 2010, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this paragraph, not to exceed $400,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That of the funds appropriated under this paragraph, $75,000,000 should be made available for a United States contribution to The GAVI Fund, and up to $5,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Operating Expenses" in title II for costs directly related to global health, but funds made available for such costs may not be derived from amounts made available for contributions under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of

HIV/AIDS.

Determination.
Abortion.
Sterilization.

Deadline.

Abortion.

abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be

Lobbying.
Abortion.

Family planning.
Requirements.
Deadline.
Determination.
Reports.

Grants.
Non-discrimination.
Compliance.

Condoms.

medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,159,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than $600,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2009 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to $14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,800,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $44,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated by this Act and prior Acts for fiscal year 2009, not less than $245,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: *Provided further*, That of the funds appropriated under this heading, not less than $22,500,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided further,* That of the funds appropriated under this heading, $10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation: *Provided further*, That of the funds appropriated by this Act and prior Acts for fiscal year 2009, not less than $300,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121), of which not less than $125,000,000 should be made available for such projects in Africa: *Provided further,* That of the funds appropriated by title III of this Act, not less than $375,000,000 shall be made available for agricultural development programs, of which not less than $29,000,000 shall be made available for Collaborative Research Support Programs: *Provided further,* That of the funds appropriated under this heading, $75,000,000 shall be made available to enhance global food security, including for local or regional purchase and distribution of food, in addition

to funds otherwise made available for such purposes, and notwithstanding any other provision of law: *Provided further,* That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a strategy for achieving the goals of funding for global food security programs, specifying the intended country beneficiaries, amounts of funding, types of activities to be funded, and expected quantifiable results: *Provided further,* That of the funds appropriated under this heading for agricultural development programs, not less than $7,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That of the funds appropriated under this heading, not less than $15,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

Strategy.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $350,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided,* That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further,* That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further,* That if the President determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further,* That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

Reports.
Deadline.

President.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under

the heading "Assistance for Europe, Eurasia and Central Asia": *Provided,* That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further,* That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

Notification.

Applicability.
Loans.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided,* That funds made available under this heading shall remain available until September 30, 2011.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $3,007,000,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, $200,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, up to $20,000,000 shall be made available for democracy, human rights and governance programs, and not less than $35,000,000 shall be made available for education programs, of which not less than $10,000,000 is for scholarships for Egyptian students with high financial need: *Provided further*, That $11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That of the funds appropriated under this heading, not less than $263,547,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading

Egypt.
Grants.

Cyprus.

Jordan.

not more than $75,000,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: *Provided further,* That $67,500,000 of the funds appropriated under this heading shall be made available for assistance for Lebanon, of which not less than $10,000,000 shall be made available for educational scholarships for students in Lebanon with high financial need: *Provided further,* That $200,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance only after the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States-funded poppy eradication and interdiction efforts in Afghanistan: *Provided further,* That the President may waive the previous proviso if the President determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, $200,000,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for Colombia, not less than $3,500,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries.

Lebanon.

Afghanistan.
Certification.

President.
Waiver authority.
Determination.
Reports.

DEMOCRACY FUND

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $116,000,000, to remain available until September 30, 2011, of which not less than $74,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and not less than $37,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

(b) Of the funds appropriated under this heading that are made available to the Bureau of Democracy, Human Rights and Labor, not less than $17,000,000 shall be made available for the promotion of democracy in the People's Republic of China, Hong Kong, and Taiwan, and not less than $6,500,000 shall be made available for the promotion of democracy in countries located outside the Middle East region with a significant Muslim population, and where such programs and activities would be important to respond to, deter, or prevent extremism: *Provided,* That assistance for Taiwan should be matched from sources other than the United States Government.

(c) Of the funds appropriated under this heading that are made available to the Bureau for Democracy, Conflict, and Humanitarian Assistance, not less than $19,500,000 shall be made available for the Elections and Political Process Fund, $7,500,000 shall be made available for international labor programs, and not less than

$10,000,000 shall be made available to provide institutional and core support for organizations that promote human rights, independent media and the rule of law.

(d) Funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law. Funds appropriated under this heading are in addition to funds otherwise made available for such purposes.

(e) For the purposes of funds appropriated by this Act, the term "promotion of democracy" means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

Notification.

(f) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant, or cooperative agreement) in excess of $1,000,000 of funds under this heading, and in excess of $2,500,000 under other headings in this Act, for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $15,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2010.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $650,000,000, to remain available until September 30, 2010, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided,* That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further,* That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Independent States of the Former Soviet Union" and similar headings and "Assistance for Eastern Europe and the Baltic States" and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under

this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further,* That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabagh.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $875,000,000, to remain available until September 30, 2010: *Provided,* That during fiscal year 2009, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further,* That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics or counterterrorism purposes: *Provided further,* That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: *Provided further,* That of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further,* That of the funds appropriated under this heading for administrative expenses, ten percent shall be withheld from obligation until the Secretary of State submits a report to the Committees on Appropriations detailing all salaries funded under this heading in fiscal years 2007 and 2008, and such salaries proposed in fiscal year 2009.

Notification.

Deadline.
Reports.

Afghanistan.
Determination.
Reports.

Consultation.

Colombia.

Reports.

ANDEAN COUNTERDRUG PROGRAMS

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $315,000,000, to remain available until September 30, 2010: *Provided,* That the Secretary of State,

Deadline.
Reports.

in consultation with the Administrator of the United States Agency for International Development (USAID), shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further,* That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further,* That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting internationally recognized human rights and cooperating fully with investigations and prosecutions by civilian judicial authorities of military and police personnel who have been credibly alleged to have violated such rights: *Provided further,* That of the funds appropriated under this heading, not more than $16,730,000 may be available for administrative expenses of the Department of State, and not more than $8,000,000 of the funds made available for alternative development/institution building programs under the heading "Economic Support Fund" in this Act may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of USAID.

Notification.

Bolivia.
Certification.
Human rights.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $525,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided,* That of this amount not to exceed $41,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further,* That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further,* That funds appropriated under this heading may be made available for IAEA only if the Secretary of State determines (and so reports to the

Determination.
Reports.
Israel.

Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further,* That of the funds appropriated under this heading, not more than $750,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further,* That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further,* That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2010.

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $931,000,000, to remain available until expended, of which not less than $30,000,000 shall be made available for refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $40,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $340,000,000 to remain available until September 30, 2010: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $4,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $4,000 shall be made available for entertainment expenses: *Provided further,* That any

Abortion.

Notification.

decision to open a new domestic office or to close, or significantly reduce the number of personnel of, any office, shall be subject to the regular notification procedures of the Committees on Appropriations.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $875,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for candidate countries for fiscal year 2009: *Provided further*, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further,* That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), including administrative costs for compact development, negotiation, and implementation: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 shall be available for representation and entertainment allowances, of which not to exceed $5,000 shall be available for entertainment allowances.

Reports.

Applicability.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $22,500,000, to remain available until September 30, 2010: *Provided*, That of the funds appropriated under this heading, not to exceed $3,000 shall be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law

96–533), $32,500,000, to remain available until September 30, 2010: *Provided,* That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further,* That interest earned shall be used only for the purposes for which the grant was made: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: *Provided further,* That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

Waiver authority.

Reports.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $25,000,000, to remain available until September 30, 2011, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $60,000,000, to remain available until September 30, 2011: *Provided,* That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further,* That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;
(2) the African Development Fund;
(3) the African Development Bank; and
(4) the Central American Bank for Economic Integration: *Provided further,* That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged

Human rights.

in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further,* That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further,* That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further,* That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

Consultation.

Notification.
Deadline.

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further,* That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

Sudan.
Burma.
Determination.
Notification.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $250,200,000: *Provided,* That of the funds made available under this heading, not less than $25,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further,* That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

Notification.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $91,000,000, of which up to $4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided,* That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further,* That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya, and Angola may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further,* That of the funds appropriated under this heading, not to exceed $55,000 shall be available for entertainment allowances.

Notification.

Foreign countries. Notification.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,635,000,000: *Provided*, That of the funds appropriated under this heading, not less than $2,380,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $670,650,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, $235,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not more than $53,000,000 shall be available for Colombia, of which $12,500,000 is available to support maritime interdiction: *Provided further*, That funds appropriated under this heading for assistance for Pakistan may be made available only for border security, counter-terrorism and law enforcement activities directed against Al Qaeda, the Taliban and associated terrorist groups: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State has previously justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control

Israel. Deadline.

Pakistan.

Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $51,420,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: *Provided further*, That not more than $470,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2009 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2009 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

Notification.

Foreign countries. Notification.

Notification.

Notification.

Egypt. Deadline.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $352,500,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $80,000,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,115,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $105,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $150,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $18,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $2,500,000, to remain available until September 30, 2010.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further,* That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2009: *Provided further,* That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or energy efficient end-use technologies.

12 USC 635 note.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $41,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2009, 2010, 2011, and 2012: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

Notification.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $81,500,000: *Provided,* That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further,* That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2009.

12 USC 635a note.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That of amounts collected in fiscal year 2009 in excess of obligations, up to $75,000,000, shall become available on September 1, 2009 and shall remain available until September 30, 2012.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $50,600,000: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall be available for direct loan obligations and

loan guaranty commitments incurred or made during fiscal years 2009, 2010, and 2011: *Provided further,* That funds so obligated in fiscal year 2009 remain available for disbursement through 2017; funds obligated in fiscal year 2010 remain available for disbursement through 2018; and funds obligated in fiscal year 2011 remain available for disbursement through 2019: *Provided further,* That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further,* That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,800,000, to remain available until September 30, 2010.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

Contracts.

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

CONSULAR AFFAIRS REFORM

SEC. 7006. Not later than 60 days after the enactment of this Act the Secretary of State shall certify and report to the Committees on Appropriations that the Department of State is implementing recommendations contained in the Office of Inspector General audit "Review of Controls and Notification for Access to Passport Records in the Department of State's Passport Information Electronic Records System (PIERS)" (AUD/IP–08–29), July 2008.

Deadline.
Certification.
Reports.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be

obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided,* That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further,* That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further,* That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

President. Determination. Certification.

Notification.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2009, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(c)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President provides notification in accordance with the

President. Notification.

regular notification procedures of the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided,* That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2009, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": *Provided,* That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President

President.
Determination.
Consultation.

determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2009 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2010 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

Regulations.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided. Notification.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation. Determination. Reports.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; Deadlines.

(7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $750,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings "Global Health and Child Survival", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Programs", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

President.

(d) Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development, and

Audits.

funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations, and the agency receiving the transfer or allocation shall perform periodic program financial audits of the use of such funds and such funds may be made available for the cost of such audits.

Waiver authority.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Explanation.

Foreign countries.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Mexico, or Cambodia and countries listed in section 7045(f)(4) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided,* That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further,* That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Notification.

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for

organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2010.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

President. Certification.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act):

"Educational and Cultural Exchange Programs".
"International Fisheries Commissions".
"International Broadcasting Operations".
"Global Health and Child Survival".
"Development Assistance".
"Economic Support Fund".
"Assistance for Europe, Eurasia and Central Asia".
"Andean Counterdrug Programs".
"Nonproliferation, Anti-terrorism, Demining and Related Programs".
"Foreign Military Financing Program".
"International Organizations and Programs".

Notification.

(b) For the purposes of implementing this section and only with respect to the tables included in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), the Secretary of State, Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

(c) The requirements contained in subsection (a) shall apply to the table under the headings "Bilateral Economic Assistance" and "General Provisions" in such explanatory statement.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health and Child Survival", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997. President. Termination date. Applicability.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States. Determination.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. Reports.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance under any heading in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines— President. Determination.

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) Waiver authority. Determination. Federal Register, publication. Deadline. Notification.

in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

Reports.
Deadline.

SEC. 7024. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

Reports.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause

substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity. 22 USC 262h note.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.— 22 USC 2362 note.

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

Deadline.
President.

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion

of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

President. Notification.

Abortion. Sterilization.

(b) PUBLIC LAW 480.—During fiscal year 2009, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, or other program of the International Monetary Fund that would not exempt increased government spending on health care or education from national budget caps or restraints, hiring or wage bill ceilings or other limits imposed by the International Monetary Fund in Heavily Indebted Poor Countries.

(d) For purposes of this section "international financial institutions" are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

Notification.

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance

provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section. President.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation. Notification.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging

in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL AUTHORITIES

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law. Notification.

(b)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States. President. Determination. Certification.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) VIETNAMESE REFUGEES.—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108–447; 118 Stat. 3038) is amended by striking "2009" and inserting "2010".

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(f) INTERNATIONAL PRISON CONDITIONS.—Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available for assistance to address inhumane conditions in prisons and other detention facilities

Designation.

administered by foreign governments that the Secretary of State determines are making efforts to address, among other things, prisoners' health, sanitation, nutrition and other basic needs: *Provided,* That the Secretary of State shall designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor to have primary responsibility for diplomatic efforts related to international prison conditions.

(g) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 2008" and inserting "2008, and 2009"; and

(B) in subsection (e), by striking "2008" each place it appears and inserting "2009"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "2008" and inserting "2009".

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) LIBRARY OF CONGRESS.—Notwithstanding any other provision of law, of the funds appropriated under the heading "Embassy Security, Construction, and Maintenance", not less than $2,000,000 shall be made available for the Capital Security Cost-Sharing fees of the Library of Congress.

(j) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund", "Peacekeeping Operations", "International Disaster Assistance", and "Transition Initiatives" should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided,* That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further,* That for the purposes of this subsection the term "foreign terrorist organization" means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

Consultation.

Definition.

(k) NONGOVERNMENTAL ORGANIZATIONS.—With respect to the provision of assistance for democracy, human rights and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(l) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, "Economic Support Fund", not less than $5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501-4508, as amended).

(m) AUTHORITY.—Funds appropriated or otherwise made available by title III of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) under the heading "Economic Support Fund" that are available for a competitively awarded grant for nuclear security initiatives relating to North Korea shall be made available notwithstanding any other provision of law. Grants. Nuclear security. North Korea.

(n) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations. Notification.

(o) GLOBAL FOOD SECURITY.—Notwithstanding any other provision of law, to include minimum funding requirements or funding directives, funds made available under the headings "Development Assistance" and "Economic Support Fund" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to address critical food shortages, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations. Notification.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that— Determination. Certification.

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

President.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance to the Palestinian Authority").

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees

of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2009, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza. Deadline. Certification.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which she has determined to be involved in or advocating terrorist activity. Terrorism. Procedures.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks. Reports.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

Audits. Investigation.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2009 under the heading "Economic Support Fund". The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

Notification.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

Deadline. Reports.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

President.

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

Certification.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed. The report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION.—

Certification.

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member unless the President certifies in writing and reports to the Committees on Appropriations that Hamas has accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(2) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

BROADCASTING TRANSPARENCY

Reports.

SEC. 7041. (a) Of the funds appropriated in this Act under the heading "International Broadcasting Operations" for Middle East Broadcasting Networks, 10 percent of the funds shall not be available for obligation until the Broadcasting Board of Governors reports to the Committee on Appropriations on—

(1) The results of the independent outside evaluation of Alhurra programming to examine its journalistic integrity and adherence to standards and principles of the United States International Broadcasting Act; and

(2) Whether the directives in the explanatory statement accompanying the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161) regarding Alhurra have been implemented and are operational.

(b) The Office of the Inspector General of the Department of State and the Broadcasting Board of Governors shall monitor adherence to the standards of the Journalistic Code of Ethics of the Middle East Broadcasting Networks, as updated in May 2007.

IRAQ

SEC. 7042. (a) ASSISTANCE.—None of the funds appropriated or otherwise made available by this Act may be made available for assistance for Iraq, except funds appropriated by this Act under the heading "Nonproliferation, Anti-terrorism, Demining and Related Programs" for the removal and disposal of landmines and other unexploded ordnance, small arms and light weapons in Iraq.

Applicability.

(b) MATCHING REQUIREMENT.—The terms and conditions of section 1402(e)(1), (2), (3) and (4) of Public Law 110–252 shall apply to assistance for Iraq in fiscal year 2009.

Deadline.
Reports.
Classified information.

(c) TRANSITION PLAN.—Not later than 180 days after enactment of this Act, the Secretary of State, in consultation with relevant

United States Government agencies, shall submit to the Committees on Appropriations a report, in classified form if necessary, that details the plans, costs and timelines associated with the transition of programs and activities funded under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs to the Government of Iraq.

(d) BASE RIGHTS.—None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

REPORT ON IRAN SANCTIONS

SEC. 7043. Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the status of multilateral and bilateral United States sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran. The report, which may be submitted in classified form if necessary, shall include the following:

(1) A list of all current United States bilateral and multilateral sanctions against Iran;

(2) A list of all United States and foreign registered entities which the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(3) A detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceeding the enactment of this Act that have resulted in a determination that a sanctions violation has occurred and United States government actions taken pursuant to the determination;

(4) In the instances when sanctions were waived or otherwise not imposed against entities that were determined to have violated United States bilateral or multilateral sanctions, the reason in each instance of why action was not taken to sanction the entity; and

(5) A description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

LEBANON

SEC. 7044. (a) Funds appropriated under the heading "Foreign Military Financing Program" in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701.

Spending plan.

(b) None of the funds in subsection (a) may be made available for obligation until after the Secretary of State provides the Committees on Appropriations a detailed spending plan, which shall include a strategy for professionalizing the Lebanese Armed Forces, strengthening border security and combating terrorism in Lebanon.

WESTERN HEMISPHERE

SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the funds appropriated by this Act not less than $10,000,000 from "Development Assistance" and not less than $10,000,000 from "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than $251,126,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading "International Narcotics Control and Law Enforcement" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended. Reports.

(c) DOMINICAN REPUBLIC.—Of the funds appropriated by this Act that are available for assistance for the Dominican Republic, not less than $5,000,000 shall be made available for basic health care, nutrition, sanitation, education, and shelter for migrant workers and other residents of batey communities.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Funds appropriated by this Act under the heading "International Military Education and Training" (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided,* That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further,* That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the International Commission Against Impunity in Guatemala (CICIG) by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony. Certification.

(2) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not more than $500,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided,* That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further,* Certification.

That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General's office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(e) ASSISTANCE FOR MEXICO.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this Act, not more than $300,000,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities, of which not less than $75,000,000 shall be used for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this section shall be made available for budget support or as cash payments.

Reports.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available under this section in this Act, for assistance for Mexico, not including assistance for judicial reform, institution building, anti-corruption, and rule of law activities, may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the Government of Mexico is continuing to—

(A) improve the transparency and accountability of Federal police forces and to work with State and municipal authorities to improve the transparency and accountability of State and municipal police forces through mechanisms including police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) conduct regular consultations with Mexican human rights organizations and other relevant Mexican civil society organizations on recommendations for the implementation of the Merida Initiative in accordance with Mexican and international law;

(C) ensure that civilian prosecutors and judicial authorities are investigating and prosecuting, in accordance with Mexican and international law, members of the Federal police and military forces who have been credibly alleged to have violated internationally recognized human rights, and the Federal police and military forces are fully cooperating with the investigations; and

(D) enforce the prohibition, in accordance with Mexican and international law, on the use of testimony obtained through torture or other ill-treatment.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

Deadline.

(3) SPENDING PLAN.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan,

developed after consulting with relevant Mexican Government authorities, for funds made available for Mexico under this section, with concrete goals, programs and activities to be funded, and anticipated results.

(4) ANALYSIS OF ALTERNATIVES.—Prior to the obligation of funds for the procurement or lease of aircraft, the Director of the Defense Security Cooperation Agency, in consultation with the Secretary of State, shall submit to the Committees on Appropriations an Analysis of Alternatives for the acquisition of all aircraft for the Merida Initiative.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund", $105,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security, of which not less than $35,000,000 shall be made available for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That of the funds appropriated under the heading "Economic Support Fund", $12,000,000 shall be made available through the United States Agency for International Development for an Economic and Social Development Fund for Central America: *Provided further*, That none of the funds shall be made available for budget support or as cash payments.

(1) ALLOCATION OF FUNDS.—Fifteen percent of the funds made available by this Act for assistance for the countries of Central America under the headings "International Narcotics Control and Law Enforcement" and "Foreign Military Financing Program" may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government of such country is continuing to— Reports.

(A) support police complaints commissions with authority and independence to receive complaints and carry out effective investigations;

(B) implement reforms to improve the capacity and ensure the independence of the judiciary; and

(C) investigate and prosecute members of the Federal police and military forces who have been credibly alleged to have committed violations of internationally recognized human rights.

(2) REPORT.—The report required in paragraph (1) shall include a description of actions taken with respect to each requirement.

(3) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of Central America by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results. Deadline.

(4) DEFINITION.—For the purposes of this section, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance,

including fuel, of aircraft funded by this Act should be borne by the recipient country.

COLOMBIA

SEC. 7046. (a) FUNDING.—Of the funds appropriated in titles III and IV of this Act, not more than $545,050,000 shall be available for assistance for Colombia.

Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided,* That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading "Andean Counterdrug Programs": *Provided further,* That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further,* That rotary and fixed wing aircraft supported with funds appropriated under the heading "Andean Counterdrug Programs" for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: *Provided further,* That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States.

President.
Helicopters.

Certification.

Of the funds available under the heading "Andean Counterdrug Programs" in this Act for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided,* That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims: *Provided further,* That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide

Certification.

alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further,* That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further,* That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

Certification.

(b) ASSISTANCE FOR THE ARMED FORCES.—

(1) FUNDING.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(A) Up to 70 percent of such funds may be obligated prior to the certification and report by the Secretary of State pursuant to subparagraph (B).

(B) Up to 15 percent of such funds may be obligated only after the Secretary of State consults with, and subsequently certifies and submits a written report to, the Committees on Appropriations that—

Certification. Reports.

(i) The Government of Colombia is suspending, and investigating and prosecuting in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed violations of internationally recognized human rights, including extra-judicial killings, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups, and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases.

(ii) The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or successor armed groups.

(iii) The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from paramilitary organizations or successor armed groups, and by returning land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners.

(iv) The Government of Colombia is respecting the rights of Colombia's indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.

(2) The balance of such funds may be obligated after July 31, 2009, if, prior to such obligation, the Secretary of State consults with, and submits a written certification to, the

Certification.

Committees on Appropriations that the Government of Colombia is continuing to meet the requirements described in paragraph (1) and is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.

(3) CERTAIN FUNDS EXEMPTED.—The requirement to withhold funds from obligation shall not apply with respect to funds made available under the heading "Andean Counterdrug Programs" in this Act for continued support for the Critical Flight Safety Program or for any alternative development programs in Colombia administered by the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State.

(4) REPORT.—At the time the Secretary of State submits certifications pursuant to paragraphs (1)(B) and (2) of this subsection, the Secretary shall also submit to the Committees on Appropriations a report that contains, with respect to each such paragraph, a detailed description of the specific actions taken by the Government and Armed Forces of Colombia which support each requirement of the certification, and the cases or issues brought to the attention of the Secretary, including through the Department of State's annual Country Reports on Human Rights Practices, for which the actions taken by the Colombian Government or Armed Forces have been determined by the Secretary of State to be inadequate.

Deadlines.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2009, the Secretary of State shall consult with Colombian and internationally recognized human rights organizations regarding progress in meeting the requirements contained in subsection (b)(1).

(d) ASSISTANCE FOR REINTEGRATION OF FORMER COMBATANTS.—

(1) AVAILABILITY OF FUNDS.—Of the funds appropriated in this Act under the heading "Economic Support Fund", up to $16,769,000 may be made available in fiscal year 2009 for assistance for the reintegration of former members of foreign terrorist organizations (FTOs) or other illegal armed groups in Colombia, if the Secretary of State consults with and makes a certification described in paragraph (2) to the Committees on Appropriations prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(2) CERTIFICATION.—A certification described in this subsection is a certification that—

(A) assistance for the fiscal year will be provided only for individuals who have: (i) verifiably renounced and terminated any affiliation or involvement with FTOs or other illegal armed groups; (ii) are meeting all the requirements of the Colombia demobilization program, including having disclosed their involvement in past crimes and their knowledge of the FTO's structure, financing sources, illegal assets, and the location of kidnapping victims and bodies of the disappeared; and (iii) are not involved in criminal activity;

(B) the Government of Colombia is providing full cooperation to the Government of the United States to

prosecute the extradited leaders and members of FTOs who have been indicted in the United States for murder, torture, kidnapping, narcotics trafficking, or other violations of United States law;

(C) the Government of Colombia is not knowingly taking any steps to legalize the titles of land or other assets illegally obtained and held by FTOs, their associates, or successors, has established effective procedures to identify such land and other assets, and is seizing and returning such land and other assets to their rightful occupants or owners;

(D) the Government of Colombia is dismantling the organizational structures of FTOs and successor armed groups; and

(E) funds shall not be made available as cash payments to individuals and are available only for activities under the following categories: verification, reintegration (including training and education), vetting, recovery of assets for reparations for victims, and investigations and prosecutions.

(e) ILLEGAL ARMED GROUPS.—

(1) DENIAL OF VISAS.—Subject to paragraph (2), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(A) has willfully provided any support to or benefitted from the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), the United Self-Defense Forces of Colombia (AUC), or successor armed groups, including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(B) has committed, ordered, incited, assisted, or otherwise participated in the commission of a violation of internationally recognized human rights, including extrajudicial killings, in Colombia.

(2) WAIVER.—Paragraph (1) shall not apply if the Secretary of State certifies to the Committees on Appropriations, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons. Certification.

(f) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary or successor armed groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives, including those groups and cooperatives that have formerly demobilized but continue illegal operations, as well as parts thereof.

(3) FOREIGN TERRORIST ORGANIZATION.—The term "foreign terrorist organization" means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That funds made available for tribunals other than the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

Notification.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors

have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, (22 U.S.C. 287e note) is amended by deleting subsection (v) and inserting in lieu thereof:

"(v) For assessments made during each of the calendar years 2005, 2006, 2007, 2008, and 2009, 27.1 percent.".

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. (a) None of the funds appropriated by this Act may be made available for a United States contribution to the United Nations Human Rights Council.

(b) The prohibition under subsection (a) shall not apply if—

(1) the Secretary of State certifies to the Committees on Appropriations that the provision of funds to support the United Nations Human Rights Council is in the national interest of the United States; or Certification.

(2) the United States is a member of the Human Rights Council.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided,* That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations. Reports. Definition.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated Certification.

parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

Waiver authority. Time period.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

Deadline. Reports.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

Definitions.

(f) In this section:

(1) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2008.

(3) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher functioning rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

MILLENNIUM CHALLENGE CORPORATION

SEC. 7057. (a) The Chief Executive Officer of the Millennium Challenge Corporation shall, not later than 45 days after enactment of this Act, submit to the Committee on Appropriations a report on the proposed uses, on a country-by-country basis, of all funds appropriated under the heading "Millennium Challenge Corporation" in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs projected to be obligated and expended in fiscal year 2009 and subsequent fiscal years. Deadline. Reports.

(b) The report required in paragraph (a) shall be updated on a semi-annual basis and shall include, at a minimum, a description of—

(1) compacts in development, including the status of negotiations and the approximate range of value of the proposed compact;

(2) compacts in implementation, including the projected expenditure and disbursement of compact funds during fiscal year 2009 and subsequent fiscal years as determined by the country compact;

(3) threshold country programs in development, including the approximate range of value of the threshold country agreement;

(4) major programmatic changes to existing compacts funded by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs;

(5) threshold country programs in implementation; and

(6) use of administrative funds.

(c) The Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program. Notification. Deadline.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7058. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

22 USC 3948 note.

SEC. 7059. (a) AUTHORITY.—Up to $81,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

Expiration date.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2010.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading "Operating Expenses".

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided,* That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia".

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available by this Act in title III for assistance under the heading "Global Health and Child Survival", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

Assignment.

(l) RECRUITMENT STRATEGY.—Not later than December 31, 2009, the USAID Administrator, after consulting with the Secretaries of Defense, Treasury, Agriculture, Interior, Energy, and Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Administrator of the Environmental Protection Agency, and the heads of other relevant Federal departments and agencies, shall submit to the Committees on Appropriations a recruitment strategy for current and former employees from such departments and agencies who possess skills and/or overseas experience which would enhance USAID's capacity to carry out its mission: *Provided,* That funds made available under the

Deadline.

Notification.

heading "Operating Expenses" in title II of this Act may be made available to implement the strategy described in the previous proviso, subject to the regular notification procedures of the Committees on Appropriations.

(m) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: *Provided,* That the authority contained in this subsection shall expire on September 30, 2010.

Expiration date.

GLOBAL HEALTH ACTIVITIES

SEC. 7060. (a) Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Global Health and Child Survival" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $545,000,000 should be made available for family planning/reproductive health.

Reports.

(b) Notwithstanding any other provision of this Act, 10 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State reports to the Committees on Appropriations that the Global Fund—

(1) is releasing incremental disbursements only if grantees demonstrate progress against clearly defined performance indicators; and

(2) is implementing a reporting system that breaks down grantee budget allocations by programmatic activity.

DEVELOPMENT GRANTS PROGRAM

SEC. 7061. Of the funds appropriated by this Act under the heading "Development Assistance", not less than $40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided,* That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7065.

WOMEN IN DEVELOPMENT

SEC. 7062. (a) Programs funded under title III of this Act should include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act should be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial

services, and improving women's ability to participate in the global economy.

GENDER-BASED VIOLENCE

SEC. 7063. (a) Funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7064. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than $700,000,000 should be made available for assistance for basic education, of which not less than $400,000,000 shall be made available under the heading "Development Assistance".

(2) There shall continue to be a Coordinator of United States government actions to provide basic education assistance in developing countries as established in section 664 of division J of Public Law 110–161. Continuation. 22 USC 2651a note.

(3) Funds appropriated for basic education in this Act shall be made available for a pilot program in three countries to develop and evaluate the effectiveness and implementation of a 5-year basic education strategic plan. Strategic plan.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than $133,000,000 shall be made available for assistance for higher education.

RECONCILIATION PROGRAMS

SEC. 7065. Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in this Act, $25,000,000 shall be made available for reconciliation programs which bring together and facilitate interaction between individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war, of which $9,000,000 shall be made available for such programs in the Middle East: *Provided,* That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds. Consultation.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7066. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2007 and 2008, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were

provided: *Provided*, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7067. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

SENIOR POLICY OPERATING GROUP

SEC. 7068. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

PROHIBITION ON USE OF TORTURE

SEC. 7069. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

AFRICA

SEC. 7070. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading "International Military Education and Training" in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote D'Ivoire, and Guinea may be made available only for expanded international military education and training.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea.

(b)(1) SUDAN LIMITATION ON ASSISTANCE.—Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the

cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (b)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that: Determination. Certification.

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias.

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements.

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) EXCEPTIONS.—The provisions of subsection (b)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) DEFINITIONS.—For the purposes of this Act, the term "Government of Sudan" shall not include the Government of Southern Sudan.

(5) Notwithstanding any other law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CRF 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and Determination.

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination. Deadline. Notification.

(c) HORN OF AFRICA AND PAN SAHEL PROGRAM.—Funds appropriated under the heading "Economic Support Fund" in this Act that are made available for programs and activities to counter extremism in the Horn of Africa and the Pan Sahel region of Africa, shall be administered by the United States Agency for International Development, and are in addition to funds otherwise made available for such purposes.

(d) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, Determination. Reports.

if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

Waiver authority. President.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

Reports.

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(e) ZIMBABWE.—

Loans. Determination. Reports. 22 USC 2151 note.

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and a transition government has been established that reflects the will of the people as they voted in the March 2008 elections.

Determination.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe unless the Secretary of State makes the determination pursuant to subsection (e)(1).

ASIA

SEC. 7071. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,300,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be made available to nongovernmental organizations to support activities which

preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

Loans.
50 USC 1701 note.

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $15,000,000 shall be made available to support democracy activities in Burma, along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma's borders: *Provided,* That such funds may be made available notwithstanding any other provision of law: *Provided further,* That in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance" in this Act, not less than $4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: *Provided further,* That funds made available under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

Thailand.

Notification.

(c) INDONESIA.—

Reports.

(1) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not to exceed $15,700,000 shall be made available for assistance for Indonesia, of which $2,000,000 shall be made available only after the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) under such heading.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Indonesia, not less than $300,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(d) CAMBODIA.—Funds appropriated under the heading "Economic Support Fund" in this Act for assistance for Cambodia may be used for an endowment, and shall be made available to strengthen the capacity of the Government of Cambodia to combat human trafficking, notwithstanding any other provision of law.

Human trafficking.

(e) NORTH KOREA.—

Refugees.

(1) Funds made available under the heading "Migration and Refugee Assistance" in this Act shall be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading "International Broadcasting Operations" in title I of this Act, not less than $8,000,000 shall be made available for broadcasts into North Korea.

Energy.
Determination.
Reports.

(3) None of the funds made available under the heading "Economic Support Fund" in fiscal year 2009 may be made

available for obligation for energy-related assistance for North Korea unless the Secretary of State determines and reports to the Committees on Appropriations that North Korea is continuing to fulfill its commitments under the Six Party Talks agreements.

(f) PEOPLE'S REPUBLIC OF CHINA.—

Notification.

(1) Notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, of the funds appropriated under the heading "Development Assistance" in this Act, not less than $11,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, governance and the rule of law.

Exports and imports. Deadline. Notification.

(2) None of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

Deadline. Reports. Web posting. Mandarin.

(3) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing, to the extent practicable, the amount of assistance provided by the People's Republic of China to governments and entities in Latin America and Africa during the previous calendar year, and shall make such report publicly available in a timely manner on the website of the Department of State and the United States Agency for International Development in English and Mandarin.

Mandarin.

(4) Of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act, $1,000,000 shall be made available to the Bureau of International Information Programs to disseminate information, in Mandarin, in the People's Republic of China: *Provided,* That such information shall include issues of governance, transparency, corruption, rule of law, and the environment, and the findings of the report required by paragraph (3) of this subsection, and shall be disseminated through the Internet, text messaging or other means, and directed to economically depressed areas of the People's Republic of China: *Provided further,* That such funds are in addition to funds otherwise made available for such purposes: *Provided further,* That the Department of State shall consult with the Committees on Appropriations prior to the initial obligation of funds made available by this subsection.

Web posting. Text messaging.

Consultation.

Applicability. People's Liberation Army.

(5) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided,* That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not to exceed $30,000,000 may be made available for assistance for the Philippines, of which $2,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that— Reports.

(1) the Government of the Philippines is taking effective steps to implement the recommendations of the United Nations Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, to include prosecutions and convictions for extrajudicial executions; sustaining the decline in the number of extra-judicial executions; addressing allegations of a death squad in Davao City; and strengthening government institutions working to eliminate extra-judicial executions;

(2) the Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have violated such rights; and

(3) the Philippine Armed Forces do not have a policy of, and are not engaging in, acts of intimidation or violence against members of legal organizations who advocate for human rights.

(h) VIETNAM.—Notwithstanding any other provision of law, funds appropriated under the heading "Development Assistance" in this Act may be made available for programs and activities in the central highlands of Vietnam, and shall be made available for environmental remediation and related health activities in Vietnam.

SERBIA

SEC. 7072. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2009, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2009, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is— Determination. Certification. Ratko Mladic.

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply humanitarian assistance or assistance to promote democracy.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7073. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

President. Determination.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(c)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

President. Determination. Certification.

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7074. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation: (1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party; and (2) is (A) honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process; (B) investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and (C) immediately releasing political leaders, activists and journalists who remain in detention.

Time period. President. Determination. Certification.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States.

Waiver authority. Determination.

CENTRAL ASIA

SEC. 7075. (a) Funds appropriated by this Act may be made available for assistance for the Government of Kazakhstan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Kazakhstan has made significant improvements in the protection of human rights and civil liberties during the preceding 6 month period, including by fulfilling obligations recommended by the Organization for Security and Cooperation in Europe (OSCE) in the areas of election procedures, media freedom, freedom of religion, free assembly and minority rights, and by meeting the commitments it made in connection with its assumption of the Chairmanship of the OSCE in 2010.

Kazakhstan. Determinations. Reports.

(b) The Secretary of State may waive subsection (a) if the Secretary determines and reports to the Committees on Appropriations that such a waiver is important to the national security of the United States.

Waiver authority.

(c) Not later than October 1, 2009, the Secretary of State shall submit a report to the Committees on Appropriations describing the following:

Deadline.

(1) The defense articles, defense services, and financial assistance provided by the United States to the countries of Central Asia during the 12-month period ending 30 days prior to submission of such report.

(2) The use during such period of defense articles, defense services, and financial assistance provided by the United States by units of the armed forces, border guards, or other security forces of such countries.

(d) For purposes of this section, the term "countries of Central Asia" means Uzbekistan, Kazakhstan, Kyrgyz Republic, Tajikistan, and Turkmenistan.

Definition.

UZBEKISTAN

Human rights. Determinations. Reports.

SEC. 7076. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress—

(1) in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for internationally recognized human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) in investigating and prosecuting the individuals responsible for the deliberate killings of civilians in Andijan in May 2005.

Deadline.

(b) If the Secretary of State has credible evidence that any current or former official of the Government of Uzbekistan was responsible for the deliberate killings of civilians in Andijan in May 2005, or for other violations of internationally recognized human rights in Uzbekistan, not later than 6 months after enactment of this Act any person identified by the Secretary pursuant to this subsection shall be ineligible for admission to the United States.

(c) The restriction in subsection (b) shall cease to apply if the Secretary determines and reports to the Committees on Appropriations that the Government of Uzbekistan has taken concrete and measurable steps to improve respect for internationally recognized human rights, including allowing peaceful political and religious expression, releasing imprisoned human rights defenders, and implementing recommendations made by the United Nations on torture.

Waiver authority.

(d) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives.

Definition.

(e) For the purpose of this section "assistance" shall include excess defense articles.

AFGHANISTAN

SEC. 7077. Of the funds appropriated under titles III and IV of this Act, not less than $1,041,950,000 should be made available for assistance for Afghanistan, of which not less than $100,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nonprofit organizations in Afghanistan.

ENTERPRISE FUNDS

President. Notification. Distribution plan.

SEC. 7078. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification

procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7079. (a) CONTRIBUTION.—Of the funds made available under the headings "International Organizations and Programs" and "Global Health and Child Survival" in this Act for fiscal year 2009, $50,000,000 shall be made available for the United Nations Population Fund (UNFPA), of which not more than $30,000,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available because of the operation of any provision of law, shall be made available to UNFPA notwithstanding any such provision of law, subject to the regular notification procedures of the Committees on Appropriations, only for the following purposes and subject to the provisions of this section— Notification.

(1) provide and distribute equipment, medicine, and supplies, including safe delivery kits and hygiene kits, to ensure safe childbirth and emergency obstetric care;

(2) make available supplies of contraceptives for the prevention of unintended pregnancies and the spread of sexually transmitted infections, including HIV/AIDS;

(3) prevent and treat cases of obstetric fistula;

(4) reestablish maternal health services in areas where medical infrastructure and such services have been destroyed or limited by natural disasters, armed conflict, or other factors;

(5) promote abandonment of female genital mutilation and cutting and child marriage; and

(6) promote access to basic services, including clean water, sanitation facilities, food, and health care, for poor women and girls.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may be made available if—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions. Abortion.

(e) REPORT TO CONGRESS AND WITHOLDING OF FUNDS.—

(1) Not later than 60 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If the report under this subparagraph indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the

report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7080. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided,* That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

OPIC

(INCLUDING TRANSFER OF FUNDS)

Termination date.
22 USC 2194 note.

SEC. 7081. (a) AUTHORITY.—Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2009.

President.
Determination.

(b) FUNDING.—Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided,* That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further,* That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

EXTRADITION

SEC. 7082. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Emergency Migration and Refugee Assistance", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

Applicability.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

Waiver authority.
Certification.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to

the Committees on Appropriations that such waiver is important to the national interests of the United States.

ENERGY AND ENVIRONMENT

SEC. 7083. (a) CLEAN ENERGY.—Of the funds appropriated by title III of this Act, not less than $100,000,000 shall be made available to the United States Agency for International Development (USAID), in addition to funds otherwise made available for such purposes, for programs and activities that reduce global warming by promoting the sustainable use of renewable energy technologies and energy efficient end-use technologies, carbon sequestration, and carbon accounting.

(b) CLIMATE CHANGE ADAPTATION.—Of the funds appropriated by this Act, up to $10,000,000 shall be made available for a United States contribution to the Least Developed Countries Fund to support grants for climate change adaptation programs and activities, if the Global Environment Facility makes publicly available on its website an annual report detailing the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

Web posting. Deadline. Reports.

(c) BIODIVERSITY.—Of the funds appropriated by title III of this Act and by prior Acts for fiscal year 2009, not less than $195,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than $25,000,000 shall be made available for USAID's conservation programs in the Amazon Basin: *Provided,* That of the funds made available under this paragraph, not less than $17,500,000 shall be made available for the Congo Basin Forest Partnership of which not less than $2,500,000 shall be made available to the United States Fish and Wildlife Service for conservation programs in Africa: *Provided further,* That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided further,* That funds appropriated under the heading "Development Assistance" may be made available as a contribution to the Galapagos Invasive Species Fund.

(d)(1) EXTRACTION OF NATURAL RESOURCES.—The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for: (i) accurately accounting for payments for companies involved in the extraction and export of natural resources; (ii) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and (iii) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents,

allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

Deadline. Reports.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceeding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7084. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

Notification. President. Determination.

SEC. 7085. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

ANTI-KLEPTOCRACY

Records. 8 USC 1182 note.

SEC. 7086. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list compiled under subsection (a) shall be ineligible for admission to the United States.

Waiver authority. Determination.

(c) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

Deadlines. Reports. Classified information.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations

describing the evidence of corruption concerning individuals listed pursuant to subsection (a).

TRAINING AND EQUIPMENT REPORTS

SEC. 7087. (a) The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations by the date specified in that section.

(b) Not later than 90 days after enactment of this Act, the Secretary of State, in consultation with other relevant United States Government agencies, shall submit to the Committees on Appropriations a report detailing the equipment to be purchased with funds appropriated or otherwise made available under the headings "Andean Counterdrug Programs", "International Narcotics Control and Law Enforcement", and "Foreign Military Financing Program" in this Act: *Provided,* That such report shall include a description of the anticipated costs associated with the operation and maintenance of such equipment in subsequent fiscal years: *Provided further,* That for the purposes of this subsection, "equipment" shall be defined as any aircraft, vessel, boat or vehicle.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 7088. (a) UNITED NATIONS.—Funds made available by this Act shall be made available to continue reform efforts at the United Nations: *Provided,* That not later than September 30, 2009, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by United Nations organizations under the headings "Contributions to International Organizations" and "International Organizations and Programs" to continue reform of United Nations financial management systems and program oversight. Deadline. Reports.

(b) WORLD BANK.—Section 668(c)(1) of the Consolidated Appropriations Act, 2008 (Public Law 110–161) is amended by striking "that" and inserting "on the extent to which". 121 Stat. 2351.

(c) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual basis its national budget, to include income and expenditures. Public information. Deadline.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States. Waiver authority. Reports.

DISABILITY PROGRAMS

SEC. 7089. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $4,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect the rights of people with disabilities in developing countries, and for programs to make publicly available information on independent living, advocacy, education, and transportation for people with disabilities and disability

advocacy organizations in developing countries, including for the cost of translation.

(b) Funds appropriated under the heading "Operating Expenses" in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight and technical support.

ORPHANS, DISPLACED AND ABANDONED CHILDREN

SEC. 7090. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and domestic adoptions: *Provided,* That funds made available under title III of this Act should be made available, as appropriate, consistent with—

(1) the goal of enabling children to remain in the care of their family of origin, but when not possible, placing children in permanent homes through adoption;

(2) the principle that such placements should be based on informed consent which has not been induced by payment or compensation;

(3) the view that long-term foster care or institutionalization are not permanent options and should be used when no other suitable permanent options are available; and

(4) the recognition that programs that protect and support families can reduce the abandonment and exploitation of children.

SRI LANKA

Certification.

SEC. 7091. (a) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, until the Secretary of State certifies to the Committee on Appropriations that—

(1) the Sri Lankan military is suspending and the Government of Sri Lanka is bringing to justice members of the military who have been credibly alleged to have violated internationally recognized human rights or international humanitarian law, including complicity in the recruitment of child soldiers;

(2) the Government of Sri Lanka is providing access to humanitarian organizations and journalists throughout the country consistent with international humanitarian law; and

(3) the Government of Sri Lanka has agreed to the establishment of a field presence of the Office of the United Nations High Commissioner for Human Rights in Sri Lanka with sufficient staff and mandate to conduct full and unfettered monitoring throughout the country and to publicize its findings.

(b) Subsection (a) shall not apply to technology or equipment made available for the limited purposes of maritime and air surveillance, including communications equipment previously committed or approved for the limited purposes of air and maritime surveillance.

EXPORT-IMPORT BANK RESCISSION

(INCLUDING RESCISSIONS)

SEC. 7092. (a) Of the funds appropriated under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States that are available for tied-aid grants in prior Acts making appropriations for foreign operations, export financing, and related programs, $17,000,000 are rescinded.

(b) Of the unobligated balances available under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States in Public Law 109–102, $27,000,000 are rescinded.

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009".

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATONS ACT, 2009

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Department of Transportation Appropriations Act, 2009.

For necessary expenses of the Office of the Secretary, $98,248,000, of which not to exceed $2,400,000 shall be available for the immediate Office of the Secretary; not to exceed $759,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $19,838,000 shall be available for the Office of the General Counsel; not to exceed $10,107,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,200,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,400,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $26,000,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,020,000 shall be available for the Office of Public Affairs; not to exceed $1,595,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,369,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $8,675,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $12,885,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized

Transfer authority.

to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs: *Provided further,* That of the funds provided under this heading, $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the Working Capital Fund's financial statements.

Notice.

Audits.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems, and reengineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,384,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $18,300,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $128,094,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Notice.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $353,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the

Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $559,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,056,000, to remain available until September 30, 2010: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $73,013,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

COMPENSATION FOR AIR CARRIERS

(RESCISSION)

Of the amounts made available under this heading, all unobligated balances as of the date of enactment of this Act are hereby permanently rescinded.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Transfer authority.

SEC. 101. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

Assessments. Contracts.

SEC. 102. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 103. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to

assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 104. The Secretary or his or her designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,042,467,000, of which $5,238,005,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,099,019,000 shall be available for air traffic organization activities; not to exceed $1,164,597,000 shall be available for aviation safety activities; not to exceed $14,094,000 shall be available for commercial space transportation activities; not to exceed $111,004,000 shall be available for financial services activities; not to exceed $96,091,000 shall be available for human resources program activities; not to exceed $331,000,000 shall be available for region and center operations and regional coordination activities; not to exceed $180,859,000 shall be available for staff offices; and not to exceed $46,500,000 shall be available for information services: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary utilize not less than $10,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation

Deadlines.
Reports.
49 USC 44506 note.

Fines.

Grants.
Safety standards.

User fees.

that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,000,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

Premium pay.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,742,095,000, of which $2,281,595,000 shall remain available until September 30, 2011, and of which $460,500,000 shall remain available until September 30, 2009: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2010 through 2014, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further,* That the Secretary of Transportation shall conduct an analysis that compares the current status of air traffic management and

Submission date.
Investment plan.

Study.

Submission date. Interim architecture. Cost estimate.

the national airspace system to the planned architecture of the "next generation" air transportation system: *Provided further,* That upon initial submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to the Congress an interim architecture for the "next generation" air transportation system that establishes a list of priority capabilities to be achieved by 2017 and provides an estimated cost for each of those priorities.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $171,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,514,500,000 in fiscal year 2009, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $87,454,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $19,348,000 shall be for Airport Technology Research, and $8,000,000, to remain available until

Explosive detection systems.

expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $80,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2009.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2009, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

New Jersey.

SEC. 114. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

Airline schedules.

SEC. 115. (a) No funds provided in this Act may be used by the Secretary of Transportation to promulgate regulations or take any action regarding the scheduling of airline operations at any commercial airport in the United States if such regulation or action involves:

(1) the auctioning by the Secretary or the FAA Administrator of rights or permission to conduct airline operations at such an airport,

(2) the implementation by said Secretary or Administrator of peak-period or other forms of congestion pricing at such an airport,

(3) either:

(A) withdrawal by the Secretary or Administrator of a right or permission to conduct operations at such an

airport (except when the withdrawal is for operational reasons or pursuant to the terms or conditions of such operating right or permission), or

(B) requiring a carrier to transfer involuntarily any such right or permission to another person,

(4) the charging by the Secretary or Administrator of a fee for the right or permission to use navigable airspace at such an airport, or

(5) requiring or providing incentives or disincentives to airport proprietors to take such actions themselves.

(b) Nothing in this section shall be construed to:

(1) prohibit the Secretary or the Administrator from imposing per-operation limitations on airports for the purpose of alleviating congestion at such airports,

(2) prohibit individual airports from implementing peak-period or other congestion pricing at such airports, consistent with regulations pertaining to airport rates and charges, or

(3) limit the ability of a State, political subdivision of a State, or political authority of at least two States that owns or operates a commercial airport from carrying out its proprietary powers and rights.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

Deadline. Reports.

SEC. 117. Within 60 days of the publication date of any Government Accountability Office report reviewing the Federal Aviation Administration's project to redesign the airspace over the New York, New Jersey, and Philadelphia region, the Administrator of the Federal Aviation Administration shall report in writing to the Committee on Appropriations and the Committee on Commerce, Science, and Transportation, on actions the agency intends to take in order to address any concerns and recommendations identified in the Government Accountability Office report.

Apportionment.

SEC. 118. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $390,000,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made

available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $300,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,124,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $40,700,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2009: *Provided*, That within the $40,700,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2009: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code. 23 USC 104 note.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,439,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION)

(HIGHWAY TRUST FUND)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $3,150,000,000 are permanently rescinded: *Provided*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further,* That notwithstanding section 1132 of Public Law 110–140, in administering the rescission required under this heading, the Secretary of Transportation shall allow each State to determine the amount of the required rescission to be drawn from the programs to which the rescission applies.

APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM

For necessary expenses for West Virginia corridor H of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240, as amended, $9,500,000, to remain available until expended.

DENALI ACCESS SYSTEM PROGRAM

For necessary expenses for the Denali Access System Program as authorized under section 1960 of Public Law 109–59, $5,700,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING RESCISSIONS)

23 USC 104 note.

SEC. 120. (a) For fiscal year 2009, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated

for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c)

of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2009; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

Distribution date.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. In addition to amounts provided in this or any other Act for fiscal year 2009, $143,031,303, to be derived from the Highway Trust Fund (other than the Mass Transit Account), shall be available for the Transportation, Community, and System Preservation Program under section 1117 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59; 119 Stat. 1144, 1177–1179): *Provided,* That all funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act: *Provided further,* That such funds shall be administered in accordance with section 1117(g)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 123. Of the amounts made available under section 104(a) of title 23, United States Code, $33,401,492 are permanently rescinded.

SEC. 124. Of the unobligated balances of funds made available in fiscal year 2005 and prior fiscal years for the implementation or execution of programs for transportation research, training and

education, and technology deployment including intelligent transportation systems, $11,756,527 are permanently rescinded.

SEC. 125. There is hereby appropriated to the Secretary of Transportation $161,326,625 for surface transportation priorities: *Provided,* That the amount provided by this section shall be made available for the programs, projects and activities identified under this section in the explanatory statement accompanying this Act: *Provided further*, That funds provided by this section, at the request of a State, shall be transferred by the Secretary to another Federal agency: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds set aside by this section shall be 100 percent: *Provided further*, That the sums set aside by this section shall remain available until expended: *Provided further*, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

Deadline.
Notice.
Public comments.
23 USC 313 note.

SEC. 126. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

Reports.

Montana.

SEC. 127. Notwithstanding any other provision of law, funds made available in Public Law 110–161 for "Bridge over Broadway, Missoula to Rattlesnake National Recreation Area, MT" shall be available for a new pedestrian and bicycle-friendly at-grade crossing of East Broadway Street in Missoula, Montana.

Texas.

SEC. 128. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless

otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 129. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to "Route 116 and Bay Road Intersection and Road Improvements, Amherst, MA" in the table of projects for such section 129 is deemed to be amended by inserting ", including Bike, Pedestrian, or Other Off Road Paths" after "Improvements".

(b) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to "Highway 77 Rail Grade Separation, Marion, AR", in the table of projects for such section 129 is deemed to be amended by striking "Highway 77 Rail Grade Separation, Marion, AR" and inserting "BNSF main line overpass within the Marion, Arkansas, planning jurisdiction".

(c) In the explanatory statement referenced in section 186 of division K of Public Law 110–161 (121 Stat. 2406), in the table of projects under the heading "Federal Highway Administration—Federal-Aid Highways (Limitation on Obligations)—Federal Lands" in division K of such explanatory statement, the item relating to "U.S. Forest Highway 4, Winston County, Alabama" is deemed to be amended by striking "Highway 4" and inserting "Highway 9".

(d) In the explanatory statement referenced in section 186 of division K of Public Law 110–161 (121 Stat. 2406), the item relating to "Street Improvements in Burnham, IL" in the table of projects under the heading "Transportation, Community and System Preservation Program" is deemed to be amended by striking "Street Improvements in Burnham, IL" and inserting "Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL".

(e) In the explanatory statement referenced in section 186 of division K of Public Law 110–161 (121 Stat. 2406), the item relating to "Street Improvements in Thornton, IL" in the table of projects under the heading "Transportation, Community and System Preservation Program" is deemed to be amended by striking "Street Improvements in Thornton, IL" and inserting "Engineering, Right-of-Way, and Construction of Joe Orr Road Extension and Main Street Project in Lynwood, IL".

(f) Funds made available from the amount appropriated under the heading "Federal Highway Administration—Highway Demonstration Projects" of title I of the Department of Transportation and Related Agencies Appropriations Act, 1992 (Public Law 102–143) for the Miller Highway from 59th Street to 72nd Street, west side of Manhattan, New York, and from the amount appropriated under the heading "Federal Highway Administration—Highway Projects" of title I of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–388) for design improvements on Miller Highway, New York City, New York, shall be made available for the project specified in item 4599 of section 1702 of SAFETEA–LU (Public Law 109–59), as

amended by the SAFETEA–LU Technical Corrections Act of 2008 (Public Law 110–244).

New York.

SEC. 130. Notwithstanding any other provision of law, any unexpended amounts available for obligation for item number 48 under section 1106(b) of Public Law 102–240 (105 Stat. 2046) for the Southern State Parkway Improvement project shall be available for obligation and expenditure on the I–90 connector, Rensselaer County, New York, including reimbursement for expenses incurred on such connector prior to the date of enactment of this section.

SEC. 131. (a) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 189 and inserting the following: "Planning, design, engineering, environmental analysis, acquisition of rights-of-way, and construction for the Long Valley Bypass".

(b) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 3546 and inserting the following: "Port of Coos Bay to acquire and repair the Coos Bay Line".

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred for administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $234,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided,* That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $234,000,000, for "Motor Carrier Safety Operations and Programs", of which $8,500,000, to remain available for obligation until September 30, 2011, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further,* That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further,* That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2009 and September 30, 2009 on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers: *Provided further,* That $4,839,259 in unobligated balances are permanently rescinded.

Reports.
Deadlines.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided,* That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for "Motor Carrier Safety Grants"; of which $209,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further,* That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: *Provided further,* That $6,502,558 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $2,231,259 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $19,571,910 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Reports.
Deadline.

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

SEC. 136. None of the funds appropriated or otherwise made available under this Act may be used, directly or indirectly, to establish, implement, continue, promote, or in any way permit a cross-border motor carrier demonstration program to allow Mexican-domiciled motor carriers to operate beyond the commercial zones along the international border between the United States and Mexico, including continuing, in whole or in part, any such program that was initiated prior to the date of the enactment of this Act.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $127,000,000, of which $31,670,000 shall remain available until September 30, 2010: *Provided,* That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2009, are in excess of $105,500,000 for programs authorized under 23 U.S.C. 403: *Provided further,* That within the $105,500,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2010 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2009, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LLIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided,* That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2009, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2010 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; $139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $18,500,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law 109–59; $7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: *Provided further,* That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further,* That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further,* That

not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $10,900,000 in unobligated balances are permanently rescinded.

SEC. 142. Of the amounts made available under the heading "National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $544,000 in unobligated balances are permanently rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $60,200,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $159,445,000, of which $12,268,890 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $33,950,000, to remain available until expended.

CAPITAL ASSISTANCE TO STATES—INTERCITY

PASSENGER RAIL SERVICE

To enable the Federal Railroad Administrator to make grants to States for the capital costs of improving existing intercity passenger rail service and providing new intercity passenger rail service, $90,000,000, to remain available until expended: *Provided,* That grants shall be provided to a State only on a reimbursable basis: *Provided further,* That grants cover no more than 50 percent of the total capital cost of a project selected for funding: *Provided further,* That no more than 10 percent of funds made available under this program may be used for planning activities that lead

Grants.

directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator: *Provided further,* That no later than eight months following enactment of this Act, the Secretary shall establish and publish criteria for project selection, set a deadline for grant applications, and provide a schedule for project selection: *Provided further,* That to be eligible for this assistance, States must include intercity passenger rail service as an integral part of statewide transportation planning as required under section 135 of title 23, United States Code: *Provided further,* That to be eligible for capital assistance the specific project must be on the Statewide Transportation Improvement Plan at the time of the application to qualify: *Provided further,* That the Secretary give priority to capital and planning applications for projects that improve the safety and reliability of intercity passenger trains, involve a commitment by freight railroads to an enforceable on-time performance of passenger trains of 80 percent or greater, involve a commitment by freight railroads of financial resources commensurate with the benefit expected to their operations, improve or extend service on a route that requires little or no Federal assistance for its operations, and involve a commitment by States or railroads of financial resources to improve the safety of highway/rail grade crossings over which the passenger service operates: *Provided further,* That the Administrator is directed to report to the Committees on Appropriations not later than 180 days upon enactment of this Act detailing the recipients and outcomes of grants issued pursuant to Public Law 110–116, under this heading, the Capital Assistance to States Program, any and all usage and performance fees paid to a freight railroad for access to the right of way: *Provided further,* That the Administrator may retain up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

Deadline.
Publication.
Criteria.

Reports.
Deadline.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2009.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, as authorized by section 9002 of Public Law 109–59, $25,000,000, to remain available until expended.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for operation of intercity passenger rail, $550,000,000, to remain available until expended: *Provided,* That the Secretary shall withhold such sums as shall be necessary for the costs associated with the second retroactive wage payment to Amtrak employees and shall transmit such funding to the corporation for the sole and exclusive purpose of making such payments only at such time as said payments are due: *Provided further,* That such remaining amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That the Corporation is directed to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall report to the House and Senate Committees on Appropriations beginning 3 months after the date of the enactment of this Act and quarterly thereafter with estimates of the savings accrued as a result of all operational reforms instituted by the Corporation: *Provided further*, That not later than 120 days after enactment of this Act, the Corporation shall transmit to the House and Senate Committees on Appropriations the status of its plan to improve the financial performance of food and beverage service and its plan to improve the financial performance of first class service (including sleeping car service): *Provided further*, That the Corporation shall report quarterly to the House and Senate Committees on Appropriations on its progress against the milestones and target dates contained in the plan provided in fiscal year 2008 and quantify savings realized to date on a monthly basis compared to those projected in the plan, identify any changes in the plan or delays in implementing these plans, and identify the causes of delay and proposed corrective measures: *Provided further*, That not later than 90 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a comprehensive business plan approved by the Board of Directors for fiscal year 2009 under section 24104(a) of title 49, United States Code: *Provided further*, That the business plan shall include, as applicable, targets for ridership, revenues, and capital and operating expenses: *Provided further*, That the plan shall also include a separate accounting of such targets for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the business plan shall include a description of the work to be funded, along with cost estimates and an estimated timetable for completion of the projects

Reports.
Deadlines.

Deadline.
Plans.

Reports.
Deadline.

Deadline.
Business plan.

covered by this business plan: *Provided further*, That the Corporation shall continue to provide monthly reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole source basis: *Provided further*, That the Corporation's business plan and all subsequent supplemental plans shall be displayed on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used after March 1, 2006, to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal, peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That of the amounts made available under this heading not less than $18,500,000 shall be available for the Amtrak Office of Inspector General.

Reports. Deadline.

Web posting.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the maintenance and repair of capital infrastructure owned by the Corporation, including railroad equipment, rolling stock, legal mandates and other services, $940,000,000, to remain available until expended, of which not to exceed $285,000,000 shall be for debt service obligations: *Provided*, That the Secretary may retain up to one-quarter of 1 percent of the funds under this heading to fund the oversight by the Federal Railroad Administration of the design and implementation of capital projects funded by grants made under this heading: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital grant justifying the Federal support to the Secretary's satisfaction: *Provided further,* That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2009 business plan: *Provided further,* That, the business plan shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement and expansion of the Amtrak fleet: *Provided further,* That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities.

Fleet plan.

EFFICIENCY INCENTIVE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

(RESCISSION)

Of the amounts made available under this heading in Public Laws 109–115 and 110–5, all unobligated balances as of the date of enactment of this provision are hereby rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

Guidelines.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

Definition.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 154. The Federal Railroad Administrator shall submit a quarterly report on April 1, 2009, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate. The amounts made available in this title under the heading "Office of the Secretary, Salaries and Expenses" shall be reduced $100,000 for each day after the first day of each quarter that the quarterly reports required by this section are not submitted to the Congress.

Reports.
Deadlines.

Fines.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $94,413,000: *Provided*, That of the funds available under this heading, not to exceed $1,800,000 shall be available for travel and not to exceed $23,322,000 shall be available for the central account: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2010 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2010.

Reports.
Deadline.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $8,670,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,260,565,000 in fiscal year 2009.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $67,000,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $45,700,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,809,250,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title: *Provided*, That of the funds available under this heading, amounts are to be made available as follows:

AC Transit BRT Corridor, California, $4,000,000.

Bellevue-Redmond BRT, King County, Washington, $10,952,330.

BRT, Potomac Yard-Crystal City, City of Alexandria and Arlington County, Virginia, $1,000,000.

BRT, State Avenue Corridor, Wyandotte County, Kansas, $1,500,000.

Central Corridor Light Rail Transit Project, Minnesota, $20,000,000.

Central Florida Commuter Rail, Florida, $13,000,000.

Central Link Initial Segment, Seattle, Washington, $25,962,062.

Central Phoenix/East Valley Light Rail, Arizona, $91,800,000.

Charlotte Rapid Transit Extension, North Carolina, $20,500,000.

Commuter Rail Improvements, Fitchburg, Massachusetts, $30,000,000.

Commuter Rail Study—Phoenix to Tucson, Arizona, $3,500,000.

CTA Brown Line (Ravenswood), Illinois, $30,474,404.

CTA Circle Line, Illinois, $6,000,000.

Dallas Area Rapid Transit Northwest/Southeast Light Rail MOS, Texas, $87,974,716.

Downtown Orlando East-West Circulator System, Florida, $8,000,000.

Dulles Corridor Metrorail, Virginia, $29,100,000.

Honolulu High Capacity Transit Corridor Project, Hawaii, $20,000,000.

Houston Metropolitan Transit Authority Advanced Transit Program/METRO Solutions Phase 2, Texas, $15,000,000.

Hudson-Bergen MOS–2, Northern, New Jersey, $1,103,860.

I–69 HOV/BRT, Mississippi, $7,650,000.

Improvements to the Rosslyn Metro Station, Virginia, $2,000,000.

JTA BRT System, Jacksonville, Florida, $1,280,000.

Largo Metrorail Extension, District of Columbia/Maryland, $34,700,000.

Livermore-Amador BRT, Livermore, California, $7,990,000.

Long Island Rail Road East Side Access, New York, $209,623,898.

Mason Corridor BRT, Fort Collins, Colorado, $11,182,000.

MARC Capacity Improvements, Maryland, $13,000,000.

Metra, Illinois, $24,000,000.

Metro Gold Line Eastside Extension, Los Angeles, California, $81,600,000.

Metrorail Orange Line Extension Project, Florida, $20,000,000.

Metro Rapid Bus System Gap Closure, Los Angeles, California, $332,620.

Mid-City Rapid, San Diego, California, $19,485,000.
Mid Jordan Light Rail Extension, Utah, $20,000,000.
Mountain Links BRT, Flagstaff, Arizona, $5,614,200.
Norfolk LRT, Virginia, $53,592,108.
North Shore LRT Connector, Pennsylvania, $670,885.
Northern Indiana Commuter Transit District, Indiana, $5,000,000.
Northstar Corridor Rail, Minnesota, $71,166,060.
Pacific Highway South BRT, King County, Washington, $281,520.
Perris Valley Line, Riverside, California, $45,000,000.
Pioneer Parkway EmX BRT, Springfield, Oregon, $296,000.
San Francisco Muni Third Street Light Rail—Central Subway Project, California, $10,000,000.
Second Avenue Subway Phase 1, New York, $277,697,000.
South Corridor BRT, Kent County, Michigan, $600,000.
South Corridor I–205/Portland Mall LRT, Oregon, $81,600,000.
South County Commuter Rail, Wickford Junction Station, Rhode Island, $1,345,500.
South Sacramento Light Rail Extension, California, $7,000,000.
Southeast Corridor, LRT, Colorado, $1,031,210.
Stamford Urban Transitway, Connecticut, $3,650,000.
Streetcar Loop, Portland, Oregon, $45,000,000.
Trans-Hudson Midtown Corridor, New Jersey, $48,000,000.
Troost Corridor BRT, Kansas City, Missouri, $125,200.
Tucson Modern Streetcar/Light Rail Transit System, Tucson, Arizona, $2,000,000.
University Link LRT Extension, Washington, $100,000,000.
Van Ness BRT Project, San Francisco, California, $400,000.
VRE Rolling Stock, Virginia, $5,000,000.
Weber County to Salt Lake City Commuter Rail, Utah, $81,600,000.
West Corridor LRT, Colorado, $60,000,000.
Wilshire Boulevard Bus-Only Lane, Los Angeles, California, $9,857,097.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration, Capital Investment Grants account and for bus and bus facilities under the Federal Transit Administration, Formula and Bus Grants account for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2011, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2008, under any section of chapter 53 of title 49, United States Code, that remain available

for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2009, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided,* That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

Contracts.

SEC. 165. Notwithstanding any other provision of law, in regard to the Central Link Initial Segment Project, to the extent that Federal funds remain available within the current budget for the project, the Secretary shall, immediately upon the date of enactment of this Act, amend the Full Funding Grant Agreement for said project to allow remaining Federal funds to be used to support completion of the Airport Link extension of said project.

Kansas.

SEC. 166. Any unexpended funds in Federal Transit Administration grant numbers KS–03–0018 and KS–03–0032 shall be made available, at the request of the State, for a bus rapid transit project and related capital purchases and facility improvements, in Johnson County, Kansas City, KS under the terms and conditions required to carry out section 5309(b)(3) of title 49, United States Code to the extent applicable.

SEC. 167. Of the balances available for this fiscal year to carry out 49 U.S.C. 5309(b) left to the discretion of the Secretary of Transportation, $100,000,000 are permanently rescinded.

SEC. 168. None of the funds provided or limited under this Act may be used to issue a final regulation under section 5309 of title 49, United States Code, except that the Federal Transit Administration may continue to review comments received on the proposed rule (Docket No. FTA–2006–25737).

SEC. 169. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided,* That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 170. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 171. Notwithstanding any other provision of law, the $2,695,000 appropriated for the Charlotte Rapid Transit Extension—Northeast Corridor Light Rail Project, North Carolina under

the Alternatives Analysis Account in division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161) shall be used for the Charlotte Rapid Transit Extension—Northeast Corridor to carry out new fixed guideway or extension to existing fixed guideway activities described in section 5309 of title 49, United States Code.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

Expenditure authority. Contracts.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $31,842,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $123,360,000, of which $10,500,000 shall remain available until expended for maintenance and repair of Schoolships at State Maritime Schools, of which $8,150,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $53,208,000 shall be available for operations at the United States Merchant Marine Academy: *Provided,* That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation and not a designee: *Provided further,* That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation under the previous proviso: *Provided further,* That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Maritime Administration, completes a plan detailing by program or activity and by object class how such

Expenditure plan.

funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

Grants.
Deadlines.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3506 of Public Law 109–163 or section 54101 of title 46, United States Code, $17,500,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,531,000, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $1,382,554 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936 (46 U.S.C. 53101 note (cds)), or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

SEC. 177. Section 51509 of title 46, United States Code, is amended in subsection (b) by deleting "$4,000" and inserting in lieu thereof "$8,000" and by inserting "tuition," after "uniforms,".

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

(PIPELINE SAFETY FUND)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $19,130,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided,* That $1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline safety information grants to communities" as authorized in section 60130 of title 49, United States Code: *Provided further,* That grants described under the previous proviso shall be awarded within 120 days of enactment of this Act.

Grants.
Deadline.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $32,000,000, of which $3,302,000 shall remain available until September 30, 2011: *Provided,* That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further,* That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $93,291,000, of which $18,810,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2011; and of which $74,481,000 shall be derived from the Pipeline Safety Fund, of which $40,081,000 shall remain available until September 30, 2011: *Provided*, That not less than $1,043,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2010: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2009 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made

available for obligation by individuals other than the Secretary of Transportation, or his or her designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $12,900,000, of which $6,936,000 shall remain available until September 30, 2011: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $71,400,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,847,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2009, to result in a final appropriation from the general fund estimated at no more than $25,597,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Appointees.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway crossing hazard eliminations", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Grants.
Notification.
Deadline.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $500,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal

Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided,* That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further,* That no notification shall involve funds that are not available for obligation.

Notification.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided,* That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further,* That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

Notification.

Notice.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

Deadline.

SEC. 192. (a) None of the funds appropriated or otherwise made available under this Act to the Surface Transportation Board of the Department of Transportation may be used to take any action to allow any activity described in subsection (b) in a case, matter, or declaratory order involving a railroad, or an entity

claiming or seeking authority to operate as a railroad, unless the Board receives written assurance from the Governor, or the Governor's designee, of the State in which such activity will occur that such railroad or entity has agreed to comply with State and local regulations that establish public health, safety, and environmental standards for the activities described in subsection (b), other than zoning laws or regulations.

(b) Activities referred to in subsection (a) are activities that occur at a solid waste rail transfer facility involving—

(1) the collection, storage, or transfer of solid waste (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) outside of original shipping containers; or

(2) the separation or processing of solid waste (including baling, crushing, compacting, and shredding).

SEC. 193. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 194. Of the funds made available or limited by this Act, which are not otherwise allocated under this Act or under SAFETEA–LU (Public Law 109–59) or necessary to fulfill existing agreements between the Department of Transportation and metropolitan areas under the "Urban Partnerships" and "Congestion-Reduction Demonstration" programs, not more than 10 percent of such funds for any program that is allocated at the discretion of the Secretary may be expended in furtherance of the Department of Transportation's "National Strategy to Reduce Congestion on America's Transportation Network" issued May 2006 by Secretary of Transportation, the Honorable Norman Mineta; also known as the "Congestion Initiative" or any other new congestion initiative.

SEC. 195. Of the funds available for Ferry Boats and Ferry Terminal Facilities, $950,000 shall be for Missouri River, Route 240, Saline and Howard Counties for expenses, including reimbursement of previously incurred expenses, for alternative transportation (including ferryboat service) during bridge replacement.

SEC. 196. Notwithstanding any other provision of law, the State of New Mexico may use funds apportioned to the State under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program under section 149 of title 23, United States Code, to support the operation of commuter rail service between Belen and Bernalillo, New Mexico.

SEC. 197. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 598 in section 3044(a) of Public Law 109–59 that are unobligated or unexpended in a grant shall be made available to OATS, Incorporated for buses and bus-related facilities.

SEC. 198. Notwithstanding any other provision of law, funds made available in fiscal years 2006 through 2009 for item number 1152 in section 1702 of Public Law 109–59 that are unobligated or unexpended shall be made available for maintenance, repair and reconstruction of the Tucker Bridge in the City of St. Louis, Missouri.

Extension.

SEC. 199. Notwithstanding any other provision of law, section 198 of division K of Public Law 110–161 shall continue in effect during fiscal year 2009.

This title may be cited as the "Department of Transportation Appropriations Act, 2009".

Department of Housing and Urban Development Appropriations Act, 2009.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $23,799,456, of which not to exceed $3,885,581 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,613,898 shall be available for the Office of Hearings and Appeals; not to exceed $544,552 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $720,343 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,516,800 shall be available for the immediate Office of the General Counsel; not to exceed $2,715,488 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $2,586,721 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,005,120 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,602,655 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,707,499 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,778,560 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,431,212 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $691,027 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided,* That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further,* That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further,* That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further,* That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further,* That the Secretary shall provide all signed reports required by Congress electronically: *Provided further,* That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

Transfer authority. Notification.

Notice.

Notification.

Reports. Electronic submission.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $527,433,640, of which not to exceed $75,510,000

shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $11,003,940 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $48,817,430 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $13,438,200 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $34,028,820 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $84,837,460 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,085,120 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,215,280 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; and not to exceed $255,497,390 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

Transfer authority.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $190,390,100.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $94,233,700.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $363,198,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $10,000,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $18,070,850.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $69,020,990.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $6,727,950.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $16,817,000,000, to remain available until expended, of which $12,817,000,000 shall be available on October 1, 2008, and $4,000,000,000 shall be available on October 1, 2009: *Provided,* That the amounts made available under this heading are provided as follows:

(1) $15,034,071,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other designated housing vouchers initially funded in fiscal year 2008 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided,* That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2009 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the 2009 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further,* That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing

agency's authorized level of units under contract: *Provided further,* That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further,* That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further,* That the Secretary may extend the 60-day notification period with the written approval of the House and Senate Committees on Appropriations: *Provided further,* That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further,* That up to $100,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; and (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act.

Notification. Deadline.

(2) $150,000,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended or under the authority as provided under this Act: *Provided,* That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds.

Vouchers.

(3) Not to exceed $7,929,000 provided under this heading may be transferred to the Working Capital Fund: *Provided,* That funding made available under this section shall not be transferred to the Working Capital Fund until the voucher

Web posting.

management system leasing and cost data is made available to the public on the Department of Housing and Urban Development website.

(4) $1,500,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program and which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided,* That no less than $1,400,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2009 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further,* That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2008 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further,* That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities: *Provided further,* That of the total amount provided under this paragraph, $50,000,000 shall be made available for family self-sufficiency coordinators under section 23 of the Act.

Extension.

(5) $20,000,000 for incremental voucher assistance through the Family Unification Program: *Provided,* That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further,* That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services.

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided,* That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the

Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further,* That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further,* That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

Waiver authority.

Extension.

(7) $30,000,000 for incremental vouchers under section 8 of the Act for nonelderly disabled families: *Provided*, That assistance made available under this paragraph shall continue to remain available for the same population upon turnover: *Provided further,* That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services.

Extension.

HOUSING CERTIFICATE FUND

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2009 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided,* That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled.

Contracts.
Termination.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $2,450,000,000, to remain available until September 30, 2012: *Provided,* That notwithstanding any other provision of law or regulation, during fiscal year 2009 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further,* That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement

Deadline.

Definition.

that will result in outlays, immediately or in the future: *Provided further,* That of the total amount provided under this heading, up to $10,000,000 shall be for carrying out activities under section 9(h) of such Act; not to exceed $14,577,000 may be transferred to the Working Capital Fund; and up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further,* That no funds may be used under this heading for the purposes specified in section 9(k) of the Act: *Provided further,* That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year 2009: *Provided further,* That of the total amount provided under this heading, $40,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further,* That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further,* That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2009 to public housing agencies that are designated high performers.

Bonus awards.

PUBLIC HOUSING OPERATING FUND

For 2009 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,455,000,000; of which $5,940,000 shall be for competitive grants and contracts to third parties for the provision of technical assistance to public housing agencies related to the transition and implementation of asset-based management in public housing: *Provided*, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

42 USC 1437g note.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $120,000,000, to remain available until September 30, 2010, of which the Secretary of Housing and Urban Development shall use $2,400,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none

of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $645,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $10,000,000, to remain available until expended: *Provided,* That of this amount, $299,211 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $420,000,000: *Provided further,* That up to $750,000 shall

be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $310,000,000, to remain available until September 30, 2010, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2011: *Provided,* That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further,* That the Secretary may use not to exceed $1,485,000 of the funds under this heading for training, oversight, and technical assistance activities; and not to exceed $1,750,000 may be transferred to the Working Capital Fund.

Contracts.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $26,000,000, to remain available until expended, which amount shall be competitively awarded by September 1, 2009, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided,* That of the total amount made available under this heading, not less than $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $3,900,000,000, to remain available until September 30, 2011, unless otherwise specified: *Provided*, That of the total amount provided, $3,641,966,875 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That of the total amount made available under this heading, not to exceed $3,175,000 may be transferred to the Working Capital Fund: *Provided further*, That $5,000,000 is for technical assistance as authorized by section 107(b)(4) of such Act: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $165,311,875 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2007, 2008 and 2009, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $19,546,250 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced statement of managers under this heading in title III of division A of Public Law 109–115 is deemed to be amended with respect to item number 889 by striking "Perry County, Pennsylvania to develop an industrial park in New Bloomfield" and inserting "Perry County, Pennsylvania to develop an industrial park in Penn Township/Duncannon".

The referenced statement of managers under the heading "Community Planning and Development" in title II of division K of Public Law 110–161 is deemed to be amended by striking: "Golden Castings Foundry Demolition and Site Remediation Project

to raze and remediate the site of the former Golden Castings Foundry for the demolition and environmental remediation costs of the Golden Castings foundry site" and inserting "To remediate the former site of the Columbus Wood Treating Plant in Columbus, Indiana".

The referenced explanatory statement under this heading in Public Law 110–161 is deemed to be amended with respect to the fourth item included in the table found on page 2439 with respect to amounts made available for the Springfield Boys and Girls Club by striking "Springfield Boys and Girls Club; Community Center; Springfield, IL; Planning, development, land acquisition, and construction costs for a new community center in Springfield." and inserting "City of Springfield for capital costs associated with the Edwin Watts Southwind Park".

The referenced statement of managers under the heading "Community Development Fund" in title II of division K of Public Law 110–161 is deemed to be amended by striking: "City of Charlotte, NC for land acquisition in the development of the Belvedere Business Park" and inserting "City of Charlotte, NC for development of the Belvedere Business Park".

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2010, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2010: *Provided,* That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2011, of which not to exceed $4,200,000 may be transferred to the Working Capital Fund: *Provided*, That up to $12,000,000 shall be available for technical assistance: *Provided further*, That, in prior appropriations Acts for Community Housing Development Organizations technical assistance, and that still

remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $64,000,000 to remain available until September 30, 2011: *Provided,* That of the total amount provided under this heading, $26,500,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further,* That $34,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: *Provided further,* That $3,500,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,677,000,000, of which $1,672,000,000 shall remain available until September 30, 2011, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That of the amount provided, $10,000,000 shall be made available to conduct a demonstration program on the prevention of homelessness among the Nation's veterans: *Provided further,* That the Secretary shall work in coordination with the Department of Veterans Affairs and the Department of Labor to select a limited number of urban and rural sites in which to carry out this demonstration: *Provided further,* That in selecting sites, the Secretary shall evaluate the rate of homelessness among veterans in the area, and the experience of the grantees in coordinating with Department of Veterans Affairs and the Department of Labor to enable veterans to access mainstream programs: *Provided further,* That of the sites selected, up to three shall have a high number of service members separating from the military and transitioning into civilian life: *Provided further,* That the Secretary shall also select up to four sites located in rural areas to evaluate how to effectively serve veterans in rural areas, many of whom may have been part of the National Guard, may have limited access to the Department of Veterans Affairs medical centers, and may have dependent family members: *Provided further,* That funding made available under this demonstration shall be available for housing

and appropriate services to prevent veterans and their families from becoming homeless or reduce the length of time veterans and their families are homeless: *Provided further,* That of the amounts made available under this heading, not to exceed $750,000 may be available for an evaluation of this demonstration: *Provided further,* That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further,* That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $8,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That of the total amount made available under this heading, not to exceed $2,675,000 may be transferred to the Working Capital Fund: *Provided further,* That $3,000,000 of the funds appropriated under this heading shall be used to conduct research on homeless issues, including homeless prevention and youth homelessness: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2009: *Provided further,* That this heading in the Department of Housing and Urban Development Appropriations Act, 2008 is amended by inserting the following new proviso after the third proviso: "*Provided further,* That the Secretary may renew grants made under this demonstration program and may treat such original grants and any such renewal grants as if these grants were made under the supportive housing program:".

Contracts.

122 Stat. 2423.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for,

$7,100,000,000, to remain available until expended, shall be available on October 1, 2008, and $400,000,000, to remain available until expended, shall be available on October 1, 2009: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $6,868,000,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Up to $232,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Not to exceed $10,000,000 provided under this heading may be transferred to the Working Capital Fund.

(4) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $765,000,000, to remain available until September 30, 2012, of which up to $626,400,000 shall be for capital advance and project-

based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $25,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further,* That up to $2,000,000 of the total amount made available under this heading shall be for technical assistance to improve grant applications and to facilitate the development of housing for the elderly under section 202 of the Housing Act of 1959, and supportive housing for persons with disabilities under section 811 of the Cranston-Gonzales National Affordable Housing Act: *Provided further*, That of the total amount made available under this heading, not to exceed $1,600,000 may be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

Waiver authority.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $250,000,000, of which up to $161,300,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2012: *Provided*, That of the total amount made available under this heading, not to exceed $1,600,000 may be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*,

Waiver authority.

That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects. Inspections.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $65,000,000, including up to $2,000,000 for administrative contract services, to remain available until September 30, 2010: *Provided,* That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $27,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $37,600,000 are rescinded.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $10,600,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2009 so as to result in a final fiscal year 2009 appropriation from the general fund estimated at not more than $5,400,000 and fees pursuant to such section

620 shall be modified as necessary to ensure such a final fiscal year 2009 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2009, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $315,000,000,000. During fiscal year 2009, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided,* That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses, $116,000,000, of which at least $46,794,000 shall, and up to $58,492,500 may, be transferred to the Working Capital Fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further,* That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2009, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: *Provided,* That commitments to guarantee loans shall not exceed $45,000,000,000 in total loan principal, any part of which is to be guaranteed. Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly

insured under such Act. For administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $48,871,000, of which at least $47,871,000 shall be for administrative contracts and up to $1,000,000 shall be for consumer education and outreach for FHA loan products.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $300,000,000,000, to remain available until September 30, 2010: *Provided*, That to the extent new guarantees of mortgage-backed securities exceed $75,000,000,000 on or before April 1, 2009, an additional $1,000 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000) but in no case shall funds made available by this proviso exceed $14,000,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $58,000,000, to remain available until September 30, 2010: *Provided,* That of the funds made available under this heading, $23,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307): *Provided further,* That at least $1,000,000 shall be available for the Secretary to conduct a comprehensive study to be managed by the Office of Policy Development and Research, to analyze the administrative costs necessary to carry-out the tenant-based voucher program: *Provided further,* That of the total amount made available, $2,000,000 may be made available for technology directly related to disaster prone areas.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $53,500,000, to remain available until September 30, 2010, of which $27,500,000 shall be to carry out activities pursuant to such section 561 of which up to $2,000,000 shall be made available to carryout authorized activities to protect the public from mortgage rescue scams: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use

Lobbying.

such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2010, of which not less than $14,600,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further,* That amounts made available under this heading in prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated: *Provided further,* That of the total amount made available under this heading, $250,000 shall be allocated through the Office of Healthy Homes and Lead Hazard Control to conduct communications and outreach to potential applicants to the Lead Hazard Reduction Demonstration Grant program.

Waiver authority.

Plans.
Notice.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related development activities, $224,000,000, to remain available until September 30, 2010, of which not less than $4,000,000 shall be used for planning for modernizing, improving and maintaining information technology applications and infrastructure supporting the FHA: *Provided,* That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further,* That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further,* That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $120,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2009 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the

purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

Grants.
AIDS.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2009 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2009 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2009 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2009, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

New Jersey.

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3 year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2009 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

Budget estimate.

SEC. 208. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless the Secretary of Housing and Urban Development provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2009, the Secretary shall transmit this information to the Committees by March 15, 2009 for 30 days of review.

Deadline.

Reports.
Deadline.
Budget.

SEC. 209. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

AIDS.
New Jersey.

SEC. 210. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City

of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

North Carolina.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2009 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2009 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

Budget.

SEC. 211. The President's formal budget request for fiscal year 2010, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

State listing.

SEC. 212. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient

Establishment.

of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

Transfer authority.

SEC. 213. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2008 and 2009, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

Standards.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

Notification. Certification.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased.

Definitions.

(c) For purposes of this section—

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations

governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 214. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 215. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 216. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 217. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)), the Secretary of Housing and Urban Development may, until September 30, 2009, insure and enter into commitments to insure mortgages under section 255 of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 218. Notwithstanding any other provision of law, in fiscal year 2009, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Determination.
Contracts.

SEC. 219. During fiscal year 2009, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

Reports.
Deadline.
Contracts.

SEC. 220. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 221. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 222. (a) The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

Deadline.
Regulations.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 223. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "2003" and inserting "2009"; and

(2) in subsection (o), by striking "September 30, 2007" and inserting "September 30, 2009".

SEC. 224. (a) REQUIRED SUBMISSIONS FOR FISCAL YEARS 2008 AND 2009.—

Deadline.

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives for fiscal years 2008 and 2009—

(A) a complete and accurate accounting of the actual project-based renewal costs for project-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

(B) revised estimates of the funding needed to fully fund all 12 months of all project-based contracts under such section 8, including project-based contracts that expire in fiscal year 2008 and fiscal year 2009; and

(C) all sources of funding that will be used to fully fund all 12 months of the project-based contracts for fiscal years 2008 and 2009.

(2) UPDATED INFORMATION.—At any time after the expiration of the 60-day period described in paragraph (1), the Secretary may submit corrections or updates to the information required under paragraph (1), if upon completion of an audit of the project-based assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), such audit reveals additional information that may provide Congress a more complete understanding of the Secretary's implementation of the project-based assistance program under such section 8.

(b) REQUIRED SUBMISSIONS FOR FISCAL YEAR 2010.—As part of the Department of Housing and Urban Development's budget request for fiscal year 2010, the Secretary of Housing and Urban Development shall submit to the relevant authorizing committees and to the Committees on Appropriations of the Senate and the House of Representatives complete and detailed information, including a project-by-project analysis, that verifies that such budget request will fully fund all project-based contracts under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) in fiscal year 2010, including expiring project-based contracts.

Exemption.

SEC. 225. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g note.

SEC. 226. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided,* however, that a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

Reports. Deadline.

SEC. 227. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary

shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 228. Section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)) is amended—

(1) in subparagraph (F), by striking "and";

(2) in subparagraph (G) by striking the period at the end and inserting "; and"; and

(3) by adding a new subparagraph (H) as follows:

"(H) housing that is assisted under section 811 of the Cranston-Gonzalez Affording Housing Act (42 U.S.C. 8013).".

SEC. 229. The Home Investment Partnerships Act (42 U.S.C. 12721 et seq.) is amended—

42 USC 12773. (1) in section 233(d)(1) by striking "20" and inserting "40";

(2) in section 233(e) by striking "40" and inserting "25";

42 USC 12783. (3) in section 243(b), in the second sentence, by striking "20" and inserting "40"; and

42 USC 12821. (4) in section 271(i) by striking "Act after December 31, 2007" and inserting "section after December 31, 2011".

Allotment holder. SEC. 230. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings "Executive Direction" and "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.

Deadline. Designation.

SEC. 231. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 232. Of the unobligated balances remaining from funds appropriated under the heading "Tenant-Based Rental Assistance" under the Department of Housing and Urban Development Appropriations Act, 2008, $750,000,000 are rescinded from the $4,158,000,000 which are available on October 1, 2008. Such amount shall be derived from reductions to public housing agencies' calendar year 2009 allocations based on amounts in public housing agencies' net restricted assets accounts (in accordance with VMS data in calendar year 2008 that is verifiable and complete), as determined by the Secretary.

SEC. 233. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2009 and thereafter, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2009 and thereafter, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

Notification. Federal Register, publication. 42 USC 3545a.

Web posting.

SEC. 234. PREPAYMENT AND REFINANCING. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results —

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

Cost analysis.

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

Contracts.

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 235. USE OF SURPLUS FEDERAL PROPERTY FOR THE HOMELESS. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided,* That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further,* That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind

donations of goods and services: *Provided further,* That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further,* That, this section shall apply to properties in fiscal year 2008 and 2009 made available as surplus Federal property for use to assist the homeless.

Applicability.

SEC. 236. The Secretary of Housing and Urban Development shall increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–281) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS) and is a HOPE VI agency. No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding than they otherwise would have received absent this designation.

SEC. 237. Of the unobligated balances remaining from funds appropriated to the Department of Housing and Urban Development under the fourth paragraph under the heading "General and Special Risk Program Account" in the Department of Housing and Urban Development Appropriations Act, 2008, $5,000,000 are rescinded: *Provided,* That with respect to such discount sales referenced under such paragraph, notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2009 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

Transfer authority. Submission.

SEC. 238. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided,* That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

SEC. 239. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2009".

TITLE III

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $6,550,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $22,800,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $91,000,000, of which not to exceed $2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments due in fiscal year 2009 only, on an obligation incurred in fiscal year 2001 for a capital lease. Of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements.

(RESCISSION)

Of the available unobligated balances made available under this heading in Public Law 106–246, $671,275 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by

the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $131,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided,* That of the amounts made available under this heading, $6,000,000 shall be made available to conduct a consumer mortgage public education campaign: *Provided further,* That funding amounts provided under the previous proviso shall be available for campaign development, production, and outreach activities.

Foreclosures.

For an additional amount, $50,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

Grants.
Waiver authority.

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures primarily in the subprime housing market to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of subprime mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

Requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and

advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

Certification.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $5,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

Reports.
Deadlines.

(9) The NRC shall report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Such reports shall identify successful strategies and methods for preserving homeownership and the long-term affordability of at-risk mortgages and shall include recommended efforts that will or likely can assist in the success of this program as well as an analysis of any policy and procedures that failed to result in successful mortgage foreclosure mitigation. The report shall include an analysis of the details and use of any post mitigation counseling of assisted borrowers designed to ensure the continued long-term affordability of the mortgages which were the subject of the mortgage foreclosure mitigation assistance.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as

amended, $2,333,000: *Provided,* That no funds may be used to pay the salaries and benefits of any employee of the United States Interagency Council on Homelessness that spends more than 10 days outside of the United States while not on annual leave. Salaries and benefits.

Title II of the McKinney-Vento Homeless Assistance Act, as amended, is amended in section 209 by striking "2008" and inserting "2010". 42 USC 11319.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2009 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2009, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current Deadline. Reports.

fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Fines.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2009 from appropriations made available for salaries and expenses for fiscal year 2009 in this Act, shall remain available through September 30, 2010, for each such account for the purposes authorized: *Provided,* That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further,* That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

Expenditure request.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2009. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

Reports. Deadline.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

Eminent domain.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures

designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2009".

DIVISION J—FURTHER PROVISIONS RELATING TO THE DEPARTMENT OF HOMELAND SECURITY AND OTHER MATTERS

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $100,000,000, to remain available until expended, to address additional requirements related to the protection mission: *Provided,* That of this amount, not to exceed $12,730,000 may be transferred to "Acquisition, Construction, Improvements, and Related Expenses" to address the deferred maintenance backlog: *Provided further,* That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section

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

GENERAL PROVISIONS—THIS DIVISION

SEC. 101. Sections 143, 144, and 145 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3580 et seq.) are each amended by striking "the date specified in section 106(3) of this joint resolution" and inserting "September 30, 2009".

8 USC 1324a note, 1153 note; 42 USC 4026 note.

SEC. 102. (a) EXTENSION OF COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM.—Effective as of February 1, 2009, section 1858 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 504) is amended—

Effective date.

(1) in subsection (a), by striking "60 days after" and all that follows through the end of the subsection and inserting "on March 1, 2010."; and

(2) in subsection (b), by striking "the 60-day period referred to in subsection (a)" and inserting "the period beginning on February 2, 2009, and ending on February 28, 2010,".

Time period.

(b) FUNDING.—Of the funds provided under the heading "Operation and Maintenance, Defense–Wide" in the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329; 122 Stat. 3606), $1,100,000 shall be made available only for purposes of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

Pay freeze. 2 USC 31 note.

SEC. 103. Notwithstanding any provision of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)), the percentage adjustment scheduled to take effect under any such provision in calendar year 2010 shall not take effect.

Approved March 11, 2009.

LEGISLATIVE HISTORY—H.R. 1105:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Feb. 25, considered and passed House.
Mar. 2–6, 9, 10, considered and passed Senate.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Mar. 11, Presidential statement.

Public Law 111–9
111th Congress

An Act

To extend certain immigration programs.

Mar. 20, 2009
[H.R. 1127]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.

Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking "March 6, 2009," each place such term appears and inserting "September 30, 2009,".

SEC. 2. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "March 6, 2009" and inserting "September 30, 2009".

Approved March 20, 2009.

LEGISLATIVE HISTORY—H.R. 1127:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 4, considered and passed House.
Mar. 11, considered and passed Senate.

Public Law 111–10
111th Congress

An Act

Mar. 20, 2009
[H.R. 1541]

To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 110-235 (122 Stat. 1552), is amended by striking "March 20, 2009" in each place it appears and inserting "July 31, 2009".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on March 19, 2009.

Approved March 20, 2009.

LEGISLATIVE HISTORY—H.R. 1541:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 17, considered and passed House and Senate.

Public Law 111–11
111th Congress

An Act

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mar. 30, 2009
[H.R. 146]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Omnibus Public Land Management Act of 2009.
16 USC 1 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Public Land Management Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

Sec. 1001. Designation of wilderness, Monongahela National Forest, West Virginia.
Sec. 1002. Boundary adjustment, Laurel Fork South Wilderness, Monongahela National Forest.
Sec. 1003. Monongahela National Forest boundary confirmation.
Sec. 1004. Enhanced Trail Opportunities.

Subtitle B—Virginia Ridge and Valley Wilderness

Sec. 1101. Definitions.
Sec. 1102. Designation of additional National Forest System land in Jefferson National Forest as wilderness or a wilderness study area.
Sec. 1103. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 1104. Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 1105. Trail plan and development.
Sec. 1106. Maps and boundary descriptions.
Sec. 1107. Effective date.

Subtitle C—Mt. Hood Wilderness, Oregon

Sec. 1201. Definitions.
Sec. 1202. Designation of wilderness areas.
Sec. 1203. Designation of streams for wild and scenic river protection in the Mount Hood area.
Sec. 1204. Mount Hood National Recreation Area.
Sec. 1205. Protections for Crystal Springs, Upper Big Bottom, and Cultus Creek.
Sec. 1206. Land exchanges.
Sec. 1207. Tribal provisions; planning and studies.

Subtitle D—Copper Salmon Wilderness, Oregon

Sec. 1301. Designation of the Copper Salmon Wilderness.
Sec. 1302. Wild and Scenic River Designations, Elk River, Oregon.
Sec. 1303. Protection of tribal rights.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

Sec. 1401. Definitions.

Sec. 1402. Voluntary grazing lease donation program.
Sec. 1403. Box R Ranch land exchange.
Sec. 1404. Deerfield land exchange.
Sec. 1405. Soda Mountain Wilderness.
Sec. 1406. Effect.

Subtitle F—Owyhee Public Land Management

Sec. 1501. Definitions.
Sec. 1502. Owyhee Science Review and Conservation Center.
Sec. 1503. Wilderness areas.
Sec. 1504. Designation of wild and scenic rivers.
Sec. 1505. Land identified for disposal.
Sec. 1506. Tribal cultural resources.
Sec. 1507. Recreational travel management plans.
Sec. 1508. Authorization of appropriations.

Subtitle G—Sabinoso Wilderness, New Mexico

Sec. 1601. Definitions.
Sec. 1602. Designation of the Sabinoso Wilderness.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

Sec. 1651. Definitions.
Sec. 1652. Designation of Beaver Basin Wilderness.
Sec. 1653. Administration.
Sec. 1654. Effect.

Subtitle I—Oregon Badlands Wilderness

Sec. 1701. Definitions.
Sec. 1702. Oregon Badlands Wilderness.
Sec. 1703. Release.
Sec. 1704. Land exchanges.
Sec. 1705. Protection of tribal treaty rights.

Subtitle J—Spring Basin Wilderness, Oregon

Sec. 1751. Definitions.
Sec. 1752. Spring Basin Wilderness.
Sec. 1753. Release.
Sec. 1754. Land exchanges.
Sec. 1755. Protection of tribal treaty rights.

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

Sec. 1801. Definitions.
Sec. 1802. Designation of wilderness areas.
Sec. 1803. Administration of wilderness areas.
Sec. 1804. Release of wilderness study areas.
Sec. 1805. Designation of wild and scenic rivers.
Sec. 1806. Bridgeport Winter Recreation Area.
Sec. 1807. Management of area within Humboldt-Toiyabe National Forest.
Sec. 1808. Ancient Bristlecone Pine Forest.

Subtitle L—Riverside County Wilderness, California

Sec. 1851. Wilderness designation.
Sec. 1852. Wild and scenic river designations, Riverside County, California.
Sec. 1853. Additions and technical corrections to Santa Rosa and San Jacinto Mountains National Monument.

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

Sec. 1901. Definitions.
Sec. 1902. Designation of wilderness areas.
Sec. 1903. Administration of wilderness areas.
Sec. 1904. Authorization of appropriations.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

Sec. 1951. Definitions.
Sec. 1952. Rocky Mountain National Park Wilderness, Colorado.
Sec. 1953. Grand River Ditch and Colorado-Big Thompson projects.
Sec. 1954. East Shore Trail Area.
Sec. 1955. National forest area boundary adjustments.
Sec. 1956. Authority to lease Leiffer tract.

Subtitle O—Washington County, Utah

Sec. 1971. Definitions.
Sec. 1972. Wilderness areas.
Sec. 1973. Zion National Park wilderness.
Sec. 1974. Red Cliffs National Conservation Area.
Sec. 1975. Beaver Dam Wash National Conservation Area.
Sec. 1976. Zion National Park wild and scenic river designation.
Sec. 1977. Washington County comprehensive travel and transportation management plan.
Sec. 1978. Land disposal and acquisition.
Sec. 1979. Management of priority biological areas.
Sec. 1980. Public purpose conveyances.
Sec. 1981. Conveyance of Dixie National Forest land.
Sec. 1982. Transfer of land into trust for Shivwits Band of Paiute Indians.
Sec. 1983. Authorization of appropriations.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

Sec. 2001. Definitions.
Sec. 2002. Establishment of the National Landscape Conservation System.
Sec. 2003. Authorization of appropriations.

Subtitle B—Prehistoric Trackways National Monument

Sec. 2101. Findings.
Sec. 2102. Definitions.
Sec. 2103. Establishment.
Sec. 2104. Administration.
Sec. 2105. Authorization of appropriations.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

Sec. 2201. Definitions.
Sec. 2202. Establishment of the Fort Stanton-Snowy River Cave National Conservation Area.
Sec. 2203. Management of the Conservation Area.
Sec. 2204. Authorization of appropriations.

Subtitle D—Snake River Birds of Prey National Conservation Area

Sec. 2301. Snake River Birds of Prey National Conservation Area.

Subtitle E—Dominguez-Escalante National Conservation Area

Sec. 2401. Definitions.
Sec. 2402. Dominguez-Escalante National Conservation Area.
Sec. 2403. Dominguez Canyon Wilderness Area.
Sec. 2404. Maps and legal descriptions.
Sec. 2405. Management of Conservation Area and Wilderness.
Sec. 2406. Management plan.
Sec. 2407. Advisory council.
Sec. 2408. Authorization of appropriations.

Subtitle F—Rio Puerco Watershed Management Program

Sec. 2501. Rio Puerco Watershed Management Program.

Subtitle G—Land Conveyances and Exchanges

Sec. 2601. Carson City, Nevada, land conveyances.
Sec. 2602. Southern Nevada limited transition area conveyance.
Sec. 2603. Nevada Cancer Institute land conveyance.
Sec. 2604. Turnabout Ranch land conveyance, Utah.
Sec. 2605. Boy Scouts land exchange, Utah.
Sec. 2606. Douglas County, Washington, land conveyance.
Sec. 2607. Twin Falls, Idaho, land conveyance.
Sec. 2608. Sunrise Mountain Instant Study Area release, Nevada.
Sec. 2609. Park City, Utah, land conveyance.
Sec. 2610. Release of reversionary interest in certain lands in Reno, Nevada.
Sec. 2611. Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

Sec. 3001. Watershed restoration and enhancement agreements.

Subtitle B—Wildland Firefighter Safety

Sec. 3101. Wildland firefighter safety.

Subtitle C—Wyoming Range

Sec. 3201. Definitions.
Sec. 3202. Withdrawal of certain land in the Wyoming range.
Sec. 3203. Acceptance of the donation of valid existing mining or leasing rights in the Wyoming range.

Subtitle D—Land Conveyances and Exchanges

Sec. 3301. Land conveyance to City of Coffman Cove, Alaska.
Sec. 3302. Beaverhead-Deerlodge National Forest land conveyance, Montana.
Sec. 3303. Santa Fe National Forest; Pecos National Historical Park Land Exchange.
Sec. 3304. Santa Fe National Forest Land Conveyance, New Mexico.
Sec. 3305. Kittitas County, Washington, land conveyance.
Sec. 3306. Mammoth Community Water District use restrictions.
Sec. 3307. Land exchange, Wasatch-Cache National Forest, Utah.
Sec. 3308. Boundary adjustment, Frank Church River of No Return Wilderness.
Sec. 3309. Sandia pueblo land exchange technical amendment.

Subtitle E—Colorado Northern Front Range Study

Sec. 3401. Purpose.
Sec. 3402. Definitions.
Sec. 3403. Colorado Northern Front Range Mountain Backdrop Study.

TITLE IV—FOREST LANDSCAPE RESTORATION

Sec. 4001. Purpose.
Sec. 4002. Definitions.
Sec. 4003. Collaborative Forest Landscape Restoration Program.
Sec. 4004. Authorization of appropriations.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

Sec. 5001. Fossil Creek, Arizona.
Sec. 5002. Snake River Headwaters, Wyoming.
Sec. 5003. Taunton River, Massachusetts.

Subtitle B—Wild and Scenic Rivers Studies

Sec. 5101. Missisquoi and Trout Rivers Study.

Subtitle C—Additions to the National Trails System

Sec. 5201. Arizona National Scenic Trail.
Sec. 5202. New England National Scenic Trail.
Sec. 5203. Ice Age Floods National Geologic Trail.
Sec. 5204. Washington-Rochambeau Revolutionary Route National Historic Trail.
Sec. 5205. Pacific Northwest National Scenic Trail.
Sec. 5206. Trail of Tears National Historic Trail.

Subtitle D—National Trail System Amendments

Sec. 5301. National Trails System willing seller authority.
Sec. 5302. Revision of feasibility and suitability studies of existing national historic trails.
Sec. 5303. Chisholm Trail and Great Western Trails Studies.

Subtitle E—Effect of Title

Sec. 5401. Effect.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

Sec. 6001. Definitions.
Sec. 6002. Program.
Sec. 6003. Effect of subtitle.

Subtitle B—Competitive Status for Federal Employees in Alaska

Sec. 6101. Competitive status for certain Federal employees in the State of Alaska.

Subtitle C—Wolf Livestock Loss Demonstration Project

Sec. 6201. Definitions.

Sec. 6202. Wolf compensation and prevention program.
Sec. 6203. Authorization of appropriations.

Subtitle D—Paleontological Resources Preservation

Sec. 6301. Definitions.
Sec. 6302. Management.
Sec. 6303. Public awareness and education program.
Sec. 6304. Collection of paleontological resources.
Sec. 6305. Curation of resources.
Sec. 6306. Prohibited acts; criminal penalties.
Sec. 6307. Civil penalties.
Sec. 6308. Rewards and forfeiture.
Sec. 6309. Confidentiality.
Sec. 6310. Regulations.
Sec. 6311. Savings provisions.
Sec. 6312. Authorization of appropriations.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

Sec. 6401. Definitions.
Sec. 6402. Land exchange.
Sec. 6403. King Cove Road.
Sec. 6404. Administration of conveyed lands.
Sec. 6405. Failure to begin road construction.
Sec. 6406. Expiration of legislative authority.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

Sec. 7001. Paterson Great Falls National Historical Park, New Jersey.
Sec. 7002. William Jefferson Clinton Birthplace Home National Historic Site.
Sec. 7003. River Raisin National Battlefield Park.

Subtitle B—Amendments to Existing Units of the National Park System

Sec. 7101. Funding for Keweenaw National Historical Park.
Sec. 7102. Location of visitor and administrative facilities for Weir Farm National Historic Site.
Sec. 7103. Little River Canyon National Preserve boundary expansion.
Sec. 7104. Hopewell Culture National Historical Park boundary expansion.
Sec. 7105. Jean Lafitte National Historical Park and Preserve boundary adjustment.
Sec. 7106. Minute Man National Historical Park.
Sec. 7107. Everglades National Park.
Sec. 7108. Kalaupapa National Historical Park.
Sec. 7109. Boston Harbor Islands National Recreation Area.
Sec. 7110. Thomas Edison National Historical Park, New Jersey.
Sec. 7111. Women's Rights National Historical Park.
Sec. 7112. Martin Van Buren National Historic Site.
Sec. 7113. Palo Alto Battlefield National Historical Park.
Sec. 7114. Abraham Lincoln Birthplace National Historical Park.
Sec. 7115. New River Gorge National River.
Sec. 7116. Technical corrections.
Sec. 7117. Dayton Aviation Heritage National Historical Park, Ohio.
Sec. 7118. Fort Davis National Historic Site.

Subtitle C—Special Resource Studies

Sec. 7201. Walnut Canyon study.
Sec. 7202. Tule Lake Segregation Center, California.
Sec. 7203. Estate Grange, St. Croix.
Sec. 7204. Harriet Beecher Stowe House, Maine.
Sec. 7205. Shepherdstown battlefield, West Virginia.
Sec. 7206. Green McAdoo School, Tennessee.
Sec. 7207. Harry S Truman Birthplace, Missouri.
Sec. 7208. Battle of Matewan special resource study.
Sec. 7209. Butterfield Overland Trail.
Sec. 7210. Cold War sites theme study.
Sec. 7211. Battle of Camden, South Carolina.
Sec. 7212. Fort San Gerónimo, Puerto Rico.

Subtitle D—Program Authorizations

Sec. 7301. American Battlefield Protection Program.

Sec. 7302. Preserve America Program.
Sec. 7303. Save America's Treasures Program.
Sec. 7304. Route 66 Corridor Preservation Program.
Sec. 7305. National Cave and Karst Research Institute.

Subtitle E—Advisory Commissions

Sec. 7401. Na Hoa Pili O Kaloko-Honokohau Advisory Commission.
Sec. 7402. Cape Cod National Seashore Advisory Commission.
Sec. 7403. Concessions Management Advisory Board.
Sec. 7404. St. Augustine 450th Commemoration Commission.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

Sec. 8001. Sangre de Cristo National Heritage Area, Colorado.
Sec. 8002. Cache La Poudre River National Heritage Area, Colorado.
Sec. 8003. South Park National Heritage Area, Colorado.
Sec. 8004. Northern Plains National Heritage Area, North Dakota.
Sec. 8005. Baltimore National Heritage Area, Maryland.
Sec. 8006. Freedom's Way National Heritage Area, Massachusetts and New Hampshire.
Sec. 8007. Mississippi Hills National Heritage Area.
Sec. 8008. Mississippi Delta National Heritage Area.
Sec. 8009. Muscle Shoals National Heritage Area, Alabama.
Sec. 8010. Kenai Mountains-Turnagain Arm National Heritage Area, Alaska.

Subtitle B—Studies

Sec. 8101. Chattahoochee Trace, Alabama and Georgia.
Sec. 8102. Northern Neck, Virginia.

Subtitle C—Amendments Relating to National Heritage Corridors

Sec. 8201. Quinebaug and Shetucket Rivers Valley National Heritage Corridor.
Sec. 8202. Delaware And Lehigh National Heritage Corridor.
Sec. 8203. Erie Canalway National Heritage Corridor.
Sec. 8204. John H. Chafee Blackstone River Valley National Heritage Corridor.

Subtitle D—Effect of Title

Sec. 8301. Effect on access for recreational activities.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

Sec. 9001. Snake, Boise, and Payette River systems, Idaho.
Sec. 9002. Sierra Vista Subwatershed, Arizona.
Sec. 9003. San Diego Intertie, California.

Subtitle B—Project Authorizations

Sec. 9101. Tumalo Irrigation District Water Conservation Project, Oregon.
Sec. 9102. Madera Water Supply Enhancement Project, California.
Sec. 9103. Eastern New Mexico Rural Water System project, New Mexico.
Sec. 9104. Rancho California Water District project, California.
Sec. 9105. Jackson Gulch Rehabilitation Project, Colorado.
Sec. 9106. Rio Grande Pueblos, New Mexico.
Sec. 9107. Upper Colorado River endangered fish programs.
Sec. 9108. Santa Margarita River, California.
Sec. 9109. Elsinore Valley Municipal Water District.
Sec. 9110. North Bay Water Reuse Authority.
Sec. 9111. Prado Basin Natural Treatment System Project, California.
Sec. 9112. Bunker Hill Groundwater Basin, California.
Sec. 9113. GREAT Project, California.
Sec. 9114. Yucaipa Valley Water District, California.
Sec. 9115. Arkansas Valley Conduit, Colorado.

Subtitle C—Title Transfers and Clarifications

Sec. 9201. Transfer of McGee Creek pipeline and facilities.
Sec. 9202. Albuquerque Biological Park, New Mexico, title clarification.
Sec. 9203. Goleta Water District Water Distribution System, California.

Subtitle D—San Gabriel Basin Restoration Fund

Sec. 9301. Restoration Fund.

Subtitle E—Lower Colorado River Multi-Species Conservation Program

Sec. 9401. Definitions.
Sec. 9402. Implementation and water accounting.
Sec. 9403. Enforceability of program documents.
Sec. 9404. Authorization of appropriations.

Subtitle F—Secure Water

Sec. 9501. Findings.
Sec. 9502. Definitions.
Sec. 9503. Reclamation climate change and water program.
Sec. 9504. Water management improvement.
Sec. 9505. Hydroelectric power assessment.
Sec. 9506. Climate change and water intragovernmental panel.
Sec. 9507. Water data enhancement by United States Geological Survey.
Sec. 9508. National water availability and use assessment program.
Sec. 9509. Research agreement authority.
Sec. 9510. Effect.

Subtitle G—Aging Infrastructure

Sec. 9601 Definitions.
Sec. 9602. Guidelines and inspection of project facilities and technical assistance to transferred works operating entities.
Sec. 9603. Extraordinary operation and maintenance work performed by the Secretary.
Sec. 9604. Relationship to Twenty-First Century Water Works Act.
Sec. 9605. Authorization of appropriations.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

Sec. 10001. Short title.
Sec. 10002. Purpose.
Sec. 10003. Definitions.
Sec. 10004. Implementation of settlement.
Sec. 10005. Acquisition and disposal of property; title to facilities.
Sec. 10006. Compliance with applicable law.
Sec. 10007. Compliance with Central Valley Project Improvement Act.
Sec. 10008. No private right of action.
Sec. 10009. Appropriations; Settlement Fund.
Sec. 10010. Repayment contracts and acceleration of repayment of construction costs.
Sec. 10011. California Central Valley Spring Run Chinook salmon.

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

Sec. 10101. Study to develop water plan; report.

PART III—FRIANT DIVISION IMPROVEMENTS

Sec. 10201. Federal facility improvements.
Sec. 10202. Financial assistance for local projects.
Sec. 10203. Authorization of appropriations.

Subtitle B—Northwestern New Mexico Rural Water Projects

Sec. 10301. Short title.
Sec. 10302. Definitions.
Sec. 10303. Compliance with environmental laws.
Sec. 10304. No reallocation of costs.
Sec. 10305. Interest rate.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

Sec. 10401. Amendments to the Colorado River Storage Project Act.
Sec. 10402. Amendments to Public Law 87–483.
Sec. 10403. Effect on Federal water law.

PART II—RECLAMATION WATER SETTLEMENTS FUND

Sec. 10501. Reclamation Water Settlements Fund.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

Sec. 10601. Purposes.

Sec. 10602. Authorization of Navajo-Gallup Water Supply Project.
Sec. 10603. Delivery and use of Navajo-Gallup Water Supply Project water.
Sec. 10604. Project contracts.
Sec. 10605. Navajo Nation Municipal Pipeline.
Sec. 10606. Authorization of conjunctive use wells.
Sec. 10607. San Juan River Navajo Irrigation Projects.
Sec. 10608. Other irrigation projects.
Sec. 10609. Authorization of appropriations.

PART IV—NAVAJO NATION WATER RIGHTS

Sec. 10701. Agreement.
Sec. 10702. Trust Fund.
Sec. 10703. Waivers and releases.
Sec. 10704. Water rights held in trust.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

Sec. 10801. Findings.
Sec. 10802. Purposes.
Sec. 10803. Definitions.
Sec. 10804. Approval, ratification, and confirmation of agreement; authorization.
Sec. 10805. Tribal water rights.
Sec. 10806. Duck Valley Indian Irrigation Project.
Sec. 10807. Development and Maintenance Funds.
Sec. 10808. Tribal waiver and release of claims.
Sec. 10809. Miscellaneous.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

Sec. 11001. Reauthorization of the National Geologic Mapping Act of 1992.
Sec. 11002. New Mexico water resources study.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

Sec. 12001. Purpose.
Sec. 12002. Program established.
Sec. 12003. Powers and duties of the Administrator.
Sec. 12004. Ocean exploration and undersea research technology and infrastructure task force.
Sec. 12005. Ocean Exploration Advisory Board.
Sec. 12006. Authorization of appropriations.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

Sec. 12101. Short title.
Sec. 12102. Program established.
Sec. 12103. Powers of program director.
Sec. 12104. Administrative structure.
Sec. 12105. Research, exploration, education, and technology programs.
Sec. 12106. Competitiveness.
Sec. 12107. Authorization of appropriations.

Subtitle B—Ocean and Coastal Mapping Integration Act

Sec. 12201. Short title.
Sec. 12202. Establishment of program.
Sec. 12203. Interagency committee on ocean and coastal mapping.
Sec. 12204. Biannual reports.
Sec. 12205. Plan.
Sec. 12206. Effect on other laws.
Sec. 12207. Authorization of appropriations.
Sec. 12208. Definitions.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

Sec. 12301. Short title.
Sec. 12302. Purposes.
Sec. 12303. Definitions.
Sec. 12304. Integrated coastal and ocean observing system.
Sec. 12305. Interagency financing and agreements.
Sec. 12306. Application with other laws.

Sec. 12307. Report to Congress.
Sec. 12308. Public-private use policy.
Sec. 12309. Independent cost estimate.
Sec. 12310. Intent of Congress.
Sec. 12311. Authorization of appropriations.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

Sec. 12401. Short title.
Sec. 12402. Purposes.
Sec. 12403. Definitions.
Sec. 12404. Interagency subcommittee.
Sec. 12405. Strategic research plan.
Sec. 12406. NOAA ocean acidification activities.
Sec. 12407. NSF ocean acidification activities.
Sec. 12408. NASA ocean acidification activities.
Sec. 12409. Authorization of appropriations.

Subtitle E—Coastal and Estuarine Land Conservation Program

Sec. 12501. Short title.
Sec. 12502. Authorization of Coastal and Estuarine Land Conservation Program.

TITLE XIII—MISCELLANEOUS

Sec. 13001. Management and distribution of North Dakota trust funds.
Sec. 13002. Amendments to the Fisheries Restoration and Irrigation Mitigation Act of 2000.
Sec. 13003. Amendments to the Alaska Natural Gas Pipeline Act.
Sec. 13004. Additional Assistant Secretary for Department of Energy.
Sec. 13005. Lovelace Respiratory Research Institute.
Sec. 13006. Authorization of appropriations for National Tropical Botanical Garden.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

Sec. 14001. Short title.

Subtitle A—Paralysis Research

Sec. 14101. Activities of the National Institutes of Health with respect to research on paralysis.

Subtitle B—Paralysis Rehabilitation Research and Care

Sec. 14201. Activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

Sec. 14301. Programs to improve quality of life for persons with paralysis and other physical disabilities.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

Sec. 15101. Laboratory and support space, Edgewater, Maryland.
Sec. 15102. Laboratory space, Gamboa, Panama.
Sec. 15103. Construction of greenhouse facility.

TITLE I—ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM

Subtitle A—Wild Monongahela Wilderness

SEC. 1001. DESIGNATION OF WILDERNESS, MONONGAHELA NATIONAL FOREST, WEST VIRGINIA.

16 USC 1132 note.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands within the Monongahela National Forest in the State of West Virginia are designated as wilderness and as either a new component of the National Wilderness Preservation System or as an addition

to an existing component of the National Wilderness Preservation System:

(1) Certain Federal land comprising approximately 5,144 acres, as generally depicted on the map entitled "Big Draft Proposed Wilderness" and dated March 11, 2008, which shall be known as the "Big Draft Wilderness".

(2) Certain Federal land comprising approximately 11,951 acres, as generally depicted on the map entitled "Cranberry Expansion Proposed Wilderness" and dated March 11, 2008, which shall be added to and administered as part of the Cranberry Wilderness designated by section 1(1) of Public Law 97–466 (96 Stat. 2538).

(3) Certain Federal land comprising approximately 7,156 acres, as generally depicted on the map entitled "Dolly Sods Expansion Proposed Wilderness" and dated March 11, 2008, which shall be added to and administered as part of the Dolly Sods Wilderness designated by section 3(a)(13) of Public Law 93–622 (88 Stat. 2098).

(4) Certain Federal land comprising approximately 698 acres, as generally depicted on the map entitled "Otter Creek Expansion Proposed Wilderness" and dated March 11, 2008, which shall be added to and administered as part of the Otter Creek Wilderness designated by section 3(a)(14) of Public Law 93–622 (88 Stat. 2098).

(5) Certain Federal land comprising approximately 6,792 acres, as generally depicted on the map entitled "Roaring Plains Proposed Wilderness" and dated March 11, 2008, which shall be known as the "Roaring Plains West Wilderness".

(6) Certain Federal land comprising approximately 6,030 acres, as generally depicted on the map entitled "Spice Run Proposed Wilderness" and dated March 11, 2008, which shall be known as the "Spice Run Wilderness".

(b) MAPS AND LEGAL DESCRIPTION.—

(1) FILING AND AVAILABILITY.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall file with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated or expanded by subsection (a). The maps and legal descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Monongahela National Forest.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in this subsection shall have the same force and effect as if included in this subtitle, except that the Secretary may correct errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.). The Secretary may continue to authorize the competitive running event permitted from 2003 through 2007 in the vicinity of the boundaries of the Dolly Sods Wilderness addition designated by paragraph (3) of subsection (a)

and the Roaring Plains West Wilderness Area designated by paragraph (5) of such subsection, in a manner compatible with the preservation of such areas as wilderness.

(d) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the Federal lands designated as wilderness by subsection (a), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(e) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section affects the jurisdiction or responsibility of the State of West Virginia with respect to wildlife and fish.

SEC. 1002. BOUNDARY ADJUSTMENT, LAUREL FORK SOUTH WILDERNESS, MONONGAHELA NATIONAL FOREST.

16 USC 1132 note.

(a) BOUNDARY ADJUSTMENT.—The boundary of the Laurel Fork South Wilderness designated by section 1(3) of Public Law 97–466 (96 Stat. 2538) is modified to exclude two parcels of land, as generally depicted on the map entitled "Monongahela National Forest Laurel Fork South Wilderness Boundary Modification" and dated March 11, 2008, and more particularly described according to the site-specific maps and legal descriptions on file in the office of the Forest Supervisor, Monongahela National Forest. The general map shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(b) MANAGEMENT.—Federally owned land delineated on the maps referred to in subsection (a) as the Laurel Fork South Wilderness, as modified by such subsection, shall continue to be administered by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1003. MONONGAHELA NATIONAL FOREST BOUNDARY CONFIRMATION.

(a) IN GENERAL.—The boundary of the Monongahela National Forest is confirmed to include the tracts of land as generally depicted on the map entitled "Monongahela National Forest Boundary Confirmation" and dated March 13, 2008, and all Federal lands under the jurisdiction of the Secretary of Agriculture, acting through the Chief of the Forest Service, encompassed within such boundary shall be managed under the laws and regulations pertaining to the National Forest System.

(b) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Monongahela National Forest, as confirmed by subsection (a), shall be considered to be the boundaries of the Monongahela National Forest as of January 1, 1965.

SEC. 1004. ENHANCED TRAIL OPPORTUNITIES.

(a) PLAN.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with interested parties, shall develop a plan to provide for enhanced nonmotorized recreation trail opportunities on lands not designated as wilderness within the Monongahela National Forest.

(2) NONMOTORIZED RECREATION TRAIL DEFINED.—For the purposes of this subsection, the term "nonmotorized recreation

trail" means a trail designed for hiking, bicycling, and equestrian use.

(b) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the plan required under subsection (a), including the identification of priority trails for development.

(c) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering possible closure and decommissioning of a Forest Service road within the Monongahela National Forest after the date of the enactment of this Act, the Secretary of Agriculture, in accordance with applicable law, may consider converting the road to nonmotorized uses to enhance recreational opportunities within the Monongahela National Forest.

Subtitle B—Virginia Ridge and Valley Wilderness

16 USC 546b note.

SEC. 1101. DEFINITIONS.

In this subtitle:

(1) SCENIC AREAS.—The term "scenic areas" means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 1102. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LAND IN JEFFERSON NATIONAL FOREST AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (16 U.S.C. 1132 note; 102 Stat. 584, 114 Stat. 2057), is amended—

(1) in the matter preceding paragraph (1), by striking "System—" and inserting "System:";

(2) by striking "certain" each place it appears and inserting "Certain";

(3) in each of paragraphs (1) through (6), by striking the semicolon at the end and inserting a period;

(4) in paragraph (7), by striking "; and" and inserting a period; and

(5) by adding at the end the following:

"(9) Certain land in the Jefferson National Forest comprising approximately 3,743 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the 'Brush Mountain East Wilderness'.

"(10) Certain land in the Jefferson National Forest comprising approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated May 5, 2008, which shall be known as the 'Brush Mountain Wilderness'.

"(11) Certain land in the Jefferson National Forest comprising approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated April 28, 2008, which shall be known as the 'Raccoon Branch Wilderness'.

"(12) Certain land in the Jefferson National Forest comprising approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated April 28, 2008, which shall be known as the 'Stone Mountain Wilderness'.

"(13) Certain land in the Jefferson National Forest comprising approximately 8,470 acres, as generally depicted on the map entitled 'Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the 'Hunting Camp Creek Wilderness'.

"(14) Certain land in the Jefferson National Forest comprising approximately 3,291 acres, as generally depicted on the map entitled 'Garden Mountain and Hunting Camp Creek' and dated April 28, 2008, which shall be known as the 'Garden Mountain Wilderness'.

"(15) Certain land in the Jefferson National Forest comprising approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated April 28, 2008, which is incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

"(16) Certain land in the Jefferson National Forest comprising approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

"(17) Certain land in the Jefferson National Forest comprising approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated April 28, 2008, which is incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

"(18) Certain land in the Jefferson National Forest comprising approximately 2,219 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated April 28, 2008, which is incorporated in the Shawvers Run Wilderness designated by paragraph (4).

"(19) Certain land in the Jefferson National Forest comprising approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated April 28, 2008, which is incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

"(20) Certain land in the Jefferson National Forest comprising approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated April 28, 2008, which is incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).".

(b) DESIGNATION OF WILDERNESS STUDY AREA.—The Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) is amended—

(1) in the first section, by inserting "as" after "cited"; and

(2) in section 6(a)—

(A) by striking "certain" each place it appears and inserting "Certain";

(B) in each of paragraphs (1) and (2), by striking the semicolon at the end and inserting a period;

(C) in paragraph (3), by striking "; and" and inserting a period; and

(D) by adding at the end the following:

"(5) Certain land in the Jefferson National Forest comprising approximately 3,226 acres, as generally depicted on the map entitled 'Lynn Camp Creek Wilderness Study Area' and dated April 28, 2008, which shall be known as the 'Lynn Camp Creek Wilderness Study Area'.".

16 USC 1132 note.

SEC. 1103. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Jefferson National Forest comprising approximately 349 acres, as generally depicted on the map entitled "Kimberling Creek Additions and Potential Wilderness Area" and dated April 28, 2008, is designated as a potential wilderness area for incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586).

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activity necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the date on which the potential wilderness area is incorporated into the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

Effective date.

(d) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

Federal Register, publication. Notice.

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

16 USC 546b.

SEC. 1104. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—There are designated as National Scenic Areas—

(1) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,192 acres, as generally depicted on the map entitled "Seng Mountain and Raccoon Branch" and dated April 28, 2008, which shall be known as the "Seng Mountain National Scenic Area"; and

(2) certain National Forest System land in the Jefferson National Forest, comprising approximately 5,128 acres, as generally depicted on the map entitled "Bear Creek" and dated April 28, 2008, which shall be known as the "Bear Creek National Scenic Area".

(b) PURPOSES.—The purposes of the scenic areas are—

(1) to ensure the protection and preservation of scenic quality, water quality, natural characteristics, and water resources of the scenic areas;

(2) consistent with paragraph (1), to protect wildlife and fish habitat in the scenic areas;

(3) to protect areas in the scenic areas that may develop characteristics of old-growth forests; and

(4) consistent with paragraphs (1), (2), and (3), to provide a variety of recreation opportunities in the scenic areas.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the scenic areas in accordance with—

(A) this subtitle; and

(B) the laws (including regulations) generally applicable to the National Forest System.

(2) AUTHORIZED USES.—The Secretary shall only allow uses of the scenic areas that the Secretary determines will further the purposes of the scenic areas, as described in subsection (b).

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop as an amendment to the land and resource management plan for the Jefferson National Forest a management plan for the scenic areas. Deadline.

(2) EFFECT.—Nothing in this subsection requires the Secretary to revise the land and resource management plan for the Jefferson National Forest under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(e) ROADS.—

(1) IN GENERAL.—Except as provided in paragraph (2), after the date of enactment of this Act, no roads shall be established or constructed within the scenic areas.

(2) LIMITATION.—Nothing in this subsection denies any owner of private land (or an interest in private land) that is located in a scenic area the right to access the private land.

(f) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), no harvesting of timber shall be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the scenic areas if the Secretary determines that the harvesting is necessary to—

(A) control fire;

(B) provide for public safety or trail access; or

(C) control insect and disease outbreaks.

(3) FIREWOOD FOR PERSONAL USE.—Firewood may be harvested for personal use along perimeter roads in the scenic areas, subject to any conditions that the Secretary may impose.

(g) INSECT AND DISEASE OUTBREAKS.—The Secretary may control insect and disease outbreaks—

(1) to maintain scenic quality;

(2) to prevent tree mortality;

(3) to reduce hazards to visitors; or

(4) to protect private land.

(h) VEGETATION MANAGEMENT.—The Secretary may engage in vegetation manipulation practices in the scenic areas to maintain the visual quality and wildlife clearings in existence on the date of enactment of this Act.

(i) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (2), motorized vehicles shall not be allowed within the scenic areas.

(2) EXCEPTIONS.—The Secretary may authorize the use of motorized vehicles—

(A) to carry out administrative activities that further the purposes of the scenic areas, as described in subsection (b);

(B) to assist wildlife management projects in existence on the date of enactment of this Act; and

(C) during deer and bear hunting seasons—

(i) on Forest Development Roads 49410 and 84b; and

(ii) on the portion of Forest Development Road 6261 designated on the map described in subsection (a)(2) as "open seasonally".

(j) WILDFIRE SUPPRESSION.—Wildfire suppression within the scenic areas shall be conducted—

(1) in a manner consistent with the purposes of the scenic areas, as described in subsection (b); and

(2) using such means as the Secretary determines to be appropriate.

(k) WATER.—The Secretary shall administer the scenic areas in a manner that maintains and enhances water quality.

(l) WITHDRAWAL.—Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

SEC. 1105. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary, in consultation with interested parties, shall establish a trail plan to develop—

(1) in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), hiking and equestrian trails in the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) nonmotorized recreation trails in the scenic areas.

(b) IMPLEMENTATION REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to

Congress a report that describes the implementation of the trail plan, including the identification of priority trails for development.

(c) SUSTAINABLE TRAIL REQUIRED.—The Secretary shall develop a sustainable trail, using a contour curvilinear alignment, to provide for nonmotorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)) connecting to Forest Development Road 49352 in Smyth County, Virginia.

SEC. 1106. MAPS AND BOUNDARY DESCRIPTIONS.

16 USC 546b–1.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).

(b) FORCE AND EFFECT.—The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) AVAILABILITY OF MAP AND BOUNDARY DESCRIPTION.—The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) CONFLICT.—In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

SEC. 1107. EFFECTIVE DATE.

Any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act for purposes of administering—

(1) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5)); and

(2) the potential wilderness area designated by section 1103(a).

Subtitle C—Mt. Hood Wilderness, Oregon

SEC. 1201. DEFINITIONS.

16 USC 460uuu note.

In this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(2) STATE.—The term "State" means the State of Oregon.

SEC. 1202. DESIGNATION OF WILDERNESS AREAS.

16 USC 1132 note.

(a) DESIGNATION OF LEWIS AND CLARK MOUNT HOOD WILDERNESS AREAS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of Oregon are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BADGER CREEK WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 4,140 acres, as generally depicted on the maps entitled "Badger Creek Wilderness—Badger Creek Additions" and "Badger Creek Wilderness—Bonney Butte", dated July 16, 2007, which is incorporated in, and considered to be a part of, the Badger Creek Wilderness, as designated by section 3(3) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(2) BULL OF THE WOODS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service, comprising approximately 10,180 acres, as generally depicted on the map entitled "Bull of the Woods Wilderness—Bull of the Woods Additions", dated July 16, 2007, which is incorporated in, and considered to be a part of, the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(3) CLACKAMAS WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,470 acres, as generally depicted on the maps entitled "Clackamas Wilderness—Big Bottom", "Clackamas Wilderness—Clackamas Canyon", "Clackamas Wilderness—Memaloose Lake", "Clackamas Wilderness—Sisi Butte", and "Clackamas Wilderness—South Fork Clackamas", dated July 16, 2007, which shall be known as the "Clackamas Wilderness".

(4) MARK O. HATFIELD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 25,960 acres, as generally depicted on the maps entitled "Mark O. Hatfield Wilderness—Gorge Face" and "Mark O. Hatfield Wilderness—Larch Mountain", dated July 16, 2007, which is incorporated in, and considered to be a part of, the Mark O. Hatfield Wilderness, as designated by section 3(1) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(5) MOUNT HOOD WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 18,450 acres, as generally depicted on the maps entitled "Mount Hood Wilderness—Barlow Butte", "Mount Hood Wilderness—Elk Cove/Mazama", "Richard L. Kohnstamm Memorial Area", "Mount Hood Wilderness—Sand Canyon", "Mount Hood Wilderness—Sandy Additions", "Mount Hood Wilderness—Twin Lakes", and "Mount Hood Wilderness—White River", dated July 16, 2007, and the map entitled "Mount Hood Wilderness—Cloud Cap", dated July 20, 2007, which is incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43).

(6) ROARING RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately

36,550 acres, as generally depicted on the map entitled "Roaring River Wilderness—Roaring River Wilderness", dated July 16, 2007, which shall be known as the "Roaring River Wilderness".

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 16,620 acres, as generally depicted on the maps entitled "Salmon-Huckleberry Wilderness—Alder Creek Addition", "Salmon-Huckleberry Wilderness—Eagle Creek Addition", "Salmon-Huckleberry Wilderness—Hunchback Mountain", "Salmon-Huckleberry Wilderness—Inch Creek", "Salmon-Huckleberry Wilderness—Mirror Lake", and "Salmon-Huckleberry Wilderness—Salmon River Meadows", dated July 16, 2007, which is incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273).

(8) LOWER WHITE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 2,870 acres, as generally depicted on the map entitled "Lower White River Wilderness—Lower White River", dated July 16, 2007, which shall be known as the "Lower White River Wilderness".

(b) RICHARD L. KOHNSTAMM MEMORIAL AREA.—Certain Federal land managed by the Forest Service, as generally depicted on the map entitled "Richard L. Kohnstamm Memorial Area", dated July 16, 2007, is designated as the "Richard L. Kohnstamm Memorial Area". 16 USC 431 note.

(c) POTENTIAL WILDERNESS AREA; ADDITIONS TO WILDERNESS AREAS.— 16 USC 1132 note.

(1) ROARING RIVER POTENTIAL WILDERNESS AREA.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 900 acres identified as "Potential Wilderness" on the map entitled "Roaring River Wilderness", dated July 16, 2007, is designated as a potential wilderness area.

(B) MANAGEMENT.—The potential wilderness area designated by subparagraph (A) shall be managed in accordance with section 4 of the Wilderness Act (16 U.S.C. 1133).

(C) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area designated by subparagraph (A) are compatible with the Wilderness Act (16 U.S.C. 1131 et seq.), the potential wilderness shall be— Effective date. Federal Register, publication. Notice.

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the Roaring River Wilderness designated by subsection (a)(6).

(2) ADDITION TO THE MOUNT HOOD WILDERNESS.—On completion of the land exchange under section 1206(a)(2), certain Federal land managed by the Forest Service, comprising approximately 1,710 acres, as generally depicted on the map entitled "Mount Hood Wilderness—Tilly Jane", dated July 20, 2007, shall be incorporated in, and considered to be a part of, the Mount Hood Wilderness, as designated under section 3(a) of the Wilderness Act (16 U.S.C. 1132(a)) and enlarged

by section 3(d) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; 92 Stat. 43) and subsection (a)(5).

(3) ADDITION TO THE SALMON-HUCKLEBERRY WILDERNESS.—On acquisition by the United States, the approximately 160 acres of land identified as "Land to be acquired by USFS" on the map entitled "Hunchback Mountain Land Exchange, Clackamas County", dated June 2006, shall be incorporated in, and considered to be a part of, the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; 98 Stat. 273) and enlarged by subsection (a)(7).

(d) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(4) DESCRIPTION OF LAND.—The boundaries of the areas designated as wilderness by subsection (a) that are immediately adjacent to a utility right-of-way or a Federal Energy Regulatory Commission project boundary shall be 100 feet from the boundary of the right-of-way or the project boundary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this section shall be administered by the Secretary that has jurisdiction over the land within the wilderness, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land within the wilderness.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(f) BUFFER ZONES.—

(1) IN GENERAL.—As provided in the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328), Congress does not intend for designation of wilderness areas in the State under this section to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(g) FISH AND WILDLIFE.—Nothing in this section affects the jurisdiction or responsibilities of the State with respect to fish and wildlife.

(h) FIRE, INSECTS, AND DISEASES.—As provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by this section, the Secretary that has jurisdiction over the land within the wilderness (referred to in this subsection as the "Secretary") may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(i) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this section is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

SEC. 1203. DESIGNATION OF STREAMS FOR WILD AND SCENIC RIVER PROTECTION IN THE MOUNT HOOD AREA.

(a) WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(171) SOUTH FORK CLACKAMAS RIVER, OREGON.—The 4.2-mile segment of the South Fork Clackamas River from its confluence with the East Fork of the South Fork Clackamas to its confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a wild river.

"(172) EAGLE CREEK, OREGON.—The 8.3-mile segment of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

"(173) MIDDLE FORK HOOD RIVER.—The 3.7-mile segment of the Middle Fork Hood River from the confluence of Clear and Coe Branches to the north section line of section 11, township 1 south, range 9 east, to be administered by the Secretary of Agriculture as a scenic river.

"(174) SOUTH FORK ROARING RIVER, OREGON.—The 4.6-mile segment of the South Fork Roaring River from its headwaters to its confluence with Roaring River, to be administered by the Secretary of Agriculture as a wild river.

"(175) ZIG ZAG RIVER, OREGON.—The 4.3-mile segment of the Zig Zag River from its headwaters to the Mount Hood

Wilderness boundary, to be administered by the Secretary of Agriculture as a wild river.

"(176) FIFTEENMILE CREEK, OREGON.—

"(A) IN GENERAL.—The 11.1-mile segment of Fifteenmile Creek from its source at Senecal Spring to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east, to be administered by the Secretary of Agriculture in the following classes:

"(i) The 2.6-mile segment from its source at Senecal Spring to the Badger Creek Wilderness boundary, as a wild river.

"(ii) The 0.4-mile segment from the Badger Creek Wilderness boundary to the point 0.4 miles downstream, as a scenic river.

"(iii) The 7.9-mile segment from the point 0.4 miles downstream of the Badger Creek Wilderness boundary to the western edge of section 20, township 2 south, range 12 east as a wild river.

"(iv) The 0.2-mile segment from the western edge of section 20, township 2 south, range 12 east, to the southern edge of the northwest quarter of the northwest quarter of section 20, township 2 south, range 12 east as a scenic river.

"(B) INCLUSIONS.—Notwithstanding section 3(b), the lateral boundaries of both the wild river area and the scenic river area along Fifteenmile Creek shall include an average of not more than 640 acres per mile measured from the ordinary high water mark on both sides of the river.

"(177) EAST FORK HOOD RIVER, OREGON.—The 13.5-mile segment of the East Fork Hood River from Oregon State Highway 35 to the Mount Hood National Forest boundary, to be administered by the Secretary of Agriculture as a recreational river.

"(178) COLLAWASH RIVER, OREGON.—The 17.8-mile segment of the Collawash River from the headwaters of the East Fork Collawash to the confluence of the mainstream of the Collawash River with the Clackamas River, to be administered by the Secretary of Agriculture in the following classes:

"(A) The 11.0-mile segment from the headwaters of the East Fork Collawash River to Buckeye Creek, as a scenic river.

"(B) The 6.8-mile segment from Buckeye Creek to the Clackamas River, as a recreational river.

"(179) FISH CREEK, OREGON.—The 13.5-mile segment of Fish Creek from its headwaters to the confluence with the Clackamas River, to be administered by the Secretary of Agriculture as a recreational river.".

16 USC 1274 note.

(2) EFFECT.—The amendments made by paragraph (1) do not affect valid existing water rights.

(b) PROTECTION FOR HOOD RIVER, OREGON.—Section 13(a)(4) of the "Columbia River Gorge National Scenic Area Act" (16 U.S.C. 544k(a)(4)) is amended by striking "for a period not to exceed twenty years from the date of enactment of this Act,".

SEC. 1204. MOUNT HOOD NATIONAL RECREATION AREA. 16 USC 460uuu.

(a) DESIGNATION.—To provide for the protection, preservation, and enhancement of recreational, ecological, scenic, cultural, watershed, and fish and wildlife values, there is established the Mount Hood National Recreation Area within the Mount Hood National Forest.

(b) BOUNDARY.—The Mount Hood National Recreation Area shall consist of certain Federal land managed by the Forest Service and Bureau of Land Management, comprising approximately 34,550 acres, as generally depicted on the maps entitled "National Recreation Areas—Mount Hood NRA", "National Recreation Areas—Fifteenmile Creek NRA", and "National Recreation Areas—Shellrock Mountain", dated February 2007.

(c) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Mount Hood National Recreation Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and the legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall—

(A) administer the Mount Hood National Recreation Area—

(i) in accordance with the laws (including regulations) and rules applicable to the National Forest System; and

(ii) consistent with the purposes described in subsection (a); and

(B) only allow uses of the Mount Hood National Recreation Area that are consistent with the purposes described in subsection (a).

(2) APPLICABLE LAW.—Any portion of a wilderness area designated by section 1202 that is located within the Mount Hood National Recreation Area shall be administered in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(e) TIMBER.—The cutting, sale, or removal of timber within the Mount Hood National Recreation Area may be permitted—

(1) to the extent necessary to improve the health of the forest in a manner that—

(A) maximizes the retention of large trees—

(i) as appropriate to the forest type; and

(ii) to the extent that the trees promote stands that are fire-resilient and healthy;

(B) improves the habitats of threatened, endangered, or sensitive species; or

(C) maintains or restores the composition and structure of the ecosystem by reducing the risk of uncharacteristic wildfire;

(2) to accomplish an approved management activity in furtherance of the purposes established by this section, if the cutting, sale, or removal of timber is incidental to the management activity; or

(3) for de minimus personal or administrative use within the Mount Hood National Recreation Area, where such use will not impair the purposes established by this section.

(f) ROAD CONSTRUCTION.—No new or temporary roads shall be constructed or reconstructed within the Mount Hood National Recreation Area except as necessary—

(1) to protect the health and safety of individuals in cases of an imminent threat of flood, fire, or any other catastrophic event that, without intervention, would cause the loss of life or property;

(2) to conduct environmental cleanup required by the United States;

(3) to allow for the exercise of reserved or outstanding rights provided for by a statute or treaty;

(4) to prevent irreparable resource damage by an existing road; or

(5) to rectify a hazardous road condition.

(g) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Mount Hood National Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing.

(h) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—Administrative jurisdiction over the Federal land described in paragraph (2) is transferred from the Bureau of Land Management to the Forest Service.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is the approximately 130 acres of land administered by the Bureau of Land Management that is within or adjacent to the Mount Hood National Recreation Area and that is identified as "BLM Lands" on the map entitled "National Recreation Areas—Shellrock Mountain", dated February 2007.

SEC. 1205. PROTECTIONS FOR CRYSTAL SPRINGS, UPPER BIG BOTTOM, AND CULTUS CREEK.

16 USC 539n.

(a) CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—On completion of the land exchange under section 1206(a)(2), there shall be established a special resources management unit in the State consisting of certain Federal land managed by the Forest Service, as generally depicted on the map entitled "Crystal Springs Watershed Special Resources Management Unit", dated June 2006 (referred to in this subsection as the "map"), to be known as the "Crystal Springs Watershed Special

Resources Management Unit" (referred to in this subsection as the "Management Unit").

(B) EXCLUSION OF CERTAIN LAND.—The Management Unit does not include any National Forest System land otherwise covered by subparagraph (A) that is designated as wilderness by section 1202.

(C) WITHDRAWAL.—

(i) IN GENERAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as the Management Unit is withdrawn from all forms of—

(I) entry, appropriation, or disposal under the public land laws;

(II) location, entry, and patent under the mining laws; and

(III) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(ii) EXCEPTION.—Clause (i)(I) does not apply to the parcel of land generally depicted as "HES 151" on the map.

(2) PURPOSES.—The purposes of the Management Unit are—

(A) to ensure the protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon; and

(B) to allow visitors to enjoy the special scenic, natural, cultural, and wildlife values of the Crystal Springs watershed.

(3) MAP AND LEGAL DESCRIPTION.—

(A) SUBMISSION OF LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Management Unit with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—The map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall—

(i) administer the Management Unit—

(I) in accordance with the laws (including regulations) and rules applicable to units of the National Forest System; and

(II) consistent with the purposes described in paragraph (2); and

(ii) only allow uses of the Management Unit that are consistent with the purposes described in paragraph (2).

(B) FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.—To protect the water quality, water quantity, and scenic, cultural, natural, and wildlife values of the Management Unit, the Secretary may conduct fuel reduction and forest health management treatments to maintain and restore fire-resilient forest structures containing late successional forest structure characterized by large trees and multistoried canopies, as ecologically appropriate, on National Forest System land in the Management Unit—

(i) in any area located not more than 400 feet from structures located on—

(I) National Forest System land; or

(II) private land adjacent to National Forest System land;

(ii) in any area located not more than 400 feet from the Cooper Spur Road, the Cloud Cap Road, or the Cooper Spur Ski Area Loop Road; and

(iii) on any other National Forest System land in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels.

(5) PROHIBITED ACTIVITIES.—Subject to valid existing rights, the following activities shall be prohibited on National Forest System land in the Management Unit:

(A) New road construction or renovation of existing non-System roads, except as necessary to protect public health and safety.

(B) Projects undertaken for the purpose of harvesting commercial timber (other than activities relating to the harvest of merchantable products that are byproducts of activities conducted to further the purposes described in paragraph (2)).

(C) Commercial livestock grazing.

(D) The placement of new fuel storage tanks.

(E) Except to the extent necessary to further the purposes described in paragraph (2), the application of any toxic chemicals (other than fire retardants), including pesticides, rodenticides, or herbicides.

(6) FOREST ROAD CLOSURES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may provide for the closure or gating to the general public of any Forest Service road within the Management Unit.

(B) EXCEPTION.—Nothing in this subsection requires the Secretary to close the road commonly known as "Cloud Cap Road", which shall be administered in accordance with otherwise applicable law.

(7) PRIVATE LAND.—

(A) EFFECT.—Nothing in this subsection affects the use of, or access to, any private property within the area identified on the map as the "Crystal Springs Zone of Contribution" by—

(i) the owners of the private property; and

(ii) guests to the private property.

(B) COOPERATION.—The Secretary is encouraged to work with private landowners who have agreed to cooperate with the Secretary to further the purposes of this subsection.

(8) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire from willing landowners any land located within the area identified on the map as the "Crystal Springs Zone of Contribution".

(B) INCLUSION IN MANAGEMENT UNIT.—On the date of acquisition, any land acquired under subparagraph (A) shall be incorporated in, and be managed as part of, the Management Unit.

(b) PROTECTIONS FOR UPPER BIG BOTTOM AND CULTUS CREEK.—

(1) IN GENERAL.—The Secretary shall manage the Federal land administered by the Forest Service described in paragraph (2) in a manner that preserves the natural and primitive character of the land for recreational, scenic, and scientific use.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 1,580 acres, as generally depicted on the map entitled "Upper Big Bottom", dated July 16, 2007; and

(B) the approximately 280 acres identified as "Cultus Creek" on the map entitled "Clackamas Wilderness—South Fork Clackamas", dated July 16, 2007.

(3) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the Federal land described in paragraph (2) with—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) FORCE OF LAW.—The maps and legal descriptions filed under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the maps and legal descriptions.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(4) USE OF LAND.—

(A) IN GENERAL.—Subject to valid existing rights, with respect to the Federal land described in paragraph (2), the Secretary shall only allow uses that are consistent with the purposes identified in paragraph (1).

(B) PROHIBITED USES.—The following shall be prohibited on the Federal land described in paragraph (2):

(i) Permanent roads.

(ii) Commercial enterprises.

(iii) Except as necessary to meet the minimum requirements for the administration of the Federal land and to protect public health and safety—

(I) the use of motor vehicles; or

(II) the establishment of temporary roads.

(5) WITHDRAWAL.—Subject to valid existing rights, the Federal land described in paragraph (2) is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing.

SEC. 1206. LAND EXCHANGES.

(a) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term "County" means Hood River County, Oregon.

(B) EXCHANGE MAP.—The term "exchange map" means the map entitled "Cooper Spur/Government Camp Land Exchange", dated June 2006.

(C) FEDERAL LAND.—The term "Federal land" means the approximately 120 acres of National Forest System land in the Mount Hood National Forest in Government Camp, Clackamas County, Oregon, identified as "USFS Land to be Conveyed" on the exchange map.

(D) MT. HOOD MEADOWS.—The term "Mt. Hood Meadows" means the Mt. Hood Meadows Oregon, Limited Partnership.

(E) NON-FEDERAL LAND.—The term "non-Federal land" means—

(i) the parcel of approximately 770 acres of private land at Cooper Spur identified as "Land to be acquired by USFS" on the exchange map; and

(ii) any buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur and the Cooper Spur Ski Area covered by an appraisal described in paragraph (2)(D).

(2) COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if Mt. Hood Meadows offers to convey to the United States all right, title, and interest of Mt. Hood Meadows in and to the non-Federal land, the Secretary shall convey to Mt. Hood Meadows all right, title, and interest of the United States in and to the Federal land (other than any easements reserved under subparagraph (G)), subject to valid existing rights.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land

to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and Mt. Hood Meadows shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Mt. Hood Meadows.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(G) RESERVATION OF EASEMENTS.—As a condition of the conveyance of the Federal land, the Secretary shall reserve—

(i) a conservation easement to the Federal land to protect existing wetland, as identified by the Oregon Department of State Lands, that allows equivalent wetland mitigation measures to compensate for minor wetland encroachments necessary for the orderly development of the Federal land; and

(ii) a trail easement to the Federal land that allows—

(I) nonmotorized use by the public of existing trails;

(II) roads, utilities, and infrastructure facilities to cross the trails; and

(III) improvement or relocation of the trails to accommodate development of the Federal land.

(b) PORT OF CASCADE LOCKS LAND EXCHANGE.—

(1) DEFINITIONS.—In this subsection:

(A) EXCHANGE MAP.—The term "exchange map" means the map entitled "Port of Cascade Locks/Pacific Crest National Scenic Trail Land Exchange", dated June 2006.

(B) FEDERAL LAND.—The term "Federal land" means the parcel of land consisting of approximately 10 acres of National Forest System land in the Columbia River

Gorge National Scenic Area identified as "USFS Land to be conveyed" on the exchange map.

(C) NON-FEDERAL LAND.—The term "non-Federal land" means the parcels of land consisting of approximately 40 acres identified as "Land to be acquired by USFS" on the exchange map.

(D) PORT.—The term "Port" means the Port of Cascade Locks, Cascade Locks, Oregon.

(2) LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this subsection, if the Port offers to convey to the United States all right, title, and interest of the Port in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the Port all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this subsection, the Secretary shall carry out the land exchange under this subsection in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) CONDITIONS ON ACCEPTANCE.—

(A) TITLE.—As a condition of the land exchange under this subsection, title to the non-Federal land to be acquired by the Secretary under this subsection shall be acceptable to the Secretary.

(B) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(4) APPRAISALS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with nationally recognized appraisal standards, including—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(5) SURVEYS.—

(A) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(B) COSTS.—The responsibility for the costs of any surveys conducted under subparagraph (A), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Port.

(6) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this subsection shall be completed not later than 16 months after the date of enactment of this Act.

(c) HUNCHBACK MOUNTAIN LAND EXCHANGE AND BOUNDARY ADJUSTMENT.—

(1) DEFINITIONS.—In this subsection:

(A) COUNTY.—The term "County" means Clackamas County, Oregon.

(B) EXCHANGE MAP.—The term "exchange map" means the map entitled "Hunchback Mountain Land Exchange, Clackamas County", dated June 2006.

(C) FEDERAL LAND.—The term "Federal land" means the parcel of land consisting of approximately 160 acres of National Forest System land in the Mount Hood National Forest identified as "USFS Land to be Conveyed" on the exchange map.

(D) NON-FEDERAL LAND.—The term "non-Federal land" means the parcel of land consisting of approximately 160 acres identified as "Land to be acquired by USFS" on the exchange map.

(2) HUNCHBACK MOUNTAIN LAND EXCHANGE.—

(A) CONVEYANCE OF LAND.—Subject to the provisions of this paragraph, if the County offers to convey to the United States all right, title, and interest of the County in and to the non-Federal land, the Secretary shall, subject to valid existing rights, convey to the County all right, title, and interest of the United States in and to the Federal land.

(B) COMPLIANCE WITH EXISTING LAW.—Except as otherwise provided in this paragraph, the Secretary shall carry out the land exchange under this paragraph in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(C) CONDITIONS ON ACCEPTANCE.—

(i) TITLE.—As a condition of the land exchange under this paragraph, title to the non-Federal land to be acquired by the Secretary under this paragraph shall be acceptable to the Secretary.

(ii) TERMS AND CONDITIONS.—The conveyance of the Federal land and non-Federal land shall be subject to such terms and conditions as the Secretary may require.

(D) APPRAISALS.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land.

(ii) REQUIREMENTS.—An appraisal under clause (i) shall be conducted in accordance with nationally recognized appraisal standards, including—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(E) SURVEYS.—

(i) IN GENERAL.—The exact acreage and legal description of the Federal land and non-Federal land shall be determined by surveys approved by the Secretary.

(ii) COSTS.—The responsibility for the costs of any surveys conducted under clause (i), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the County.

(F) DEADLINE FOR COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchange under this paragraph shall be completed not later than 16 months after the date of enactment of this Act.

(3) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Mount Hood National Forest shall be adjusted to incorporate—

(i) any land conveyed to the United States under paragraph (2); and

(ii) the land transferred to the Forest Service by section 1204(h)(1).

(B) ADDITIONS TO THE NATIONAL FOREST SYSTEM.—The Secretary shall administer the land described in subparagraph (A)—

(i) in accordance with—

(I) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(II) any laws (including regulations) applicable to the National Forest System; and

(ii) subject to sections 1202(c)(3) and 1204(d), as applicable.

(C) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), the boundaries of the Mount Hood National Forest modified by this paragraph shall be considered to be the boundaries of the Mount Hood National Forest in existence as of January 1, 1965.

(d) CONDITIONS ON DEVELOPMENT OF FEDERAL LAND.—

(1) REQUIREMENTS APPLICABLE TO THE CONVEYANCE OF FEDERAL LAND.—

(A) IN GENERAL.—As a condition of each of the conveyances of Federal land under this section, the Secretary shall include in the deed of conveyance a requirement that applicable construction activities and alterations shall be conducted in accordance with—

(i) nationally recognized building and property maintenance codes; and

(ii) nationally recognized codes for development in the wildland-urban interface and wildfire hazard mitigation.

(B) APPLICABLE LAW.—To the maximum extent practicable, the codes required under subparagraph (A) shall be consistent with the nationally recognized codes adopted or referenced by the State or political subdivisions of the State.

(C) ENFORCEMENT.—The requirements under subparagraph (A) may be enforced by the same entities otherwise enforcing codes, ordinances, and standards.

(2) COMPLIANCE WITH CODES ON FEDERAL LAND.—The Secretary shall ensure that applicable construction activities and alterations undertaken or permitted by the Secretary on National Forest System land in the Mount Hood National Forest are conducted in accordance with—

(A) nationally recognized building and property maintenance codes; and

(B) nationally recognized codes for development in the wildland-urban interface development and wildfire hazard mitigation.

(3) EFFECT ON ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS.—Nothing in this subsection alters or limits the power of the State or a political subdivision of the State to implement or enforce any law (including regulations), rule, or standard relating to development or fire prevention and control.

SEC. 1207. TRIBAL PROVISIONS; PLANNING AND STUDIES.

(a) TRANSPORTATION PLAN.—

(1) IN GENERAL.—The Secretary shall seek to participate in the development of an integrated, multimodal transportation plan developed by the Oregon Department of Transportation for the Mount Hood region to achieve comprehensive solutions to transportation challenges in the Mount Hood region—

(A) to promote appropriate economic development;

(B) to preserve the landscape of the Mount Hood region; and

(C) to enhance public safety.

(2) ISSUES TO BE ADDRESSED.—In participating in the development of the transportation plan under paragraph (1), the Secretary shall seek to address—

(A) transportation alternatives between and among recreation areas and gateway communities that are located within the Mount Hood region;

(B) establishing park-and-ride facilities that shall be located at gateway communities;

(C) establishing intermodal transportation centers to link public transportation, parking, and recreation destinations;

(D) creating a new interchange on Oregon State Highway 26 located adjacent to or within Government Camp;

(E) designating, maintaining, and improving alternative routes using Forest Service or State roads for—

(i) providing emergency routes; or

(ii) improving access to, and travel within, the Mount Hood region;

(F) the feasibility of establishing—

(i) a gondola connection that—

(I) connects Timberline Lodge to Government Camp; and

(II) is located in close proximity to the site of the historic gondola corridor; and

(ii) an intermodal transportation center to be located in close proximity to Government Camp;

(G) burying power lines located in, or adjacent to, the Mount Hood National Forest along Interstate 84 near the City of Cascade Locks, Oregon; and

(H) creating mechanisms for funding the implementation of the transportation plan under paragraph (1), including—

(i) funds provided by the Federal Government;

(ii) public-private partnerships;

(iii) incremental tax financing; and

(iv) other financing tools that link transportation infrastructure improvements with development.

(b) MOUNT HOOD NATIONAL FOREST STEWARDSHIP STRATEGY.—

Reports.

(1) IN GENERAL.—The Secretary shall prepare a report on, and implementation schedule for, the vegetation management strategy (including recommendations for biomass utilization) for the Mount Hood National Forest being developed by the Forest Service.

(2) SUBMISSION TO CONGRESS.—

(A) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

Deadline.

(B) IMPLEMENTATION SCHEDULE.—Not later than 1 year after the date on which the vegetation management strategy referred to in paragraph (1) is completed, the Secretary shall submit the implementation schedule to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(c) LOCAL AND TRIBAL RELATIONSHIPS.—

(1) MANAGEMENT PLAN.—

(A) IN GENERAL.—The Secretary, in consultation with Indian tribes with treaty-reserved gathering rights on land encompassed by the Mount Hood National Forest and in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes and Bands of the Warm Springs Reservation of Oregon, dated April 25, 2003, as modified, shall develop and implement a management plan that meets the cultural foods obligations of the United States under applicable treaties, including the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) EFFECT.—This paragraph shall be considered to be consistent with, and is intended to help implement, the gathering rights reserved by the treaty described in subparagraph (A).

(2) SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.—

(A) TREATY RIGHTS.—Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

(B) TRIBAL LAND.—Nothing in this subtitle affects land held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other land acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(d) RECREATIONAL USES.—

(1) MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.—The Secretary may establish a working group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in the Mount Hood National Forest.

(2) CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.—In considering a Forest Service road in the Mount Hood National Forest for possible closure and decommissioning after the date of enactment of this Act, the Secretary, in accordance with applicable law, shall consider, as an alternative to decommissioning the road, converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

(3) IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.—The Secretary, in consultation with the public, may design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

Subtitle D—Copper Salmon Wilderness, Oregon

SEC. 1301. DESIGNATION OF THE COPPER SALMON WILDERNESS.

(a) DESIGNATION.—Section 3 of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–328) is amended—

(1) in the matter preceding paragraph (1), by striking "eight hundred fifty-nine thousand six hundred acres" and inserting "873,300 acres";

(2) in paragraph (29), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(30) certain land in the Siskiyou National Forest, comprising approximately 13,700 acres, as generally depicted on the map entitled 'Proposed Copper Salmon Wilderness Area' and dated December 7, 2007, to be known as the 'Copper Salmon Wilderness'.".

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall file a map and a legal description of the Copper Salmon Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) BOUNDARY.—If the boundary of the Copper Salmon Wilderness shares a border with a road, the Secretary may only establish an offset that is not more than 150 feet from the centerline of the road.

(4) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 1302. WILD AND SCENIC RIVER DESIGNATIONS, ELK RIVER, OREGON.

Section 3(a)(76) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(76)) is amended—

(1) in the matter preceding subparagraph (A), by striking "19-mile segment" and inserting "29-mile segment";

(2) in subparagraph (A), by striking "; and" and inserting a period; and

(3) by striking subparagraph (B) and inserting the following:

"(B)(i) The approximately 0.6-mile segment of the North Fork Elk from its source in sec. 21, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

"(ii) The approximately 5.5-mile segment of the North Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the South Fork Elk, as a wild river.

"(C)(i) The approximately 0.9-mile segment of the South Fork Elk from its source in the southeast quarter of sec. 32, T. 33 S., R. 12 W., Willamette Meridian, downstream to 0.01 miles below Forest Service Road 3353, as a scenic river.

"(ii) The approximately 4.2-mile segment of the South Fork Elk from 0.01 miles below Forest Service Road 3353 to its confluence with the North Fork Elk, as a wild river.".

SEC. 1303. PROTECTION OF TRIBAL RIGHTS.

16 USC 1274 note.

(a) IN GENERAL.—Nothing in this subtitle shall be construed as diminishing any right of any Indian tribe.

(b) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with the Coquille Indian Tribe regarding access to the Copper Salmon Wilderness to conduct historical and cultural activities.

16 USC 431 note.

Subtitle E—Cascade-Siskiyou National Monument, Oregon

SEC. 1401. DEFINITIONS.

In this subtitle:

(1) BOX R RANCH LAND EXCHANGE MAP.—The term "Box R Ranch land exchange map" means the map entitled "Proposed Rowlett Land Exchange" and dated June 13, 2006.

(2) BUREAU OF LAND MANAGEMENT LAND.—The term "Bureau of Land Management land" means the approximately 40 acres of land administered by the Bureau of Land Management identified as "Rowlett Selected", as generally depicted on the Box R Ranch land exchange map.

(3) DEERFIELD LAND EXCHANGE MAP.—The term "Deerfield land exchange map" means the map entitled "Proposed Deerfield-BLM Property Line Adjustment" and dated May 1, 2008.

(4) DEERFIELD PARCEL.—The term "Deerfield parcel" means the approximately 1.5 acres of land identified as "From Deerfield to BLM", as generally depicted on the Deerfield land exchange map.

(5) FEDERAL PARCEL.—The term "Federal parcel" means the approximately 1.3 acres of land administered by the Bureau

of Land Management identified as "From BLM to Deerfield", as generally depicted on the Deerfield land exchange map.

(6) GRAZING ALLOTMENT.—The term "grazing allotment" means any of the Box R, Buck Lake, Buck Mountain, Buck Point, Conde Creek, Cove Creek, Cove Creek Ranch, Deadwood, Dixie, Grizzly, Howard Prairie, Jenny Creek, Keene Creek, North Cove Creek, and Soda Mountain grazing allotments in the State.

(7) GRAZING LEASE.—The term "grazing lease" means any document authorizing the use of a grazing allotment for the purpose of grazing livestock for commercial purposes.

(8) LANDOWNER.—The term "Landowner" means the owner of the Box R Ranch in the State.

(9) LESSEE.—The term "lessee" means a livestock operator that holds a valid existing grazing lease for a grazing allotment.

(10) LIVESTOCK.—The term "livestock" does not include beasts of burden used for recreational purposes.

(11) MONUMENT.—The term "Monument" means the Cascade-Siskiyou National Monument in the State.

(12) ROWLETT PARCEL.—The term "Rowlett parcel" means the parcel of approximately 40 acres of private land identified as "Rowlett Offered", as generally depicted on the Box R Ranch land exchange map.

(13) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(14) STATE.—The term "State" means the State of Oregon.

(15) WILDERNESS.—The term "Wilderness" means the Soda Mountain Wilderness designated by section 1405(a).

(16) WILDERNESS MAP.—The term "wilderness map" means the map entitled "Soda Mountain Wilderness" and dated May 5, 2008.

SEC. 1402. VOLUNTARY GRAZING LEASE DONATION PROGRAM.

(a) EXISTING GRAZING LEASES.—

(1) DONATION OF LEASE.—

(A) ACCEPTANCE BY SECRETARY.—The Secretary shall accept any grazing lease that is donated by a lessee.

(B) TERMINATION.—The Secretary shall terminate any grazing lease acquired under subparagraph (A).

(C) NO NEW GRAZING LEASE.—Except as provided in paragraph (3), with respect to each grazing lease donated under subparagraph (A), the Secretary shall—

(i) not issue any new grazing lease within the grazing allotment covered by the grazing lease; and

(ii) ensure a permanent end to livestock grazing on the grazing allotment covered by the grazing lease.

(2) DONATION OF PORTION OF GRAZING LEASE.—

(A) IN GENERAL.—A lessee with a grazing lease for a grazing allotment partially within the Monument may elect to donate only that portion of the grazing lease that is within the Monument.

(B) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the portion of a grazing lease that is donated under subparagraph (A).

(C) MODIFICATION OF LEASE.—Except as provided in paragraph (3), if a lessee donates a portion of a grazing lease under subparagraph (A), the Secretary shall—

(i) reduce the authorized grazing level and area to reflect the donation; and

(ii) modify the grazing lease to reflect the reduced level and area of use.

(D) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level and area of livestock grazing on the land covered by a portion of a grazing lease donated under subparagraph (A), the Secretary shall not allow grazing to exceed the authorized level and area established under subparagraph (C).

(3) COMMON ALLOTMENTS.—

(A) IN GENERAL.—If a grazing allotment covered by a grazing lease or portion of a grazing lease that is donated under paragraph (1) or (2) also is covered by another grazing lease that is not donated, the Secretary shall reduce the grazing level on the grazing allotment to reflect the donation.

(B) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of livestock grazing on the land covered by the grazing lease or portion of a grazing lease donated under paragraph (1) or (2), the Secretary shall not allow grazing to exceed the level established under subparagraph (A).

(b) LIMITATIONS.—The Secretary—

(1) with respect to the Agate, Emigrant Creek, and Siskiyou allotments in and near the Monument—

(A) shall not issue any grazing lease; and

(B) shall ensure a permanent end to livestock grazing on each allotment; and

(2) shall not establish any new allotments for livestock grazing that include any Monument land (whether leased or not leased for grazing on the date of enactment of this Act).

(c) EFFECT OF DONATION.—A lessee who donates a grazing lease or a portion of a grazing lease under this section shall be considered to have waived any claim to any range improvement on the associated grazing allotment or portion of the associated grazing allotment, as applicable.

SEC. 1403. BOX R RANCH LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel; and

(2) if the Landowner accepts the offer—

(A) the Secretary shall convey to the Landowner all right, title, and interest of the United States in and to the Bureau of Land Management land; and

(B) the Landowner shall convey to the Secretary all right, title, and interest of the Landowner in and to the Rowlett parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Bureau of Land Management land and the Rowlett parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and the Landowner.

(c) CONDITIONS.—The conveyance of the Bureau of Land Management land and the Rowlett parcel under this section shall be subject to—

(1) valid existing rights;

(2) title to the Rowlett parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(3) such terms and conditions as the Secretary may require; and

(4) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Bureau of Land Management land and the Rowlett parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

(e) GRAZING ALLOTMENT.—As a condition of the land exchange authorized under this section, the lessee of the grazing lease for the Box R grazing allotment shall donate the Box R grazing lease in accordance with section 1402(a)(1).

SEC. 1404. DEERFIELD LAND EXCHANGE.

(a) IN GENERAL.—For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—

(1) may offer to convey to Deerfield Learning Associates the Federal parcel in exchange for the Deerfield parcel; and

(2) if Deerfield Learning Associates accepts the offer—

(A) the Secretary shall convey to Deerfield Learning Associates all right, title, and interest of the United States in and to the Federal parcel; and

(B) Deerfield Learning Associates shall convey to the Secretary all right, title, and interest of Deerfield Learning Associates in and to the Deerfield parcel.

(b) SURVEYS.—

(1) IN GENERAL.—The exact acreage and legal description of the Federal parcel and the Deerfield parcel shall be determined by surveys approved by the Secretary.

(2) COSTS.—The responsibility for the costs of any surveys conducted under paragraph (1), and any other administrative costs of carrying out the land exchange, shall be determined by the Secretary and Deerfield Learning Associates.

(c) CONDITIONS.—

(1) IN GENERAL.—The conveyance of the Federal parcel and the Deerfield parcel under this section shall be subject to—

(A) valid existing rights;

(B) title to the Deerfield parcel being acceptable to the Secretary and in conformance with the title approval standards applicable to Federal land acquisitions;

(C) such terms and conditions as the Secretary may require; and

(D) except as otherwise provided in this section, any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.

(d) APPRAISALS.—

(1) IN GENERAL.—The Federal parcel and the Deerfield parcel shall be appraised by an independent appraiser selected by the Secretary.

(2) REQUIREMENTS.—An appraisal conducted under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) APPROVAL.—The appraisals conducted under this subsection shall be submitted to the Secretary for approval.

SEC. 1405. SODA MOUNTAIN WILDERNESS.

16 USC 1132 note.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), approximately 24,100 acres of Monument land, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Soda Mountain Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—

(A) IN GENERAL.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(B) NOTIFICATION.—The Secretary shall submit to Congress notice of any changes made in the map or legal description under subparagraph (A), including notice of the reason for the change.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—Except as provided by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), within the wilderness areas designated by this subtitle, the Secretary may take such measures in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary determines to be desirable and appropriate.

(3) LIVESTOCK.—Except as provided in section 1402 and by Presidential Proclamation Number 7318, dated June 9, 2000 (65 Fed. Reg. 37247), the grazing of livestock in the Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE MANAGEMENT.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(5) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Wilderness that is acquired by the United States shall—

(A) become part of the Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

SEC. 1406. EFFECT.

Nothing in this subtitle—

(1) affects the authority of a Federal agency to modify or terminate grazing permits or leases, except as provided in section 1402;

(2) authorizes the use of eminent domain;

(3) creates a property right in any grazing permit or lease on Federal land;

(4) establishes a precedent for future grazing permit or lease donation programs; or

(5) affects the allocation, ownership, interest, or control, in existence on the date of enactment of this Act, of any water, water right, or any other valid existing right held by the United

States, an Indian tribe, a State, or a private individual, partnership, or corporation.

Idaho.

Subtitle F—Owyhee Public Land Management

SEC. 1501. DEFINITIONS.

In this subtitle:

(1) ACCOUNT.—The term "account" means the Owyhee Land Acquisition Account established by section 1505(b)(1).

(2) COUNTY.—The term "County" means Owyhee County, Idaho.

(3) OWYHEE FRONT.—The term "Owyhee Front" means the area of the County from Jump Creek on the west to Mud Flat Road on the east and draining north from the crest of the Silver City Range to the Snake River.

(4) PLAN.—The term "plan" means a travel management plan for motorized and mechanized off-highway vehicle recreation prepared under section 1507.

(5) PUBLIC LAND.—The term "public land" has the meaning given the term in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Idaho.

(8) TRIBES.—The term "Tribes" means the Shoshone Paiute Tribes of the Duck Valley Reservation.

SEC. 1502. OWYHEE SCIENCE REVIEW AND CONSERVATION CENTER.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Tribes, State, and County, and in consultation with the University of Idaho, Federal grazing permittees, and public, shall establish the Owyhee Science Review and Conservation Center in the County to conduct research projects to address natural resources management issues affecting public and private rangeland in the County.

(b) PURPOSE.—The purpose of the center established under subsection (a) shall be to facilitate the collection and analysis of information to provide Federal and State agencies, the Tribes, the County, private landowners, and the public with information on improved rangeland management.

SEC. 1503. WILDERNESS AREAS.

(a) WILDERNESS AREAS DESIGNATION.—

16 USC 1132 note.

(1) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(A) BIG JACKS CREEK WILDERNESS.—Certain land comprising approximately 52,826 acres, as generally depicted on the map entitled "Little Jacks Creek and Big Jacks Creek Wilderness" and dated May 5, 2008, which shall be known as the "Big Jacks Creek Wilderness".

(B) BRUNEAU-JARBIDGE RIVERS WILDERNESS.—Certain land comprising approximately 89,996 acres, as generally depicted on the map entitled "Bruneau-Jarbidge Rivers

Wilderness" and dated December 15, 2008, which shall be known as the "Bruneau-Jarbidge Rivers Wilderness".

(C) LITTLE JACKS CREEK WILDERNESS.—Certain land comprising approximately 50,929 acres, as generally depicted on the map entitled "Little Jacks Creek and Big Jacks Creek Wilderness" and dated May 5, 2008, which shall be known as the "Little Jacks Creek Wilderness".

(D) NORTH FORK OWYHEE WILDERNESS.—Certain land comprising approximately 43,413 acres, as generally depicted on the map entitled "North Fork Owyhee and Pole Creek Wilderness" and dated May 5, 2008, which shall be known as the "North Fork Owyhee Wilderness".

(E) OWYHEE RIVER WILDERNESS.—Certain land comprising approximately 267,328 acres, as generally depicted on the map entitled "Owyhee River Wilderness" and dated May 5, 2008, which shall be known as the "Owyhee River Wilderness".

(F) POLE CREEK WILDERNESS.—Certain land comprising approximately 12,533 acres, as generally depicted on the map entitled "North Fork Owyhee and Pole Creek Wilderness" and dated May 5, 2008, which shall be known as the "Pole Creek Wilderness".

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description for each area designated as wilderness by this subtitle.

(B) EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct minor errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the Bureau of Land Management.

(3) RELEASE OF WILDERNESS STUDY AREAS.—

(A) IN GENERAL.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(B) RELEASE.—Any public land referred to in subparagraph (A) that is not designated as wilderness by this subtitle—

(i) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(ii) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered

by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by this subtitle is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under the mineral leasing, mineral materials, and geothermal leasing laws.

(3) LIVESTOCK.—

(A) IN GENERAL.—In the wilderness areas designated by this subtitle, the grazing of livestock in areas in which grazing is established as of the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101–405.

Deadline.

(B) INVENTORY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct an inventory of existing facilities and improvements associated with grazing activities in the wilderness areas and wild and scenic rivers designated by this subtitle.

(C) FENCING.—The Secretary may construct and maintain fencing around wilderness areas designated by this subtitle as the Secretary determines to be appropriate to enhance wilderness values.

(D) DONATION OF GRAZING PERMITS OR LEASES.—

(i) ACCEPTANCE BY SECRETARY.—The Secretary shall accept the donation of any valid existing permits or leases authorizing grazing on public land, all or a portion of which is within the wilderness areas designated by this subtitle.

(ii) TERMINATION.—With respect to each permit or lease donated under clause (i), the Secretary shall—

(I) terminate the grazing permit or lease; and

(II) except as provided in clause (iii), ensure a permanent end to grazing on the land covered by the permit or lease.

(iii) COMMON ALLOTMENTS.—

(I) IN GENERAL.—If the land covered by a permit or lease donated under clause (i) is also covered by another valid existing permit or lease that is not donated under clause (i), the Secretary shall reduce the authorized grazing level on the land covered by the permit or lease to reflect the donation of the permit or lease under clause (i).

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the level of grazing

on the land covered by a permit or lease donated under clause (i), the Secretary shall not allow grazing use to exceed the authorized level established under subclause (I).

(iv) PARTIAL DONATION.—

(I) IN GENERAL.—If a person holding a valid grazing permit or lease donates less than the full amount of grazing use authorized under the permit or lease, the Secretary shall—

(aa) reduce the authorized grazing level to reflect the donation; and

(bb) modify the permit or lease to reflect the revised level of use.

(II) AUTHORIZED LEVEL.—To ensure that there is a permanent reduction in the authorized level of grazing on the land covered by a permit or lease donated under subclause (I), the Secretary shall not allow grazing use to exceed the authorized level established under that subclause.

(4) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(A) IN GENERAL.—Consistent with applicable law, the Secretary may acquire land or interests in land within the boundaries of the wilderness areas designated by this subtitle by purchase, donation, or exchange.

(B) INCORPORATION OF ACQUIRED LAND.—Any land or interest in land in, or adjoining the boundary of, a wilderness area designated by this subtitle that is acquired by the United States shall be added to, and administered as part of, the wilderness area in which the acquired land or interest in land is located.

(5) TRAIL PLAN.—

(A) IN GENERAL.—The Secretary, after providing opportunities for public comment, shall establish a trail plan that addresses hiking and equestrian trails on the land designated as wilderness by this subtitle, in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the implementation of the trail plan.

(6) OUTFITTING AND GUIDE ACTIVITIES.—Consistent with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) are authorized in wilderness areas designated by this subtitle to the extent necessary for activities that fulfill the recreational or other wilderness purposes of the areas.

(7) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this subtitle adequate access to the property.

(8) FISH AND WILDLIFE.—

(A) IN GENERAL.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land in the State.

(B) MANAGEMENT ACTIVITIES.—

(i) IN GENERAL.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas designated by this subtitle, if the management activities are—

(I) consistent with relevant wilderness management plans; and

(II) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101–405.

(ii) INCLUSIONS.—Management activities under clause (i) may include the occasional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) EXISTING ACTIVITIES.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and in accordance with appropriate policies, such as those established in Appendix B of House Report 101–405, the State may use aircraft (including helicopters) in the wilderness areas designated by this subtitle to survey, capture, transplant, monitor, and provide water for wildlife populations, including bighorn sheep, and feral stock, feral horses, and feral burros.

(9) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take any measures that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines appropriate, the coordination of those activities with a State or local agency.

(10) ADJACENT MANAGEMENT.—

(A) IN GENERAL.—The designation of a wilderness area by this subtitle shall not create any protective perimeter or buffer zone around the wilderness area.

(B) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by this subtitle shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

(11) MILITARY OVERFLIGHTS.—Nothing in this subtitle restricts or precludes—

(A) low-level overflights of military aircraft over the areas designated as wilderness by this subtitle, including military overflights that can be seen or heard within the wilderness areas;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

(12) WATER RIGHTS.—

(A) IN GENERAL.—The designation of areas as wilderness by subsection (a) shall not create an express or implied

reservation by the United States of any water or water rights for wilderness purposes with respect to such areas.

(B) EXCLUSIONS.—This paragraph does not apply to any components of the National Wild and Scenic Rivers System designated by section 1504.

SEC. 1504. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1203(a)(1)) is amended by adding at the end the following:

"(180) BATTLE CREEK, IDAHO.—The 23.4 miles of Battle Creek from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(181) BIG JACKS CREEK, IDAHO.—The 35.0 miles of Big Jacks Creek from the downstream border of the Big Jacks Creek Wilderness in sec. 8, T. 8 S., R. 4 E., to the point at which it enters the NW ¼ of sec. 26, T. 10 S., R. 2 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

"(182) BRUNEAU RIVER, IDAHO.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the 39.3-mile segment of the Bruneau River from the downstream boundary of the Bruneau-Jarbidge Wilderness to the upstream confluence with the west fork of the Bruneau River, to be administered by the Secretary of the Interior as a wild river.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the 0.6-mile segment of the Bruneau River at the Indian Hot Springs public road access shall be administered by the Secretary of the Interior as a recreational river.

"(183) WEST FORK BRUNEAU RIVER, IDAHO.—The approximately 0.35 miles of the West Fork of the Bruneau River from the confluence with the Jarbidge River to the downstream boundary of the Bruneau Canyon Grazing Allotment in the SE/NE of sec. 5, T. 13 S., R. 7 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

"(184) COTTONWOOD CREEK, IDAHO.—The 2.6 miles of Cottonwood Creek from the confluence with Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(185) DEEP CREEK, IDAHO.—The 13.1-mile segment of Deep Creek from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness in sec. 30, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

"(186) DICKSHOOTER CREEK, IDAHO.—The 9.25 miles of Dickshooter Creek from the confluence with Deep Creek to a point on the stream ¼ mile due west of the east boundary of sec. 16, T. 12 S., R. 2 W., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

"(187) DUNCAN CREEK, IDAHO.—The 0.9-mile segment of Duncan Creek from the confluence with Big Jacks Creek upstream to the east boundary of sec. 18, T. 10 S., R. 4 E., Boise Meridian, to be administered by the Secretary of the Interior as a wild river.

"(188) JARBIDGE RIVER, IDAHO.—The 28.8 miles of the Jarbidge River from the confluence with the West Fork Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(189) LITTLE JACKS CREEK, IDAHO.—The 12.4 miles of Little Jacks Creek from the downstream boundary of the Little Jacks Creek Wilderness, upstream to the mouth of OX Prong Creek, to be administered by the Secretary of the Interior as a wild river.

"(190) NORTH FORK OWYHEE RIVER, IDAHO.—The following segments of the North Fork of the Owyhee River, to be administered by the Secretary of the Interior:

"(A) The 5.7-mile segment from the Idaho-Oregon State border to the upstream boundary of the private land at the Juniper Mt. Road crossing, as a recreational river.

"(B) The 15.1-mile segment from the upstream boundary of the North Fork Owyhee River recreational segment designated in paragraph (A) to the upstream boundary of the North Fork Owyhee River Wilderness, as a wild river.

"(191) OWYHEE RIVER, IDAHO.—

"(A) IN GENERAL.—Subject to subparagraph (B), the 67.3 miles of the Owyhee River from the Idaho-Oregon State border to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(B) ACCESS.—The Secretary of the Interior shall allow for continued access across the Owyhee River at Crutchers Crossing, subject to such terms and conditions as the Secretary of the Interior determines to be necessary.

"(192) RED CANYON, IDAHO.—The 4.6 miles of Red Canyon from the confluence of the Owyhee River to the upstream boundary of the Owyhee River Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(193) SHEEP CREEK, IDAHO.—The 25.6 miles of Sheep Creek from the confluence with the Bruneau River to the upstream boundary of the Bruneau-Jarbidge Rivers Wilderness, to be administered by the Secretary of the Interior as a wild river.

"(194) SOUTH FORK OWYHEE RIVER, IDAHO.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the 31.4-mile segment of the South Fork of the Owyhee River upstream from the confluence with the Owyhee River to the upstream boundary of the Owyhee River Wilderness at the Idaho–Nevada State border, to be administered by the Secretary of the Interior as a wild river.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), the 1.2-mile segment of the South Fork of the Owyhee River from the point at which the river enters the southernmost boundary to the point at which the river exits the northernmost boundary of private land in sec. 25 and 26, T. 14 S., R. 5 W., Boise Meridian, shall be administered by the Secretary of the Interior as a recreational river.

"(195) WICKAHONEY CREEK, IDAHO.—The 1.5 miles of Wickahoney Creek from the confluence of Big Jacks Creek to the upstream boundary of the Big Jacks Creek Wilderness,

to be administered by the Secretary of the Interior as a wild river.".

(b) BOUNDARIES.—Notwithstanding section 3(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(b)), the boundary of a river segment designated as a component of the National Wild and Scenic Rivers System under this subtitle shall extend not more than the shorter of— 16 USC 1274 note.

(1) an average distance of ¼ mile from the high water mark on both sides of the river segment; or

(2) the distance to the nearest confined canyon rim.

(c) LAND ACQUISITION.—The Secretary shall not acquire any private land within the exterior boundary of a wild and scenic river corridor without the consent of the owner. 16 USC 1274 note.

SEC. 1505. LAND IDENTIFIED FOR DISPOSAL.

(a) IN GENERAL.—Consistent with applicable law, the Secretary may sell public land located within the Boise District of the Bureau of Land Management that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a proportion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury of the United States to be known as the "Owyhee Land Acquisition Account".

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase land or interests in land in, or adjacent to, the wilderness areas designated by this subtitle, including land identified as "Proposed for Acquisition" on the maps described in section 1503(a)(1).

(B) APPLICABLE LAW.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

(3) APPLICABILITY.—This subsection applies to public land within the Boise District of the Bureau of Land Management sold on or after January 1, 2008.

(4) ADDITIONAL AMOUNTS.—If necessary, the Secretary may use additional amounts appropriated to the Department of the Interior, subject to applicable reprogramming guidelines.

(c) TERMINATION OF AUTHORITY.—

(1) IN GENERAL.—The authority provided under this section terminates on the earlier of—

(A) the date that is 10 years after the date of enactment of this Act; or

(B) the date on which a total of $8,000,000 from the account is expended.

(2) AVAILABILITY OF AMOUNTS.—Any amounts remaining in the account on the termination of authority under this section shall be—

(A) credited as sales of public land in the State;

(B) transferred to the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(C) used in accordance with that subtitle.

SEC. 1506. TRIBAL CULTURAL RESOURCES.

(a) COORDINATION.—The Secretary shall coordinate with the Tribes in the implementation of the Shoshone Paiute Cultural Resource Protection Plan.

(b) AGREEMENTS.—The Secretary shall seek to enter into agreements with the Tribes to implement the Shoshone Paiute Cultural Resource Protection Plan to protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes.

SEC. 1507. RECREATIONAL TRAVEL MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), the Secretary shall, in coordination with the Tribes, State, and County, prepare 1 or more travel management plans for motorized and mechanized off-highway vehicle recreation for the land managed by the Bureau of Land Management in the County.

(b) INVENTORY.—Before preparing the plan under subsection (a), the Secretary shall conduct resource and route inventories of the area covered by the plan.

(c) LIMITATION TO DESIGNATED ROUTES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the plan shall limit recreational motorized and mechanized off-highway vehicle use to a system of designated roads and trails established by the plan.

(2) EXCEPTION.—Paragraph (1) shall not apply to snowmobiles.

(d) TEMPORARY LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), until the date on which the Secretary completes the plan, all recreational motorized and mechanized off-highway vehicle use shall be limited to roads and trails lawfully in existence on the day before the date of enactment of this Act.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) snowmobiles; or

(B) areas specifically identified as open, closed, or limited in the Owyhee Resource Management Plan.

(e) SCHEDULE.—

Deadline. Transportation plan.

(1) OWYHEE FRONT.—It is the intent of Congress that, not later than 1 year after the date of enactment of this Act, the Secretary shall complete a transportation plan for the Owyhee Front.

Deadline. Transportation plan.

(2) OTHER BUREAU OF LAND MANAGEMENT LAND IN THE COUNTY.—It is the intent of Congress that, not later than 3 years after the date of enactment of this Act, the Secretary shall complete a transportation plan for Bureau of Land Management land in the County outside the Owyhee Front.

SEC. 1508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle G—Sabinoso Wilderness, New Mexico

SEC. 1601. DEFINITIONS.

In this subtitle:

(1) MAP.—The term "map" means the map entitled "Sabinoso Wilderness" and dated September 8, 2008.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of New Mexico.

SEC. 1602. DESIGNATION OF THE SABINOSO WILDERNESS.

16 USC 1132 note.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 16,030 acres of land under the jurisdiction of the Taos Field Office Bureau of Land Management, New Mexico, as generally depicted on the map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Sabinoso Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Sabinoso Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Sabinoso Wilderness shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Sabinoso Wilderness that is acquired by the United States shall—

(A) become part of the Sabinoso Wilderness; and

(B) be managed in accordance with this subtitle and any other laws applicable to the Sabinoso Wilderness.

(3) GRAZING.—The grazing of livestock in the Sabinoso Wilderness, if established before the date of enactment of this Act, shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) FISH AND WILDLIFE.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife in the State.

(5) ACCESS.—

(A) IN GENERAL.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall continue to allow private landowners adequate access to inholdings in the Sabinoso Wilderness.

(B) CERTAIN LAND.—For access purposes, private land within T. 16 N., R. 23 E., secs. 17 and 20 and the N½ of sec. 21, N.M.M., shall be managed as an inholding in the Sabinoso Wilderness.

(d) WITHDRAWAL.—Subject to valid existing rights, the land generally depicted on the map as "Lands Withdrawn From Mineral Entry" and "Lands Released From Wilderness Study Area & Withdrawn From Mineral Entry" is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws, except disposal by exchange in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716);

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(e) RELEASE OF WILDERNESS STUDY AREAS.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the public lands within the Sabinoso Wilderness Study Area not designated as wilderness by this subtitle—

(1) have been adequately studied for wilderness designation and are no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with applicable law (including subsection (d)) and the land use management plan for the surrounding area.

Subtitle H—Pictured Rocks National Lakeshore Wilderness

SEC. 1651. DEFINITIONS.

In this subtitle:

(1) LINE OF DEMARCATION.—The term "line of demarcation" means the point on the bank or shore at which the surface waters of Lake Superior meet the land or sand beach, regardless of the level of Lake Superior.

(2) MAP.—The term "map" means the map entitled "Pictured Rocks National Lakeshore Beaver Basin Wilderness Boundary", numbered 625/80,051, and dated April 16, 2007.

(3) NATIONAL LAKESHORE.—The term "National Lakeshore" means the Pictured Rocks National Lakeshore.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) WILDERNESS.—The term "Wilderness" means the Beaver Basin Wilderness designated by section 1652(a).

SEC. 1652. DESIGNATION OF BEAVER BASIN WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the land described in subsection (b) is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Beaver Basin Wilderness". 16 USC 1132 note.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land and inland water comprising approximately 11,740 acres within the National Lakeshore, as generally depicted on the map. 16 USC 1132 note.

(c) BOUNDARY.— 16 USC 1132 note.

(1) LINE OF DEMARCATION.—The line of demarcation shall be the boundary for any portion of the Wilderness that is bordered by Lake Superior.

(2) SURFACE WATER.—The surface water of Lake Superior, regardless of the fluctuating lake level, shall be considered to be outside the boundary of the Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a legal description of the boundary of the Wilderness.

(3) FORCE AND EFFECT.—The map and the legal description submitted under paragraph (2) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map and legal description.

SEC. 1653. ADMINISTRATION.

(a) MANAGEMENT.—Subject to valid existing rights, the Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to land administered by the Secretary, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) USE OF ELECTRIC MOTORS.—The use of boats powered by electric motors on Little Beaver and Big Beaver Lakes may continue, subject to any applicable laws (including regulations).

SEC. 1654. EFFECT.

Nothing in this subtitle—

(1) modifies, alters, or affects any treaty rights;

(2) alters the management of the water of Lake Superior within the boundary of the Pictured Rocks National Lakeshore in existence on the date of enactment of this Act; or

(3) prohibits—

(A) the use of motors on the surface water of Lake Superior adjacent to the Wilderness; or

(B) the beaching of motorboats at the line of demarcation.

Subtitle I—Oregon Badlands Wilderness

SEC. 1701. DEFINITIONS.

In this subtitle:

(1) DISTRICT.—The term "District" means the Central Oregon Irrigation District.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Oregon.

(4) WILDERNESS MAP.—The term "wilderness map" means the map entitled "Badlands Wilderness" and dated September 3, 2008.

SEC. 1702. OREGON BADLANDS WILDERNESS.

16 USC 1132 note.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 29,301 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Oregon Badlands Wilderness".

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Oregon Badlands Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Oregon Badlands Wilderness that is acquired by the United States shall—

(A) become part of the Oregon Badlands Wilderness; and

(B) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Oregon Badlands Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such

reasonable regulations as are considered necessary by the Secretary in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary shall provide any owner of private property within the boundary of the Oregon Badlands Wilderness adequate access to the property.

(c) POTENTIAL WILDERNESS.— 16 USC 1132 note.

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), a corridor of certain Federal land managed by the Bureau of Land Management with a width of 25 feet, as generally depicted on the wilderness map as "Potential Wilderness", is designated as potential wilderness.

(2) INTERIM MANAGEMENT.—The potential wilderness designated by paragraph (1) shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that the Secretary may allow nonconforming uses that are authorized and in existence on the date of enactment of this Act to continue in the potential wilderness.

(3) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by paragraph (1) that are permitted under paragraph (2) have terminated, the potential wilderness shall be— Federal Register, publication. Notice.

(A) designated as wilderness and as a component of the National Wilderness Preservation System; and

(B) incorporated into the Oregon Badlands Wilderness.

(d) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Oregon Badlands Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1703. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Badlands wilderness study area that are not designated as the Oregon Badlands Wilderness

or as potential wilderness have been adequately studied for wilderness or potential wilderness designation.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1704. LAND EXCHANGES.

(a) CLARNO LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 239 acres of non-Federal land identified on the wilderness map as "Clarno to Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 209 acres of Federal land identified on the wilderness map as "Federal Government to Clarno".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(b) DISTRICT EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (c) through (e), if the District offers to convey to the United States all right, title, and interest of the District in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the District all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 527 acres of non-Federal land identified on the wilderness map as "COID to Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 697 acres of Federal land identified on the wilderness map as "Federal Government to COID".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(d) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(e) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

Deadline.

(f) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1705. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle J—Spring Basin Wilderness, Oregon

SEC. 1751. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Oregon.

(3) TRIBES.—The term "Tribes" means the Confederated Tribes of the Warm Springs Reservation of Oregon.

(4) WILDERNESS MAP.—The term "wilderness map" means the map entitled "Spring Basin Wilderness with Land Exchange Proposals" and dated September 3, 2008.

SEC. 1752. SPRING BASIN WILDERNESS.

16 USC 1132 note.

(a) DESIGNATION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 6,382 acres of Bureau of Land Management land in the State, as generally depicted on the wilderness map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Spring Basin Wilderness".

(b) ADMINISTRATION OF WILDERNESS.—

(1) IN GENERAL.—Subject to valid existing rights, the Spring Basin Wilderness shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundary of the Spring Basin Wilderness that is acquired by the United States shall—

(A) become part of the Spring Basin Wilderness; and

(B) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) GRAZING.—The grazing of livestock in the Spring Basin Wilderness, if established before the date of enactment of this Act, shall be permitted to continue subject to such reasonable

regulations as are considered necessary by the Secretary, in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Spring Basin Wilderness with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this section, except that the Secretary may correct any typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 1753. RELEASE.

(a) FINDING.—Congress finds that, for the purposes of section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)), the portions of the Spring Basin wilderness study area that are not designated by section 1752(a) as the Spring Basin Wilderness in the following areas have been adequately studied for wilderness designation:

(1) T. 8 S., R. 19 E., sec. 10, NE ¼, W ½.

(2) T. 8 S., R.19 E., sec. 25, SE ¼, SE ¼.

(3) T. 8 S., R. 20 E., sec. 19, SE ¼, S ½ of the S ½.

(b) RELEASE.—Any public land described in subsection (a) that is not designated as wilderness by this subtitle—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land use plan adopted under section 202 of that Act (43 U.S.C. 1712).

SEC. 1754. LAND EXCHANGES.

(a) CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the Tribes offer to convey to the United States all right, title, and interest of the Tribes in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the Tribes all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 4,480 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from the CTWSIR to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 4,578 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to CTWSIR".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(4) WITHDRAWAL.—Subject to valid existing rights, the land acquired by the Secretary under this subsection is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under any law relating to mineral and geothermal leasing or mineral materials.

(b) MCGREER LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 18 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from McGreer to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 327 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to McGreer".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(c) KEYS LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 180 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Keys to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 187 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Keys".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(d) BOWERMAN LAND EXCHANGE.—

(1) CONVEYANCE OF LAND.—Subject to subsections (e) through (g), if the landowner offers to convey to the United States all right, title, and interest of the landowner in and to the non-Federal land described in paragraph (2)(A), the Secretary shall—

(A) accept the offer; and

(B) on receipt of acceptable title to the non-Federal land, convey to the landowner all right, title, and interest of the United States in and to the Federal land described in paragraph (2)(B).

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 32 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Bowerman to the Federal Government".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is the approximately 24 acres of Federal land identified on the wilderness map as "Lands proposed for transfer from the Federal Government to Bowerman".

(3) SURVEYS.—The exact acreage and legal description of the Federal land and non-Federal land described in paragraph (2) shall be determined by surveys approved by the Secretary.

(e) APPLICABLE LAW.—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under this section in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(f) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and the non-Federal land to be exchanged under this section shall be appraised by an independent, qualified appraiser that is agreed to by the Secretary and the owner of the non-Federal land to be exchanged.

(B) REQUIREMENTS.—An appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) EQUALIZATION.—

(A) IN GENERAL.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(i) making a cash equalization payment to the Secretary or to the owner of the non-Federal land, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)); or

(ii) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any cash equalization payments received by the Secretary under subparagraph (A)(i) shall be—

(i) deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)); and

(ii) used in accordance with that Act.

(g) CONDITIONS OF EXCHANGE.—

(1) IN GENERAL.—The land exchanges under this section shall be subject to such terms and conditions as the Secretary may require.

(2) COSTS.—As a condition of a conveyance of Federal land and non-Federal land under this section, the Federal Government and the owner of the non-Federal land shall equally share all costs relating to the land exchange, including the costs of appraisals, surveys, and any necessary environmental clearances.

(3) VALID EXISTING RIGHTS.—The exchange of Federal land and non-Federal land under this section shall be subject to any easements, rights-of-way, and other valid rights in existence on the date of enactment of this Act.

Deadline.

(h) COMPLETION OF LAND EXCHANGE.—It is the intent of Congress that the land exchanges under this section shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 1755. PROTECTION OF TRIBAL TREATY RIGHTS.

Nothing in this subtitle alters, modifies, enlarges, diminishes, or abrogates the treaty rights of any Indian tribe, including the off-reservation reserved rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963).

Subtitle K—Eastern Sierra and Northern San Gabriel Wilderness, California

16 USC 460vvv note.

SEC. 1801. DEFINITIONS.

In this subtitle:

(1) FOREST.—The term "Forest" means the Ancient Bristlecone Pine Forest designated by section 1808(a).

(2) RECREATION AREA.—The term "Recreation Area" means the Bridgeport Winter Recreation Area designated by section 1806(a).

(3) SECRETARY.—The term "Secretary" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(4) STATE.—The term "State" means the State of California.

(5) TRAIL.—The term "Trail" means the Pacific Crest National Scenic Trail.

SEC. 1802. DESIGNATION OF WILDERNESS AREAS.

16 USC 1132 note.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) HOOVER WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Humboldt-Toiyabe and Inyo National Forests, comprising approximately 79,820 acres and identified as "Hoover East Wilderness Addition," "Hoover West Wilderness Addition", and "Bighorn Proposed Wilderness Addition", as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the Hoover Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "Humboldt-Toiyabe National Forest Proposed Management" and dated September 17, 2008; and

(ii) the map entitled "Bighorn Proposed Wilderness Additions" and dated September 23, 2008.

(C) EFFECT.—The designation of the wilderness under subparagraph (A) shall not affect the ongoing activities of the adjacent United States Marine Corps Mountain Warfare Training Center on land outside the designated wilderness, in accordance with the agreement between the Center and the Humboldt-Toiyabe National Forest.

(2) OWENS RIVER HEADWATERS WILDERNESS.—Certain land in the Inyo National Forest, comprising approximately 14,721 acres, as generally depicted on the map entitled "Owens River Headwaters Proposed Wilderness" and dated September 16, 2008, which shall be known as the "Owens River Headwaters Wilderness".

(3) JOHN MUIR WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Inyo County, California, comprising approximately 70,411 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in, and shall be considered to be a part of, the John Muir Wilderness.

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "John Muir Proposed Wilderness Addition (1 of 5)" and dated September 23, 2008;

(ii) the map entitled "John Muir Proposed Wilderness Addition (2 of 5)" and dated September 23, 2008;

(iii) the map entitled "John Muir Proposed Wilderness Addition (3 of 5)" and dated October 31, 2008;

(iv) the map entitled "John Muir Proposed Wilderness Addition (4 of 5)" and dated September 16, 2008; and

(v) the map entitled "John Muir Proposed Wilderness Addition (5 of 5)" and dated September 16, 2008.

(C) BOUNDARY REVISION.—The boundary of the John Muir Wilderness is revised as depicted on the map entitled "John Muir Wilderness—Revised" and dated September 16, 2008.

(4) ANSEL ADAMS WILDERNESS ADDITION.—Certain land in the Inyo National Forest, comprising approximately 528 acres, as generally depicted on the map entitled "Ansel Adams Proposed Wilderness Addition" and dated September 16, 2008, is incorporated in, and shall be considered to be a part of, the Ansel Adams Wilderness.

(5) WHITE MOUNTAINS WILDERNESS.—

(A) IN GENERAL.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 229,993 acres, as generally depicted on the maps described in subparagraph (B), which shall be known as the "White Mountains Wilderness".

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

(i) the map entitled "White Mountains Proposed Wilderness-Map 1 of 2 (North)" and dated September 16, 2008; and

(ii) the map entitled "White Mountains Proposed Wilderness-Map 2 of 2 (South)" and dated September 16, 2008.

(6) GRANITE MOUNTAIN WILDERNESS.—Certain land in the Inyo National Forest and certain land administered by the Bureau of Land Management in Mono County, California, comprising approximately 34,342 acres, as generally depicted on the map entitled "Granite Mountain Wilderness" and dated September 19, 2008, which shall be known as the "Granite Mountain Wilderness".

(7) MAGIC MOUNTAIN WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 12,282 acres, as generally depicted on the map entitled "Magic Mountain Proposed Wilderness" and dated December 16, 2008, which shall be known as the "Magic Mountain Wilderness".

(8) PLEASANT VIEW RIDGE WILDERNESS.—Certain land in the Angeles National Forest, comprising approximately 26,757 acres, as generally depicted on the map entitled "Pleasant View Ridge Proposed Wilderness" and dated December 16, 2008, which shall be known as the "Pleasant View Ridge Wilderness".

SEC. 1803. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, the Secretary shall administer the wilderness areas and wilderness additions designated by this subtitle in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this subtitle with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—Each map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land (or interest in land) within the boundary of a wilderness area or wilderness addition designated by this subtitle that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this subtitle, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, any Federal land designated as a wilderness area or wilderness addition by this subtitle is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing or mineral materials.

(e) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated by this subtitle as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this subtitle.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this subtitle.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this subtitle, the Secretary shall—

Deadline. Procedures.

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

Contracts.

(B) enter into agreements with appropriate State or local firefighting agencies.

(f) ACCESS TO PRIVATE PROPERTY.—The Secretary shall provide any owner of private property within the boundary of a wilderness area or wilderness addition designated by this subtitle adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(g) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this subtitle;

(2) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this subtitle; or

(3) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this subtitle.

(h) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities relating to grazing in wilderness areas or wilderness additions designated by this subtitle, if established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(i) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas or wilderness additions designated by this subtitle if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this subtitle affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(j) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness or as a wilderness addition by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(k) OUTFITTER AND GUIDE USE.—Outfitter and guide activities conducted under permits issued by the Forest Service on the additions to the John Muir, Ansel Adams, and Hoover wilderness areas designated by this subtitle shall be in addition to any existing limits established for the John Muir, Ansel Adams, and Hoover wilderness areas.

(l) TRANSFER TO THE FOREST SERVICE.—

(1) WHITE MOUNTAINS WILDERNESS.—Administrative jurisdiction over the approximately 946 acres of land identified as "Transfer of Administrative Jurisdiction from BLM to FS" on the maps described in section 1802(5)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the White Mountains Wilderness.

(2) JOHN MUIR WILDERNESS.—Administrative jurisdiction over the approximately 143 acres of land identified as "Transfer of Administrative Jurisdiction from BLM to FS" on the maps described in section 1802(3)(B) is transferred from the Bureau of Land Management to the Forest Service to be managed as part of the John Muir Wilderness.

(m) TRANSFER TO THE BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the approximately 3,010 acres of land identified as "Land from FS to BLM" on the maps described in section 1802(6) is transferred from the Forest Service to the Bureau of Land Management to be managed as part of the Granite Mountain Wilderness.

SEC. 1804. RELEASE OF WILDERNESS STUDY AREAS.

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Masonic Mountain Wilderness Study Area;

(2) the Mormon Meadow Wilderness Study Area;

(3) the Walford Springs Wilderness Study Area; and

(4) the Granite Mountain Wilderness Study Area.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area or wilderness addition by this subtitle or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

SEC. 1805. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1504(a)) is amended by adding at the end the following:

"(196) AMARGOSA RIVER, CALIFORNIA.—The following segments of the Amargosa River in the State of California, to be administered by the Secretary of the Interior:

"(A) The approximately 4.1-mile segment of the Amargosa River from the northern boundary of sec. 7,

T. 21 N., R. 7 E., to 100 feet upstream of the Tecopa Hot Springs road crossing, as a scenic river.

"(B) The approximately 8-mile segment of the Amargosa River from 100 feet downstream of the Tecopa Hot Springs Road crossing to 100 feet upstream of the Old Spanish Trail Highway crossing near Tecopa, as a scenic river.

"(C) The approximately 7.9-mile segment of the Amargosa River from the northern boundary of sec. 16, T. 20 N., R. 7 E., to .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E., as a wild river.

"(D) The approximately 4.9-mile segment of the Amargosa River from .25 miles upstream of the confluence with Sperry Wash in sec. 10, T. 19 N., R. 7 E. to 100 feet upstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

"(E) The approximately 1.4-mile segment of the Amargosa River from 100 feet downstream of the Dumont Dunes access road crossing in sec. 32, T. 19 N., R. 7 E., as a recreational river.

"(197) OWENS RIVER HEADWATERS, CALIFORNIA.—The following segments of the Owens River in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 2.3-mile segment of Deadman Creek from the 2-forked source east of San Joaquin Peak to the confluence with the unnamed tributary flowing north into Deadman Creek from sec. 12, T. 3 S., R. 26 E., as a wild river.

"(B) The 2.3-mile segment of Deadman Creek from the unnamed tributary confluence in sec. 12, T. 3 S., R. 26 E., to the Road 3S22 crossing, as a scenic river.

"(C) The 4.1-mile segment of Deadman Creek from the Road 3S22 crossing to .25 miles downstream of the Highway 395 crossing, as a recreational river.

"(D) The 3-mile segment of Deadman Creek from .25 miles downstream of the Highway 395 crossing to 100 feet upstream of Big Springs, as a scenic river.

"(E) The 1-mile segment of the Upper Owens River from 100 feet upstream of Big Springs to the private property boundary in sec. 19, T. 2 S., R. 28 E., as a recreational river.

"(F) The 4-mile segment of Glass Creek from its 2-forked source to 100 feet upstream of the Glass Creek Meadow Trailhead parking area in sec. 29, T. 2 S., R.27 E., as a wild river.

"(G) The 1.3-mile segment of Glass Creek from 100 feet upstream of the trailhead parking area in sec. 29 to the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., as a scenic river.

"(H) The 1.1-mile segment of Glass Creek from the end of Glass Creek Road in sec. 21, T. 2 S., R. 27 E., to the confluence with Deadman Creek, as a recreational river.

"(198) COTTONWOOD CREEK, CALIFORNIA.—The following segments of Cottonwood Creek in the State of California:

"(A) The 17.4-mile segment from its headwaters at the spring in sec. 27, T 4 S., R. 34 E., to the Inyo National Forest boundary at the east section line of sec 3, T. 6 S., R. 36 E., as a wild river to be administered by the Secretary of Agriculture.

"(B) The 4.1-mile segment from the Inyo National Forest boundary to the northern boundary of sec. 5, T.4 S., R. 34 E., as a recreational river, to be administered by the Secretary of the Interior.

"(199) PIRU CREEK, CALIFORNIA.—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

"(B) The 4.25-mile segment from the boundary of the Sespe Wilderness to the boundary between Los Angeles and Ventura Counties, as a wild river.".

(b) EFFECT.—The designation of Piru Creek under subsection (a) shall not affect valid rights in existence on the date of enactment of this Act. 16 USC 1274 note.

SEC. 1806. BRIDGEPORT WINTER RECREATION AREA. 16 USC 460vvv.

(a) DESIGNATION.—The approximately 7,254 acres of land in the Humboldt-Toiyabe National Forest identified as the "Bridgeport Winter Recreation Area", as generally depicted on the map entitled "Humboldt-Toiyabe National Forest Proposed Management" and dated September 17, 2008, is designated as the Bridgeport Winter Recreation Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Recreation Area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) INTERIM MANAGEMENT.—Until completion of the management plan required under subsection (d), and except as provided in paragraph (2), the Recreation Area shall be managed in accordance with the Toiyabe National Forest Land and Resource Management Plan of 1986 (as in effect on the day of enactment of this Act).

(2) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the Recreation Area—

(A) during periods of adequate snow coverage during the winter season; and

(B) subject to any terms and conditions determined to be necessary by the Secretary.

Deadline.

(d) MANAGEMENT PLAN.—To ensure the sound management and enforcement of the Recreation Area, the Secretary shall, not later than 1 year after the date of enactment of this Act, undergo a public process to develop a winter use management plan that provides for—

(1) adequate signage;

(2) a public education program on allowable usage areas;

(3) measures to ensure adequate sanitation;

(4) a monitoring and enforcement strategy; and

(5) measures to ensure the protection of the Trail.

(e) ENFORCEMENT.—The Secretary shall prioritize enforcement activities in the Recreation Area—

(1) to prohibit degradation of natural resources in the Recreation Area;

(2) to prevent interference with nonmotorized recreation on the Trail; and

(3) to reduce user conflicts in the Recreation Area.

(f) PACIFIC CREST NATIONAL SCENIC TRAIL.—The Secretary shall establish an appropriate snowmobile crossing point along the Trail in the area identified as "Pacific Crest Trail Proposed Crossing Area" on the map entitled "Humboldt-Toiyable National Forest Proposed Management" and dated September 17, 2008—

(1) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(B) any applicable environmental and public safety laws; and

(2) subject to the terms and conditions the Secretary determines to be necessary to ensure that the crossing would not—

(A) interfere with the nature and purposes of the Trail; or

(B) harm the surrounding landscape.

SEC. 1807. MANAGEMENT OF AREA WITHIN HUMBOLDT-TOIYABE NATIONAL FOREST.

Certain land in the Humboldt-Toiyabe National Forest, comprising approximately 3,690 acres identified as "Pickel Hill Management Area", as generally depicted on the map entitled "Humboldt-Toiyabe National Forest Proposed Management" and dated September 17, 2008, shall be managed in a manner consistent with the non-Wilderness forest areas immediately surrounding the Pickel Hill Management Area, including the allowance of snowmobile use.

16 USC 539o.

SEC. 1808. ANCIENT BRISTLECONE PINE FOREST.

(a) DESIGNATION.—To conserve and protect the Ancient Bristlecone Pines by maintaining near-natural conditions and to ensure the survival of the Pines for the purposes of public enjoyment and scientific study, the approximately 31,700 acres of public land in the State, as generally depicted on the map entitled "Ancient Bristlecone Pine Forest—Proposed" and dated July 16, 2008, is designated as the "Ancient Bristlecone Pine Forest".

(b) MAP AND LEGAL DESCRIPTION.—

Deadline.

(1) IN GENERAL.—As soon as practicable, but not later than 3 years after the date of enactment of this Act, the Secretary shall file a map and legal description of the Forest with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall administer the Forest—

(A) in a manner that—

(i) protect the resources and values of the area in accordance with the purposes for which the Forest is established, as described in subsection (a); and

(ii) promotes the objectives of the applicable management plan (as in effect on the date of enactment of this Act), including objectives relating to—

(I) the protection of bristlecone pines for public enjoyment and scientific study;

(II) the recognition of the botanical, scenic, and historical values of the area; and

(III) the maintenance of near-natural conditions by ensuring that all activities are subordinate to the needs of protecting and preserving bristlecone pines and wood remnants; and

(B) in accordance with the National Forest Management Act of 1976 (16 U.S.C. 1600 et seq.), this section, and any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Forest as the Secretary determines would further the purposes for which the Forest is established, as described in subsection (a).

(B) SCIENTIFIC RESEARCH.—Scientific research shall be allowed in the Forest in accordance with the Inyo National Forest Land and Resource Management Plan (as in effect on the date of enactment of this Act).

(3) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Forest is withdrawn from—

(A) all forms of entry, appropriation or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

Subtitle L—Riverside County Wilderness, California

SEC. 1851. WILDERNESS DESIGNATION.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means—

(1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) DESIGNATION OF WILDERNESS, CLEVELAND AND SAN BERNARDINO NATIONAL FORESTS, JOSHUA TREE NATIONAL PARK, AND BUREAU OF LAND MANAGEMENT LAND IN RIVERSIDE COUNTY, CALIFORNIA.—

16 USC 1132 note.

(1) DESIGNATIONS.—

(A) AGUA TIBIA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Cleveland National Forest and certain land administered by the Bureau of Land Management in Riverside County, California, together comprising approximately 2,053 acres, as generally depicted on the map titled "Proposed Addition to Agua Tibia Wilderness", and dated May 9, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Agua Tibia Wilderness designated by section 2(a) of Public Law 93–632 (88 Stat. 2154; 16 U.S.C. 1132 note).

(B) CAHUILLA MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 5,585 acres, as generally depicted on the map titled "Cahuilla Mountain Proposed Wilderness", and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Cahuilla Mountain Wilderness".

(C) SOUTH FORK SAN JACINTO WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, comprising approximately 20,217 acres, as generally depicted on the map titled "South Fork San Jacinto Proposed Wilderness", and dated May 1, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "South Fork San Jacinto Wilderness".

(D) SANTA ROSA WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the San Bernardino National Forest, California, and certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 2,149 acres, as generally depicted on the map titled "Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition", and dated March 12, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Santa Rosa Wilderness designated by section 101(a)(28) of Public Law 98–425 (98 Stat. 1623; 16 U.S.C. 1132 note) and expanded by paragraph (59) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(E) BEAUTY MOUNTAIN WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately

15,621 acres, as generally depicted on the map titled "Beauty Mountain Proposed Wilderness", and dated April 3, 2007, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Beauty Mountain Wilderness".

(F) JOSHUA TREE NATIONAL PARK WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in Joshua Tree National Park, comprising approximately 36,700 acres, as generally depicted on the map numbered 156/80,055, and titled "Joshua Tree National Park Proposed Wilderness Additions", and dated March 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note).

(G) OROCOPIA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 4,635 acres, as generally depicted on the map titled "Orocopia Mountains Proposed Wilderness Addition", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Orocopia Mountains Wilderness as designated by paragraph (44) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note), except that the wilderness boundaries established by this subsection in Township 7 South, Range 13 East, exclude—

(i) a corridor 250 feet north of the centerline of the Bradshaw Trail;

(ii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Eagle Mountain Railroad on the south and the existing Orocopia Mountains Wilderness boundary; and

(iii) a corridor 250 feet from both sides of the centerline of the vehicle route in the unnamed wash that flows between the Chocolate Mountain Aerial Gunnery Range on the south and the existing Orocopia Mountains Wilderness boundary.

(H) PALEN/MCCOY WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 22,645 acres, as generally depicted on the map titled "Palen-McCoy Proposed Wilderness Additions", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of, the Palen/McCoy Wilderness as designated by paragraph (47) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(I) PINTO MOUNTAINS WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 24,404

acres, as generally depicted on the map titled "Pinto Mountains Proposed Wilderness", and dated February 21, 2008, is designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, which shall be known as the "Pinto Mountains Wilderness".

(J) CHUCKWALLA MOUNTAINS WILDERNESS ADDITIONS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), certain land administered by the Bureau of Land Management in Riverside County, California, comprising approximately 12,815 acres, as generally depicted on the map titled "Chuckwalla Mountains Proposed Wilderness Addition", and dated May 8, 2008, is designated as wilderness and is incorporated in, and shall be deemed to be a part of the Chuckwalla Mountains Wilderness as designated by paragraph (12) of section 102 of Public Law 103–433 (108 Stat. 4472; 16 U.S.C. 1132 note).

(2) MAPS AND DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file a map and legal description of each wilderness area and wilderness addition designated by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—A map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(3) UTILITY FACILITIES.—Nothing in this section prohibits the construction, operation, or maintenance, using standard industry practices, of existing utility facilities located outside of the wilderness areas and wilderness additions designated by this section.

16 USC 1132 note.

(c) JOSHUA TREE NATIONAL PARK POTENTIAL WILDERNESS.—

(1) DESIGNATION OF POTENTIAL WILDERNESS.—Certain land in the Joshua Tree National Park, comprising approximately 43,300 acres, as generally depicted on the map numbered 156/80,055, and titled "Joshua Tree National Park Proposed Wilderness Additions", and dated March 2008, is designated potential wilderness and shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as the land is designated as wilderness pursuant to paragraph (2).

Effective date. Federal Register, publication. Notice.

(2) DESIGNATION AS WILDERNESS.—The land designated potential wilderness by paragraph (1) shall be designated as wilderness and incorporated in, and be deemed to be a part of, the Joshua Tree Wilderness designated by section 1(g) of Public Law 94–567 (90 Stat. 2692; 16 U.S.C. 1132 note), effective upon publication by the Secretary of the Interior in the Federal Register of a notice that—

(A) all uses of the land within the potential wilderness prohibited by the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased; and

(B) sufficient inholdings within the boundaries of the potential wilderness have been acquired to establish a manageable wilderness unit.

(3) MAP AND DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date on which the notice required by paragraph (2) is published in the Federal Register, the Secretary shall file a map and legal description of the land designated as wilderness and potential wilderness by this section with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(B) FORCE OF LAW.—The map and legal description filed under subparagraph (A) shall have the same force and effect as if included in this section, except that the Secretary may correct errors in the map and legal description.

(C) PUBLIC AVAILABILITY.—Each map and legal description filed under subparagraph (A) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(d) ADMINISTRATION OF WILDERNESS.—

(1) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness or as a wilderness addition by this section shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in that Act to the effective date of that Act shall be deemed to be a reference to—

(i) the date of the enactment of this Act; or

(ii) in the case of the wilderness addition designated by subsection (c), the date on which the notice required by such subsection is published in the Federal Register; and

(B) any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary that has jurisdiction over the land.

(2) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundaries of a wilderness area or wilderness addition designated by this section that is acquired by the United States shall—

(A) become part of the wilderness area in which the land is located; and

(B) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(3) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the land designated as wilderness by this section is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(4) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(A) IN GENERAL.—The Secretary may take such measures in a wilderness area or wilderness addition designated

by this section as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98–40 of the 98th Congress.

(B) FUNDING PRIORITIES.—Nothing in this section limits funding for fire and fuels management in the wilderness areas and wilderness additions designated by this section.

(C) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as practicable after the date of enactment of this Act, the Secretary shall amend the local fire management plans that apply to the land designated as a wilderness area or wilderness addition by this section.

(D) ADMINISTRATION.—Consistent with subparagraph (A) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas and wilderness additions designated by this section, the Secretary shall—

Deadline. Procedures.

(i) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

Contracts.

(ii) enter into agreements with appropriate State or local firefighting agencies.

(5) GRAZING.—Grazing of livestock in a wilderness area or wilderness addition designated by this section shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–617 to accompany H.R. 5487 of the 96th Congress.

(6) NATIVE AMERICAN USES AND INTERESTS.—

(A) ACCESS AND USE.—To the extent practicable, the Secretary shall ensure access to the Cahuilla Mountain Wilderness by members of an Indian tribe for traditional cultural purposes. In implementing this paragraph, the Secretary, upon the request of an Indian tribe, may temporarily close to the general public use of one or more specific portions of the wilderness area in order to protect the privacy of traditional cultural activities in such areas by members of the Indian tribe. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996), commonly referred to as the American Indian Religious Freedom Act, and the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) INDIAN TRIBE DEFINED.—In this paragraph, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians which is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as Indians.

(7) MILITARY ACTIVITIES.—Nothing in this section precludes—

(A) low-level overflights of military aircraft over the wilderness areas or wilderness additions designated by this section;

(B) the designation of new units of special airspace over the wilderness areas or wilderness additions designated by this section; or

(C) the use or establishment of military flight training routes over wilderness areas or wilderness additions designated by this section.

SEC. 1852. WILD AND SCENIC RIVER DESIGNATIONS, RIVERSIDE COUNTY, CALIFORNIA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1805) is amended by adding at the end the following new paragraphs:

"(200) NORTH FORK SAN JACINTO RIVER, CALIFORNIA.—The following segments of the North Fork San Jacinto River in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 2.12-mile segment from the source of the North Fork San Jacinto River at Deer Springs in Mt. San Jacinto State Park to the State Park boundary, as a wild river.

"(B) The 1.66-mile segment from the Mt. San Jacinto State Park boundary to the Lawler Park boundary in section 26, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

"(C) The 0.68-mile segment from the Lawler Park boundary to its confluence with Fuller Mill Creek, as a recreational river.

"(D) The 2.15-mile segment from its confluence with Fuller Mill Creek to .25 miles upstream of the 5S09 road crossing, as a wild river.

"(E) The 0.6-mile segment from .25 miles upstream of the 5S09 road crossing to its confluence with Stone Creek, as a scenic river.

"(F) The 2.91-mile segment from the Stone Creek confluence to the northern boundary of section 17, township 5 south, range 2 east, San Bernardino meridian, as a wild river.

"(201) FULLER MILL CREEK, CALIFORNIA.—The following segments of Fuller Mill Creek in the State of California, to be administered by the Secretary of Agriculture:

"(A) The 1.2-mile segment from the source of Fuller Mill Creek in the San Jacinto Wilderness to the Pinewood property boundary in section 13, township 4 south, range 2 east, San Bernardino meridian, as a scenic river.

"(B) The 0.9-mile segment in the Pine Wood property, as a recreational river.

"(C) The 1.4-mile segment from the Pinewood property boundary in section 23, township 4 south, range 2 east, San Bernardino meridian, to its confluence with the North Fork San Jacinto River, as a scenic river.

"(202) PALM CANYON CREEK, CALIFORNIA.—The 8.1-mile segment of Palm Canyon Creek in the State of California from the southern boundary of section 6, township 7 south, range 5 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 1, township 6 south, range 4 east, San

Contracts.

Bernardino meridian, to be administered by the Secretary of Agriculture as a wild river, and the Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians to protect and enhance river values.

"(203) BAUTISTA CREEK, CALIFORNIA.—The 9.8-mile segment of Bautista Creek in the State of California from the San Bernardino National Forest boundary in section 36, township 6 south, range 2 east, San Bernardino meridian, to the San Bernardino National Forest boundary in section 2, township 6 south, range 1 east, San Bernardino meridian, to be administered by the Secretary of Agriculture as a recreational river.".

SEC. 1853. ADDITIONS AND TECHNICAL CORRECTIONS TO SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.

(a) BOUNDARY ADJUSTMENT, SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT.—Section 2 of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) EXPANSION OF BOUNDARIES.—In addition to the land described in subsection (c), the boundaries of the National Monument shall include the following lands identified as additions to the National Monument on the map titled 'Santa Rosa-San Jacinto National Monument Expansion and Santa Rosa Wilderness Addition', and dated March 12, 2008:

"(1) The 'Santa Rosa Peak Area Monument Expansion'.

"(2) The 'Snow Creek Area Monument Expansion'.

"(3) The 'Tahquitz Peak Area Monument Expansion'.

"(4) The 'Southeast Area Monument Expansion', which is designated as wilderness in section 512(d), and is thus incorporated into, and shall be deemed part of, the Santa Rosa Wilderness.".

(b) TECHNICAL AMENDMENTS TO THE SANTA ROSA AND SAN JACINTO MOUNTAINS NATIONAL MONUMENT ACT OF 2000.—Section 7(d) of the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106–351; 114 U.S.C. 1362; 16 U.S.C. 431 note) is amended by striking "eight" and inserting "a majority of the appointed".

Subtitle M—Sequoia and Kings Canyon National Parks Wilderness, California

SEC. 1901. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of California.

SEC. 1902. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

16 USC 1132 note.

(1) JOHN KREBS WILDERNESS.—

(A) DESIGNATION.—Certain land in Sequoia and Kings Canyon National Parks, comprising approximately 39,740

acres of land, and 130 acres of potential wilderness additions as generally depicted on the map numbered 102/60014b, titled "John Krebs Wilderness", and dated September 16, 2008.

(B) EFFECT.—Nothing in this paragraph affects—

(i) the cabins in, and adjacent to, Mineral King Valley; or

(ii) the private inholdings known as "Silver City" and "Kaweah Han".

(C) POTENTIAL WILDERNESS ADDITIONS.—The designation of the potential wilderness additions under subparagraph (A) shall not prohibit the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The Secretary is authorized to allow the use of helicopters for the operation, maintenance, and repair of the small check dams and water impoundments on Lower Franklin Lake, Crystal Lake, Upper Monarch Lake, and Eagle Lake. The potential wilderness additions shall be designated as wilderness and incorporated into the John Krebs Wilderness established by this section upon termination of the non-conforming uses.

(2) SEQUOIA-KINGS CANYON WILDERNESS ADDITION.—Certain land in Sequoia and Kings Canyon National Parks, California, comprising approximately 45,186 acres as generally depicted on the map titled "Sequoia-Kings Canyon Wilderness Addition", numbered 102/60015a, and dated March 10, 2008, is incorporated in, and shall be considered to be a part of, the Sequoia-Kings Canyon Wilderness. 16 USC 1132 note.

(3) RECOMMENDED WILDERNESS.—Land in Sequoia and Kings Canyon National Parks that was managed as of the date of enactment of this Act as recommended or proposed wilderness but not designated by this section as wilderness shall continue to be managed as recommended or proposed wilderness, as appropriate.

SEC. 1903. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated as wilderness by this subtitle shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of the Wilderness Act shall be considered to be a reference to the date of enactment of this Act.

(b) MAP AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF MAP AND LEGAL DESCRIPTION.—As soon as practicable, but not later than 3 years, after the date of enactment of this Act, the Secretary shall file a map and legal description of each area designated as wilderness by this subtitle with— Deadline.

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE AND EFFECT.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may

correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the Office of the Secretary.

(c) HYDROLOGIC, METEOROLOGIC, AND CLIMATOLOGICAL DEVICES, FACILITIES, AND ASSOCIATED EQUIPMENT.—The Secretary shall continue to manage maintenance and access to hydrologic, meteorologic, and climatological devices, facilities and associated equipment consistent with House Report 98–40.

(d) AUTHORIZED ACTIVITIES OUTSIDE WILDERNESS.—Nothing in this subtitle precludes authorized activities conducted outside of an area designated as wilderness by this subtitle by cabin owners (or designees) in the Mineral King Valley area or property owners or lessees (or designees) in the Silver City inholding, as identified on the map described in section 1902(1)(A).

(e) HORSEBACK RIDING.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, an area designated as wilderness by this subtitle—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 1904. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle N—Rocky Mountain National Park Wilderness, Colorado

SEC. 1951. DEFINITIONS.

In this subtitle:

(1) MAP.—The term "map" means the map entitled "Rocky Mountain National Park Wilderness Act of 2007" and dated September 2006.

(2) PARK.—The term "Park" means Rocky Mountain National Park located in the State of Colorado.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRAIL.—The term "Trail" means the East Shore Trail established under section 1954(a).

(5) WILDERNESS.—The term "Wilderness" means the wilderness designated by section 1952(a).

SEC. 1952. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS, COLORADO.

16 USC 1132 note.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a map and boundary description of the Wilderness; and

(B) submit the map and boundary description prepared under subparagraph (A) to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) AVAILABILITY; FORCE OF LAW.—The map and boundary description submitted under paragraph (1)(B) shall—

(A) be on file and available for public inspection in appropriate offices of the National Park Service; and

(B) have the same force and effect as if included in this subtitle.

(c) INCLUSION OF POTENTIAL WILDERNESS.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased on the land identified on the map as a "Potential Wilderness Area", the land shall be—

Effective date. Federal Register, publication. Notice. 16 USC 1132 note.

(A) included in the Wilderness; and

(B) administered in accordance with subsection (e).

(2) BOUNDARY DESCRIPTION.—On inclusion in the Wilderness of the land referred to in paragraph (1), the Secretary shall modify the map and boundary description submitted under subsection (b) to reflect the inclusion of the land.

(d) EXCLUSION OF CERTAIN LAND.—The following areas are specifically excluded from the Wilderness:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the Specimen Ditch), the right-of-way for the Grand River Ditch, land 200 feet on each side of the center line of the Grand River Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Land owned by the Wincenstsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted on the map as the "East Shore Trail Area".

(e) ADMINISTRATION.—Subject to valid existing rights, any land designated as wilderness under this section or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act, or the date on which the additional land is added to the Wilderness, respectively; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(f) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the United States has existing rights to water within the Park;

(B) the existing water rights are sufficient for the purposes of the Wilderness; and

(C) based on the findings described in subparagraphs (A) and (B), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(2) EFFECT.—Nothing in this subtitle—

(A) constitutes an express or implied reservation by the United States of water or water rights for any purpose; or

(B) modifies or otherwise affects any existing water rights held by the United States for the Park.

(g) FIRE, INSECT, AND DISEASE CONTROL.—The Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, as are provided for in accordance with—

(1) the laws applicable to the Park; and

(2) the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 1953. GRAND RIVER DITCH AND COLORADO-BIG THOMPSON PROJECTS.

(a) CONDITIONAL WAIVER OF STRICT LIABILITY.—During any period in which the Water Supply and Storage Company (or any successor in interest to the company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch in the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service, the provisions of paragraph (6) of the stipulation approved June 28, 1907—

(1) shall be suspended; and

(2) shall not be enforceable against the Company (or any successor in interest).

(b) AGREEMENT.—The agreement referred to in subsection (a) shall—

(1) ensure that—

(A) Park resources are managed in accordance with the laws generally applicable to the Park, including—

(i) the Act of January 26, 1915 (16 U.S.C. 191 et seq.); and

(ii) the National Park Service Organic Act (16 U.S.C. 1 et seq.);

(B) Park land outside the right-of-way corridor remains unimpaired consistent with the National Park Service management policies in effect as of the date of enactment of this Act; and

(C) any use of Park land outside the right-of-way corridor (as of the date of enactment of this Act) shall be permitted only on a temporary basis, subject to such terms and conditions as the Secretary determines to be necessary; and

(2) include stipulations with respect to—

(A) flow monitoring and early warning measures;

(B) annual and periodic inspections;

(C) an annual maintenance plan;

(D) measures to identify on an annual basis capital improvement needs; and

(E) the development of plans to address the needs identified under subparagraph (D).

(c) LIMITATION.—Nothing in this section limits or otherwise affects—

(1) the liability of any individual or entity for damages to, loss of, or injury to any resource within the Park resulting from any cause or event that occurred before the date of enactment of this Act; or

(2) Public Law 101–337 (16 U.S.C. 19jj et seq.), including the defenses available under that Act for damage caused—

(A) solely by—

(i) an act of God;

(ii) an act of war; or

(iii) an act or omission of a third party (other than an employee or agent); or

(B) by an activity authorized by Federal or State law.

(d) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(1) IN GENERAL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or affects current and future operation and maintenance activities in, under, or affecting the Wilderness that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191), relating to the Alva B. Adams Tunnel or other Colorado–Big Thompson Project facilities located within the Park.

(2) ALVA B. ADAMS TUNNEL.—Nothing in this subtitle, including the designation of the Wilderness, prohibits or restricts the conveyance of water through the Alva B. Adams Tunnel for any purpose.

(e) RIGHT-OF-WAY.—Notwithstanding the Act of March 3, 1891 (43 U.S.C. 946) and the Act of May 11, 1898 (43 U.S.C. 951), the right of way for the Grand River Ditch shall not be terminated, forfeited, or otherwise affected as a result of the water transported by the Grand River Ditch being used primarily for domestic purposes or any purpose of a public nature, unless the Secretary determines that the change in the main purpose or use adversely affects the Park. Determination.

(f) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(g) CLARIFICATION OF MANAGEMENT AUTHORITY.—Nothing in this section reduces or limits the authority of the Secretary to manage land and resources within the Park under applicable law.

SEC. 1954. EAST SHORE TRAIL AREA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in the Park an alignment line for a trail, to be known as the "East Shore Trail", to maximize the opportunity for sustained use of the Trail without causing— Deadline.

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the Wilderness; and

(B) modify the map of the Wilderness prepared under section 1952(b)(1)(A) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect Park resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

16 USC 1132 note.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 1952; and

(2) the Secretary shall modify the map and boundary description of the Wilderness prepared under section 1952(b)(1)(A) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this subtitle affects the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 1955. NATIONAL FOREST AREA BOUNDARY ADJUSTMENTS.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking "seventy thousand acres" and inserting "74,195 acres"; and

(2) by striking ", dated July 1978" and inserting "and dated May 2007".

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking "thirty-six thousand two hundred thirty-five acres" and inserting "35,235 acres"; and

(2) by striking ", dated July 1978" and inserting "and dated May 2007".

SEC. 1956. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b). Applicability.

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the "Leiffer tract" that is—

(1) located near the eastern boundary of the Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

Subtitle O—Washington County, Utah

SEC. 1971. DEFINITIONS. 16 USC 460www note.

In this subtitle:

(1) BEAVER DAM WASH NATIONAL CONSERVATION AREA MAP.—The term "Beaver Dam Wash National Conservation Area Map" means the map entitled "Beaver Dam Wash National Conservation Area" and dated December 18, 2008.

(2) CANAAN MOUNTAIN WILDERNESS MAP.—The term "Canaan Mountain Wilderness Map" means the map entitled "Canaan Mountain Wilderness" and dated June 21, 2008.

(3) COUNTY.—The term "County" means Washington County, Utah.

(4) NORTHEASTERN WASHINGTON COUNTY WILDERNESS MAP.—The term "Northeastern Washington County Wilderness Map" means the map entitled "Northeastern Washington County Wilderness" and dated November 12, 2008.

(5) NORTHWESTERN WASHINGTON COUNTY WILDERNESS MAP.—The term "Northwestern Washington County Wilderness Map" means the map entitled "Northwestern Washington County Wilderness" and dated June 21, 2008.

(6) RED CLIFFS NATIONAL CONSERVATION AREA MAP.—The term "Red Cliffs National Conservation Area Map" means the map entitled "Red Cliffs National Conservation Area" and dated November 12, 2008.

(7) SECRETARY.—The term "Secretary" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(8) STATE.—The term "State" means the State of Utah.

(9) WASHINGTON COUNTY GROWTH AND CONSERVATION ACT MAP.—The term "Washington County Growth and Conservation Act Map" means the map entitled "Washington County Growth and Conservation Act Map" and dated November 13, 2008.

SEC. 1972. WILDERNESS AREAS.

(a) ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.—

16 USC 1132 note.

(1) ADDITIONS.—Subject to valid existing rights, the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(A) BEARTRAP CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 40 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Beartrap Canyon Wilderness".

(B) BLACKRIDGE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 13,015 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Blackridge Wilderness".

(C) CANAAN MOUNTAIN.—Certain Federal land in the County managed by the Bureau of Land Management, comprising approximately 44,531 acres, as generally depicted on the Canaan Mountain Wilderness Map, which shall be known as the "Canaan Mountain Wilderness".

(D) COTTONWOOD CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 11,712 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Cottonwood Canyon Wilderness".

(E) COTTONWOOD FOREST.—Certain Federal land managed by the Forest Service, comprising approximately 2,643 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Cottonwood Forest Wilderness".

(F) COUGAR CANYON.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 10,409 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the "Cougar Canyon Wilderness".

(G) DEEP CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,284 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Deep Creek Wilderness".

(H) DEEP CREEK NORTH.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 4,262 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Deep Creek North Wilderness".

(I) DOC'S PASS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 17,294 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the "Doc's Pass Wilderness".

(J) GOOSE CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 98 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Goose Creek Wilderness".

(K) LAVERKIN CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 445 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "LaVerkin Creek Wilderness".

(L) RED BUTTE.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 1,537 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Red Butte Wilderness".

(M) RED MOUNTAIN.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 18,729 acres, as generally depicted on the Red Cliffs National Conservation Area Map, which shall be known as the "Red Mountain Wilderness".

(N) SLAUGHTER CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 3,901 acres, as generally depicted on the Northwestern Washington County Wilderness Map, which shall be known as the "Slaughter Creek Wilderness".

(O) TAYLOR CREEK.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 32 acres, as generally depicted on the Northeastern Washington County Wilderness Map, which shall be known as the "Taylor Creek Wilderness".

(2) MAPS AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of each wilderness area designated by paragraph (1).

(B) FORCE AND EFFECT.—Each map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—Each map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(b) ADMINISTRATION OF WILDERNESS AREAS.—

(1) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by subsection (a)(1) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(A) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(B) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the land.

(2) LIVESTOCK.—The grazing of livestock in each area designated as wilderness by subsection (a)(1), where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to such reasonable regulations, policies, and practices that the Secretary considers necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H.Rep. 101–405) and H.R. 5487 of the 96th Congress (H. Rept. 96–617).

(3) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in each area designated as wilderness by subsection (a)(1) as the Secretary determines to be necessary for the control of fire, insects, and diseases (including, as the Secretary determines to be appropriate, the coordination of those activities with a State or local agency).

(4) BUFFER ZONES.—

(A) IN GENERAL.—Nothing in this section creates a protective perimeter or buffer zone around any area designated as wilderness by subsection (a)(1).

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that an activity or use on land outside any area designated as wilderness by subsection (a)(1) can be seen or heard within the wilderness shall not preclude the activity or use outside the boundary of the wilderness.

(5) MILITARY OVERFLIGHTS.—Nothing in this section restricts or precludes—

(A) low-level overflights of military aircraft over any area designated as wilderness by subsection (a)(1), including military overflights that can be seen or heard within any wilderness area;

(B) flight testing and evaluation; or

(C) the designation or creation of new units of special use airspace, or the establishment of military flight training routes over any wilderness area.

(6) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(A) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within the boundaries of the wilderness areas designated by subsection (a)(1) by purchase from willing sellers, donation, or exchange.

(B) INCORPORATION.—Any land or interest in land acquired by the Secretary under subparagraph (A) shall be incorporated into, and administered as a part of, the wilderness area in which the land or interest in land is located.

(7) NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.—Nothing in this section diminishes—

(A) the rights of any Indian tribe; or

(B) any tribal rights regarding access to Federal land for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

(8) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas designated by subsection (a)(1) if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities. Determination.

(9) WATER RIGHTS.—

(A) STATUTORY CONSTRUCTION.—Nothing in this section—

(i) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by subsection (a)(1);

(ii) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(iii) shall be construed as establishing a precedent with regard to any future wilderness designations;

(iv) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(v) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(B) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness areas designated by subsection (a)(1).

(10) FISH AND WILDLIFE.—

(A) JURISDICTION OF STATE.—Nothing in this section affects the jurisdiction of the State with respect to fish and wildlife on public land located in the State.

(B) AUTHORITY OF SECRETARY.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in any wilderness area designated by subsection (a)(1) if the activities are—

(i) consistent with applicable wilderness management plans; and

(ii) carried out in accordance with—

(I) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(II) applicable guidelines and policies, including applicable policies described in Appendix B of House Report 101–405.

(11) WILDLIFE WATER DEVELOPMENT PROJECTS.—Subject to paragraph (12), the Secretary may authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, in the wilderness areas designated by subsection (a)(1) if—

Determination.

(A) the structures and facilities will, as determined by the Secretary, enhance wilderness values by promoting healthy, viable, and more naturally distributed wildlife populations; and

(B) the visual impacts of the structures and facilities on the wilderness areas can reasonably be minimized.

Deadline.

(12) COOPERATIVE AGREEMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall enter into a cooperative agreement with the State that specifies the terms and conditions under which wildlife management activities in the wilderness areas designated by subsection (a)(1) may be carried out.

(c) RELEASE OF WILDERNESS STUDY AREAS.—

(1) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land in the County administered by the Bureau of Land Management has been adequately studied for wilderness designation.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by subsection (a)(1)—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with applicable law and the land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

16 USC 346a–6.

(d) TRANSFER OF ADMINISTRATIVE JURISDICTION TO NATIONAL PARK SERVICE.—Administrative jurisdiction over the land identified as the Watchman Wilderness on the Northeastern Washington County Wilderness Map is hereby transferred to the National Park Service, to be included in, and administered as part of Zion National Park.

16 USC 1132 note.

SEC. 1973. ZION NATIONAL PARK WILDERNESS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means certain Federal land—

(A) that is—

(i) located in the County and Iron County, Utah; and

(ii) managed by the National Park Service;

(B) consisting of approximately 124,406 acres; and

(C) as generally depicted on the Zion National Park Wilderness Map and the area added to the park under section 1972(d).

(2) WILDERNESS AREA.—The term "Wilderness Area" means the Zion Wilderness designated by subsection (b)(1).

(3) ZION NATIONAL PARK WILDERNESS MAP.—The term "Zion National Park Wilderness Map" means the map entitled "Zion National Park Wilderness" and dated April 2008.

(b) ZION NATIONAL PARK WILDERNESS.—

(1) DESIGNATION.—Subject to valid existing rights, the Federal land is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Zion Wilderness".

(2) INCORPORATION OF ACQUIRED LAND.—Any land located in the Zion National Park that is acquired by the Secretary through a voluntary sale, exchange, or donation may, on the recommendation of the Secretary, become part of the Wilderness Area, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(3) MAP AND LEGAL DESCRIPTION.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a map and legal description of the Wilderness Area.

(B) FORCE AND EFFECT.—The map and legal description submitted under subparagraph (A) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(C) AVAILABILITY.—The map and legal description submitted under subparagraph (A) shall be available in the appropriate offices of the National Park Service.

SEC. 1974. RED CLIFFS NATIONAL CONSERVATION AREA. 16 USC 460www.

(a) PURPOSES.—The purposes of this section are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the National Conservation Area; and

(2) to protect each species that is—

(A) located in the National Conservation Area; and

(B) listed as a threatened or endangered species on the list of threatened species or the list of endangered species published under section 4(c)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)(1)).

(b) DEFINITIONS.—In this section:

(1) HABITAT CONSERVATION PLAN.—The term "habitat conservation plan" means the conservation plan entitled "Washington County Habitat Conservation Plan" and dated February 23, 1996.

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(3) NATIONAL CONSERVATION AREA.—The term "National Conservation Area" means the Red Cliffs National Conservation Area that—

(A) consists of approximately 44,725 acres of public land in the County, as generally depicted on the Red Cliffs National Conservation Area Map; and

(B) is established by subsection (c).

(4) PUBLIC USE PLAN.—The term "public use plan" means the use plan entitled "Red Cliffs Desert Reserve Public Use Plan" and dated June 12, 2000, as amended.

(5) RESOURCE MANAGEMENT PLAN.—The term "resource management plan" means the management plan entitled "St. George Field Office Resource Management Plan" and dated March 15, 1999, as amended.

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Red Cliffs National Conservation Area.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) INCORPORATION OF PLANS.—In developing the management plan required under paragraph (1), to the extent consistent with this section, the Secretary may incorporate any provision of—

(A) the habitat conservation plan;

(B) the resource management plan; and

(C) the public use plan.

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further a purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law; and

(B) in a manner consistent with the purposes described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area are withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(h) EFFECT.—Nothing in this section prohibits the authorization of the development of utilities within the National Conservation Area if the development is carried out in accordance with—

(1) each utility development protocol described in the habitat conservation plan; and

(2) any other applicable law (including regulations).

SEC. 1975. BEAVER DAM WASH NATIONAL CONSERVATION AREA. 16 USC 460xxx.

(a) PURPOSE.—The purpose of this section is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Beaver Dam Wash National Conservation Area.

(b) DEFINITIONS.—In this section:

(1) MANAGEMENT PLAN.—The term "management plan" means the management plan for the National Conservation Area developed by the Secretary under subsection (d)(1).

(2) NATIONAL CONSERVATION AREA.—The term "National Conservation Area" means the Beaver Dam Wash National Conservation Area that—

(A) consists of approximately 68,083 acres of public land in the County, as generally depicted on the Beaver Dam Wash National Conservation Area Map; and

(B) is established by subsection (c).

(c) ESTABLISHMENT.—Subject to valid existing rights, there is established in the State the Beaver Dam Wash National Conservation Area.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary shall develop a comprehensive plan for the long-term management of the National Conservation Area.

(2) CONSULTATION.—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, tribal, and local governmental entities; and

(B) members of the public.

(3) MOTORIZED VEHICLES.—In developing the management plan required under paragraph (1), the Secretary shall incorporate the restrictions on motorized vehicles described in subsection (e)(3).

(e) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the National Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources of the National Conservation Area; and

(B) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the National Conservation Area that the Secretary determines would further the purpose described in subsection (a).

(3) MOTORIZED VEHICLES.—

(A) IN GENERAL.—Except in cases in which motorized vehicles are needed for administrative purposes, or to respond to an emergency, the use of motorized vehicles in the National Conservation Area shall be permitted only on roads designated by the management plan for the use of motorized vehicles.

(B) ADDITIONAL REQUIREMENT RELATING TO CERTAIN AREAS LOCATED IN THE NATIONAL CONSERVATION AREA.—In addition to the requirement described in subparagraph (A), with respect to the areas designated on the Beaver Dam Wash National Conservation Area Map as "Designated Road Areas", motorized vehicles shall be permitted only on the roads identified on such map.

(4) GRAZING.—The grazing of livestock in the National Conservation Area, where established before the date of enactment of this Act, shall be permitted to continue—

(A) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(ii) applicable law (including regulations); and

(B) in a manner consistent with the purpose described in subsection (a).

(5) WILDLAND FIRE OPERATIONS.—Nothing in this section prohibits the Secretary, in cooperation with other Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the National Conservation Area, consistent with the purposes of this section.

(f) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land that is located in the National Conservation Area that is acquired by the United States shall—

(1) become part of the National Conservation Area; and

(2) be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(B) this section; and

(C) any other applicable law (including regulations).

(g) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights, all Federal land located in the National Conservation Area is withdrawn from—

(A) all forms of entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patenting under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) ADDITIONAL LAND.—If the Secretary acquires additional land that is located in the National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

SEC. 1976. ZION NATIONAL PARK WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

"(204) ZION NATIONAL PARK, UTAH.—The approximately 165.5 miles of segments of the Virgin River and tributaries of the Virgin River across Federal land within and adjacent to Zion National Park, as generally depicted on the map entitled 'Wild and Scenic River Segments Zion National Park and Bureau of Land Management' and dated April 2008, to be administered by the Secretary of the Interior in the following classifications:

"(A) TAYLOR CREEK.—The 4.5-mile segment from the junction of the north, middle, and south forks of Taylor Creek, west to the park boundary and adjacent land rim-to-rim, as a scenic river.

"(B) NORTH FORK OF TAYLOR CREEK.—The segment from the head of North Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

"(C) MIDDLE FORK OF TAYLOR CREEK.—The segment from the head of Middle Fork on Bureau of Land Management land to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

"(D) SOUTH FORK OF TAYLOR CREEK.—The segment from the head of South Fork to the junction with Taylor Creek and adjacent land rim-to-rim, as a wild river.

"(E) TIMBER CREEK AND TRIBUTARIES.—The 3.1-mile segment from the head of Timber Creek and tributaries of Timber Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

"(F) LAVERKIN CREEK.—The 16.1-mile segment beginning in T. 38 S., R. 11 W., sec. 21, on Bureau of Land Management land, southwest through Zion National Park, and ending at the south end of T. 40 S., R. 12 W., sec. 7, and adjacent land ½-mile wide, as a wild river.

"(G) WILLIS CREEK.—The 1.9-mile segment beginning on Bureau of Land Management land in the SWSW sec. 27, T. 38 S., R. 11 W., to the junction with LaVerkin Creek in Zion National Park and adjacent land rim-to-rim, as a wild river.

"(H) BEARTRAP CANYON.—The 2.3-mile segment beginning on Bureau of Management land in the SWNW sec. 3, T. 39 S., R. 11 W., to the junction with LaVerkin Creek and the segment from the headwaters north of Long Point to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

"(I) HOP VALLEY CREEK.—The 3.3-mile segment beginning at the southern boundary of T. 39 S., R. 11 W., sec. 20, to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

"(J) CURRENT CREEK.—The 1.4-mile segment from the head of Current Creek to the junction with LaVerkin Creek and adjacent land rim-to-rim, as a wild river.

"(K) CANE CREEK.—The 0.6-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

"(L) SMITH CREEK.—The 1.3-mile segment from the head of Smith Creek to the junction with LaVerkin Creek and adjacent land ½-mile wide, as a wild river.

"(M) NORTH CREEK LEFT AND RIGHT FORKS.—The segment of the Left Fork from the junction with Wildcat Canyon to the junction with Right Fork, from the head of Right Fork to the junction with Left Fork, and from the junction of the Left and Right Forks southwest to Zion National Park boundary and adjacent land rim-to-rim, as a wild river.

"(N) WILDCAT CANYON (BLUE CREEK).—The segment of Blue Creek from the Zion National Park boundary to the junction with the Right Fork of North Creek and adjacent land rim-to-rim, as a wild river.

"(O) LITTLE CREEK.—The segment beginning at the head of Little Creek to the junction with the Left Fork of North Creek and adjacent land ½-mile wide, as a wild river.

"(P) RUSSELL GULCH.—The segment from the head of Russell Gulch to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a wild river.

"(Q) GRAPEVINE WASH.—The 2.6-mile segment from the Lower Kolob Plateau to the junction with the Left Fork of North Creek and adjacent land rim-to-rim, as a scenic river.

"(R) PINE SPRING WASH.—The 4.6-mile segment to the junction with the left fork of North Creek and adjacent land ½-mile, as a scenic river.

"(S) WOLF SPRINGS WASH.—The 1.4-mile segment from the head of Wolf Springs Wash to the junction with Pine

Spring Wash and adjacent land ½-mile wide, as a scenic river.

"(T) KOLOB CREEK.—The 5.9-mile segment of Kolob Creek beginning in T. 39 S., R. 10 W., sec. 30, through Bureau of Land Management land and Zion National Park land to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(U) OAK CREEK.—The 1-mile stretch of Oak Creek beginning in T. 39 S., R. 10 W., sec. 19, to the junction with Kolob Creek and adjacent land rim-to-rim, as a wild river.

"(V) GOOSE CREEK.—The 4.6-mile segment of Goose Creek from the head of Goose Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(W) DEEP CREEK.—The 5.3-mile segment of Deep Creek beginning on Bureau of Land Management land at the northern boundary of T. 39 S., R. 10 W., sec. 23, south to the junction of the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(X) NORTH FORK OF THE VIRGIN RIVER.—The 10.8-mile segment of the North Fork of the Virgin River beginning on Bureau of Land Management land at the eastern border of T. 39 S., R. 10 W., sec. 35, to Temple of Sinawava and adjacent land rim-to-rim, as a wild river.

"(Y) NORTH FORK OF THE VIRGIN RIVER.—The 8-mile segment of the North Fork of the Virgin River from Temple of Sinawava south to the Zion National Park boundary and adjacent land ½-mile wide, as a recreational river.

"(Z) IMLAY CANYON.—The segment from the head of Imlay Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(AA) ORDERVILLE CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(BB) MYSTERY CANYON.—The segment from the head of Mystery Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(CC) ECHO CANYON.—The segment from the eastern boundary of Zion National Park to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(DD) BEHUNIN CANYON.—The segment from the head of Behunin Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(EE) HEAPS CANYON.—The segment from the head of Heaps Canyon to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a wild river.

"(FF) BIRCH CREEK.—The segment from the head of Birch Creek to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a wild river.

"(GG) OAK CREEK.—The segment of Oak Creek from the head of Oak Creek to where the forks join and adjacent land ½-mile wide, as a wild river.

"(HH) OAK CREEK.—The 1-mile segment of Oak Creek from the point at which the 2 forks of Oak Creek join to the junction with the North Fork of the Virgin River and adjacent land ½-mile wide, as a recreational river.

"(II) CLEAR CREEK.—The 6.4-mile segment of Clear Creek from the eastern boundary of Zion National Park to the junction with Pine Creek and adjacent land rim-to-rim, as a recreational river.

"(JJ) PINE CREEK .—The 2-mile segment of Pine Creek from the head of Pine Creek to the junction with Clear Creek and adjacent land rim-to-rim, as a wild river.

"(KK) PINE CREEK.—The 3-mile segment of Pine Creek from the junction with Clear Creek to the junction with the North Fork of the Virgin River and adjacent land rim-to-rim, as a recreational river.

"(LL) EAST FORK OF THE VIRGIN RIVER.—The 8-mile segment of the East Fork of the Virgin River from the eastern boundary of Zion National Park through Parunuweap Canyon to the western boundary of Zion National Park and adjacent land ½-mile wide, as a wild river.

"(MM) SHUNES CREEK.—The 3-mile segment of Shunes Creek from the dry waterfall on land administered by the Bureau of Land Management through Zion National Park to the western boundary of Zion National Park and adjacent land ½-mile wide as a wild river.".

16 USC 1274 note.

(b) INCORPORATION OF ACQUIRED NON-FEDERAL LAND.—If the United States acquires any non-Federal land within or adjacent to Zion National Park that includes a river segment that is contiguous to a river segment of the Virgin River designated as a wild, scenic, or recreational river by paragraph (204) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)), the acquired river segment shall be incorporated in, and be administered as part of, the applicable wild, scenic, or recreational river.

16 USC 1274 note.

(c) SAVINGS CLAUSE.—The amendment made by subsection (a) does not affect the agreement among the United States, the State, the Washington County Water Conservancy District, and the Kane County Water Conservancy District entitled "Zion National Park Water Rights Settlement Agreement" and dated December 4, 1996.

SEC. 1977. WASHINGTON COUNTY COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) TRAIL.—The term "trail" means the High Desert Off-Highway Vehicle Trail designated under subsection (c)(1)(A).

(4) TRAVEL MANAGEMENT PLAN.—The term "travel management plan" means the comprehensive travel and transportation management plan developed under subsection (b)(1).

(b) COMPREHENSIVE TRAVEL AND TRANSPORTATION MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws (including regulations), the Secretary, in consultation with appropriate Federal agencies and State, tribal, and local governmental entities, and after an opportunity for public comment, shall develop a comprehensive travel management plan for the land managed by the Bureau of Land Management in the County— Deadline.

(A) to provide to the public a clearly marked network of roads and trails with signs and maps to promote—

(i) public safety and awareness; and

(ii) enhanced recreation and general access opportunities;

(B) to help reduce in the County growing conflicts arising from interactions between—

(i) motorized recreation; and

(ii) the important resource values of public land;

(C) to promote citizen-based opportunities for—

(i) the monitoring and stewardship of the trail; and

(ii) trail system management; and

(D) to support law enforcement officials in promoting—

(i) compliance with off-highway vehicle laws (including regulations); and

(ii) effective deterrents of abuses of public land.

(2) SCOPE; CONTENTS.—In developing the travel management plan, the Secretary shall—

(A) in consultation with appropriate Federal agencies, State, tribal, and local governmental entities (including the County and St. George City, Utah), and the public, identify 1 or more alternatives for a northern transportation route in the County;

(B) ensure that the travel management plan contains a map that depicts the trail; and

(C) designate a system of areas, roads, and trails for mechanical and motorized use.

(c) DESIGNATION OF TRAIL.—

(1) DESIGNATION.—

(A) IN GENERAL.—As a component of the travel management plan, and in accordance with subparagraph (B), the Secretary, in coordination with the Secretary of Agriculture, and after an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(i) for use by off-highway vehicles; and

(ii) to be known as the "High Desert Off-Highway Vehicle Trail".

(B) REQUIREMENTS.—In designating the trail, the Secretary shall only include trails that are—

(i) as of the date of enactment of this Act, authorized for use by off-highway vehicles; and

(ii) located on land that is managed by the Bureau of Land Management in the County.

(C) NATIONAL FOREST LAND.—The Secretary of Agriculture, in coordination with the Secretary and in accordance with applicable law, may designate a portion of the trail on National Forest System land within the County.

(D) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of—

(i) the Bureau of Land Management; and

(ii) the Forest Service.

(2) MANAGEMENT.—

(A) IN GENERAL.—The Secretary concerned shall manage the trail—

(i) in accordance with applicable laws (including regulations);

(ii) to ensure the safety of citizens who use the trail; and

(iii) in a manner by which to minimize any damage to sensitive habitat or cultural resources.

Deadlines.
Assessments.

(B) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary concerned shall—

(i) annually assess the effects of the use of off-highway vehicles on—

(I) the trail; and

(II) land located in proximity to the trail; and

(ii) in consultation with the Utah Department of Natural Resources, annually assess the effects of the use of the trail on wildlife and wildlife habitat.

(C) CLOSURE.—The Secretary concerned, in consultation with the State and the County, and subject to subparagraph (D), may temporarily close or permanently reroute a portion of the trail if the Secretary concerned determines that—

(i) the trail is having an adverse impact on—

(I) wildlife habitats;

(II) natural resources;

(III) cultural resources; or

(IV) traditional uses;

(ii) the trail threatens public safety; or

(iii) closure of the trail is necessary—

(I) to repair damage to the trail; or

(II) to repair resource damage.

(D) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary concerned under subparagraph (C) may be permanently rerouted along any road or trail—

(i) that is—

(I) in existence as of the date of the closure of the portion of the trail;

(II) located on public land; and

(III) open to motorized use; and

(ii) if the Secretary concerned determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(E) NOTICE OF AVAILABLE ROUTES.—The Secretary, in coordination with the Secretary of Agriculture, shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(i) the placement of appropriate signage along the trail; and

(ii) the distribution of maps, safety education materials, and other information that the Secretary concerned determines to be appropriate.

(3) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 1978. LAND DISPOSAL AND ACQUISITION.

(a) IN GENERAL.—Consistent with applicable law, the Secretary of the Interior may sell public land located within Washington County, Utah, that, as of July 25, 2000, has been identified for disposal in appropriate resource management plans.

(b) USE OF PROCEEDS.—

(1) IN GENERAL.—Notwithstanding any other provision of law (other than a law that specifically provides for a portion of the proceeds of a land sale to be distributed to any trust fund of the State), proceeds from the sale of public land under subsection (a) shall be deposited in a separate account in the Treasury to be known as the "Washington County, Utah Land Acquisition Account".

(2) AVAILABILITY.—

(A) IN GENERAL.—Amounts in the account shall be available to the Secretary, without further appropriation, to purchase from willing sellers lands or interests in land within the wilderness areas and National Conservation Areas established by this subtitle.

(B) APPLICABILITY.—Any purchase of land or interest in land under subparagraph (A) shall be in accordance with applicable law.

SEC. 1979. MANAGEMENT OF PRIORITY BIOLOGICAL AREAS.

(a) IN GENERAL.—In accordance with applicable Federal laws (including regulations), the Secretary of the Interior shall—

(1) identify areas located in the County where biological conservation is a priority; and

(2) undertake activities to conserve and restore plant and animal species and natural communities within such areas.

(b) GRANTS; COOPERATIVE AGREEMENTS.—In carrying out subsection (a), the Secretary of the Interior may make grants to, or enter into cooperative agreements with, State, tribal, and local governmental entities and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the restoration or conservation of the areas.

SEC. 1980. PUBLIC PURPOSE CONVEYANCES.

(a) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), upon the request of the appropriate local governmental entity, as described below, the Secretary shall convey the following parcels of public land without consideration, subject to the provisions of this section:

(1) TEMPLE QUARRY.—The approximately 122-acre parcel known as "Temple Quarry" as generally depicted on the Washington County Growth and Conservation Act Map as "Parcel B", to the City of St. George, Utah, for open space and public recreation purposes.

(2) HURRICANE CITY SPORTS PARK.—The approximately 41-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as "Parcel C", to the City of Hurricane, Utah, for public recreation purposes and public administrative offices.

(3) WASHINGTON COUNTY SCHOOL DISTRICT.—The approximately 70-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as "Parcel D", to the Washington County Public School District for use for public school and related educational and administrative purposes.

(4) WASHINGTON COUNTY JAIL.—The approximately 80-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as "Parcel E", to Washington County, Utah, for expansion of the Purgatory Correctional Facility.

(5) HURRICANE EQUESTRIAN PARK.—The approximately 40-acre parcel as generally depicted on the Washington County Growth and Conservation Act Map as "Parcel F", to the City of Hurricane, Utah, for use as a public equestrian park.

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the parcels to be conveyed under this section. The Secretary may correct any minor errors in the map referenced in subsection (a) or in the applicable legal descriptions. The map and legal descriptions shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) REVERSION.—

(1) IN GENERAL.—If any parcel conveyed under this section ceases to be used for the public purpose for which the parcel was conveyed, as described in subsection (a), the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States.

(2) RESPONSIBILITY OF LOCAL GOVERNMENTAL ENTITY.—If the Secretary determines pursuant to paragraph (1) that the land should revert to the United States, and if the Secretary determines that the land is contaminated with hazardous waste, the local governmental entity to which the land was conveyed shall be responsible for remediation of the contamination.

SEC. 1981. CONVEYANCE OF DIXIE NATIONAL FOREST LAND.

(a) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term "covered Federal land" means the approximately 66.07 acres of land in the Dixie National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term "landowner" means Kirk R. Harrison, who owns land in Pinto Valley, Utah.

(3) MAP.—The term "map" means the map entitled "Conveyance of Dixie National Forest Land" and dated December 18, 2008.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—The Secretary may convey to the landowner all right, title, and interest of the United States in and to any of the covered Federal land (including any improvements or appurtenances to the covered Federal land) by sale or exchange.

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the covered Federal land to be conveyed under paragraph (1) shall be determined by surveys satisfactory to the Secretary.

(3) CONSIDERATION.—

(A) IN GENERAL.—As consideration for any conveyance by sale under paragraph (1), the landowner shall pay to the Secretary an amount equal to the fair market value of any Federal land conveyed, as determined under subparagraph (B).

(B) APPRAISAL.—The fair market value of any Federal land that is conveyed under paragraph (1) shall be determined by an appraisal acceptable to the Secretary that is performed in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions;

(ii) the Uniform Standards of Professional Appraisal Practice; and

(iii) any other applicable law (including regulations).

(4) DISPOSITION AND USE OF PROCEEDS.—

(A) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds of any sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) USE OF PROCEEDS.—Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation and until expended, for the acquisition of real property or interests in real property for inclusion in the Dixie National Forest in the State.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions for any conveyance under paragraph (1) that the Secretary determines to be appropriate to protect the interests of the United States.

SEC. 1982. TRANSFER OF LAND INTO TRUST FOR SHIVWITS BAND OF PAIUTE INDIANS. 25 USC 766 note.

(a) DEFINITIONS.—In this section:

(1) PARCEL A.—The term "Parcel A" means the parcel that consists of approximately 640 acres of land that is—

(A) managed by the Bureau of Land Management;

(B) located in Washington County, Utah; and

(C) depicted on the map entitled "Washington County Growth and Conservation Act Map".

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) TRIBE.—The term "Tribe" means the Shivwits Band of Paiute Indians of the State of Utah.

(b) PARCEL TO BE HELD IN TRUST.—

(1) IN GENERAL.—At the request of the Tribe, the Secretary shall take into trust for the benefit of the Tribe all right, title, and interest of the United States in and to Parcel A.

(2) SURVEY; LEGAL DESCRIPTION.—

Deadline.

(A) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Bureau of Land Management, shall complete a survey of Parcel A to establish the boundary of Parcel A.

(B) LEGAL DESCRIPTION OF PARCEL A.—

Federal Register, publication.

(i) IN GENERAL.—Upon the completion of the survey under subparagraph (A), the Secretary shall publish in the Federal Register a legal description of—

(I) the boundary line of Parcel A; and

(II) Parcel A.

(ii) TECHNICAL CORRECTIONS.—Before the date of publication of the legal descriptions under clause (i), the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions.

Effective date.

(iii) EFFECT.—Effective beginning on the date of publication of the legal descriptions under clause (i), the legal descriptions shall be considered to be the official legal descriptions of Parcel A.

(3) EFFECT.—Nothing in this section—

(A) affects any valid right in existence on the date of enactment of this Act;

(B) enlarges, impairs, or otherwise affects any right or claim of the Tribe to any land or interest in land other than to Parcel A that is—

(i) based on an aboriginal or Indian title; and

(ii) in existence as of the date of enactment of this Act; or

(C) constitutes an express or implied reservation of water or a water right with respect to Parcel A.

(4) LAND TO BE MADE A PART OF THE RESERVATION.—Land taken into trust pursuant to this section shall be considered to be part of the reservation of the Tribe.

SEC. 1983. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape Conservation System

16 USC 7201.

SEC. 2001. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) SYSTEM.—The term "system" means the National Landscape Conservation System established by section 2002(a).

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM. 16 USC 7202.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

(1) Each area that is designated as—

(A) a national monument;

(B) a national conservation area;

(C) a wilderness study area;

(D) a national scenic trail or national historic trail designated as a component of the National Trails System;

(E) a component of the National Wild and Scenic Rivers System; or

(F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

(A) the Steens Mountain Cooperative Management and Protection Area;

(B) the Headwaters Forest Reserve;

(C) the Yaquina Head Outstanding Natural Area;

(D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and

(E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

(1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and

(2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of

Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

16 USC 7203.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

New Mexico.
16 USC 431 note.

Subtitle B—Prehistoric Trackways National Monument

SEC. 2101. FINDINGS.

Congress finds that—

(1) in 1987, a major deposit of Paleozoic Era fossilized footprint megatrackways was discovered in the Robledo Mountains in southern New Mexico;

(2) the trackways contain footprints of numerous amphibians, reptiles, and insects (including previously unknown species), plants, and petrified wood dating back approximately 280,000,000 years, which collectively provide new opportunities to understand animal behaviors and environments from a time predating the dinosaurs;

(3) title III of Public Law 101–578 (104 Stat. 2860)—

(A) provided interim protection for the site at which the trackways were discovered; and

(B) directed the Secretary of the Interior to—

(i) prepare a study assessing the significance of the site; and

(ii) based on the study, provide recommendations for protection of the paleontological resources at the site;

(4) the Bureau of Land Management completed the Paleozoic Trackways Scientific Study Report in 1994, which characterized the site as containing "the most scientifically significant Early Permian tracksites" in the world;

(5) despite the conclusion of the study and the recommendations for protection, the site remains unprotected and many irreplaceable trackways specimens have been lost to vandalism or theft; and

(6) designation of the trackways site as a National Monument would protect the unique fossil resources for present and future generations while allowing for public education and continued scientific research opportunities.

SEC. 2102. DEFINITIONS.

In this subtitle:

(1) MONUMENT.—The term "Monument" means the Prehistoric Trackways National Monument established by section 2103(a).

(2) PUBLIC LAND.—The term "public land" has the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2103. ESTABLISHMENT.

(a) IN GENERAL.—In order to conserve, protect, and enhance the unique and nationally important paleontological, scientific, educational, scenic, and recreational resources and values of the public land described in subsection (b), there is established the Prehistoric Trackways National Monument in the State of New Mexico. New Mexico.

(b) DESCRIPTION OF LAND.—The Monument shall consist of approximately 5,280 acres of public land in Doña Ana County, New Mexico, as generally depicted on the map entitled "Prehistoric Trackways National Monument" and dated December 17, 2008.

(c) MAP; LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an official map and legal description of the Monument.

(2) CORRECTIONS.—The map and legal description submitted under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any clerical or typographical errors in the legal description and the map.

(3) CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.—In the case of a conflict between the map and the legal description, the map shall control.

(4) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) MINOR BOUNDARY ADJUSTMENTS.—If additional paleontological resources are discovered on public land adjacent to the Monument after the date of enactment of this Act, the Secretary may make minor boundary adjustments to the Monument to include the resources in the Monument.

SEC. 2104. ADMINISTRATION.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Monument—

(A) in a manner that conserves, protects, and enhances the resources and values of the Monument, including the resources and values described in section 2103(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) other applicable laws.

(2) NATIONAL LANDSCAPE CONSERVATION SYSTEM.—The Monument shall be managed as a component of the National Landscape Conservation System.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Monument. Deadline.

(2) COMPONENTS.—The management plan under paragraph (1)—

(A) shall—

(i) describe the appropriate uses and management of the Monument, consistent with the provisions of this subtitle; and

(ii) allow for continued scientific research at the Monument during the development of the management plan; and

(B) may—

(i) incorporate any appropriate decisions contained in any current management or activity plan for the land described in section 2103(b); and

(ii) use information developed in studies of any land within or adjacent to the Monument that were conducted before the date of enactment of this Act.

(c) AUTHORIZED USES.—The Secretary shall only allow uses of the Monument that the Secretary determines would further the purposes for which the Monument has been established.

(d) INTERPRETATION, EDUCATION, AND SCIENTIFIC RESEARCH.—

(1) IN GENERAL.—The Secretary shall provide for public interpretation of, and education and scientific research on, the paleontological resources of the Monument, with priority given to exhibiting and curating the resources in Doña Ana County, New Mexico.

(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with appropriate public entities to carry out paragraph (1).

(e) SPECIAL MANAGEMENT AREAS.—

(1) IN GENERAL.—The establishment of the Monument shall not change the management status of any area within the boundary of the Monument that is—

(A) designated as a wilderness study area and managed in accordance with section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); or

(B) managed as an area of critical environment concern.

(2) CONFLICT OF LAWS.—If there is a conflict between the laws applicable to the areas described in paragraph (1) and this subtitle, the more restrictive provision shall control.

(f) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as needed for administrative purposes or to respond to an emergency, the use of motorized vehicles in the Monument shall be allowed only on roads and trails designated for use by motorized vehicles under the management plan prepared under subsection (b).

(2) PERMITTED EVENTS.—The Secretary may issue permits for special recreation events involving motorized vehicles within the boundaries of the Monument—

(A) to the extent the events do not harm paleontological resources; and

(B) subject to any terms and conditions that the Secretary determines to be necessary.

(g) WITHDRAWALS.—Subject to valid existing rights, any Federal land within the Monument and any land or interest in land that is acquired by the United States for inclusion in the Monument after the date of enactment of this Act are withdrawn from—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing laws, geothermal leasing laws, and minerals materials laws.

(h) GRAZING.—The Secretary may allow grazing to continue in any area of the Monument in which grazing is allowed before the date of enactment of this Act, subject to applicable laws (including regulations).

(i) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation by the United States of any water or water rights with respect to the Monument.

SEC. 2105. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle C—Fort Stanton-Snowy River Cave National Conservation Area

New Mexico.

SEC. 2201. DEFINITIONS.

16 USC 460yyy.

In this subtitle:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Fort Stanton-Snowy River Cave National Conservation Area established by section 2202(a).

(2) MANAGEMENT PLAN.—The term "management plan" means the management plan developed for the Conservation Area under section 2203(c).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 2202. ESTABLISHMENT OF THE FORT STANTON-SNOWY RIVER CAVE NATIONAL CONSERVATION AREA.

16 USC 460yyy–1.

(a) ESTABLISHMENT; PURPOSES.—There is established the Fort Stanton-Snowy River Cave National Conservation Area in Lincoln County, New Mexico, to protect, conserve, and enhance the unique and nationally important historic, cultural, scientific, archaeological, natural, and educational subterranean cave resources of the Fort Stanton-Snowy River cave system.

(b) AREA INCLUDED.—The Conservation Area shall include the area within the boundaries depicted on the map entitled "Fort Stanton-Snowy River Cave National Conservation Area" and dated December 15, 2008.

(c) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to Congress a map and legal description of the Conservation Area.

(2) EFFECT.—The map and legal description of the Conservation Area shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description of the Conservation Area shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

16 USC 460yyy–2.

SEC. 2203. MANAGEMENT OF THE CONSERVATION AREA.

(a) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area, including the resources and values described in section 2202(a); and

(B) in accordance with—

(i) this subtitle;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(iii) any other applicable laws.

(2) USES.—The Secretary shall only allow uses of the Conservation Area that are consistent with the protection of the cave resources.

(3) REQUIREMENTS.—In administering the Conservation Area, the Secretary shall provide for—

(A) the conservation and protection of the natural and unique features and environs for scientific, educational, and other appropriate public uses of the Conservation Area;

(B) public access, as appropriate, while providing for the protection of the cave resources and for public safety;

(C) the continuation of other existing uses or other new uses of the Conservation Area that do not impair the purposes for which the Conservation Area is established;

(D) management of the surface area of the Conservation Area in accordance with the Fort Stanton Area of Critical Environmental Concern Final Activity Plan dated March, 2001, or any amendments to the plan, consistent with this subtitle; and

(E) scientific investigation and research opportunities within the Conservation Area, including through partnerships with colleges, universities, schools, scientific institutions, researchers, and scientists to conduct research and provide educational and interpretive services within the Conservation Area.

(b) WITHDRAWALS.—Subject to valid existing rights, all Federal surface and subsurface land within the Conservation Area and all land and interests in the land that are acquired by the United States after the date of enactment of this Act for inclusion in the Conservation Area, are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the general land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(c) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a comprehensive plan for the long-term management of the Conservation Area.

(2) PURPOSES.—The management plan shall—

(A) describe the appropriate uses and management of the Conservation Area;

(B) incorporate, as appropriate, decisions contained in any other management or activity plan for the land within or adjacent to the Conservation Area;

(C) take into consideration any information developed in studies of the land and resources within or adjacent to the Conservation Area; and

(D) provide for a cooperative agreement with Lincoln County, New Mexico, to address the historical involvement of the local community in the interpretation and protection of the resources of the Conservation Area.

(d) RESEARCH AND INTERPRETIVE FACILITIES.—

(1) IN GENERAL.—The Secretary may establish facilities for—

(A) the conduct of scientific research; and

(B) the interpretation of the historical, cultural, scientific, archaeological, natural, and educational resources of the Conservation Area.

(2) COOPERATIVE AGREEMENTS.—The Secretary may, in a manner consistent with this subtitle, enter into cooperative agreements with the State of New Mexico and other institutions and organizations to carry out the purposes of this subtitle.

(e) WATER RIGHTS.—Nothing in this subtitle constitutes an express or implied reservation of any water right.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS.

16 USC 460yyy–3.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle D—Snake River Birds of Prey National Conservation Area

SEC. 2301. SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA.

(a) RENAMING.—Public Law 103–64 is amended—

(1) in section 2(2) (16 U.S.C. 460iii–1(2)), by inserting "Morley Nelson" before "Snake River Birds of Prey National Conservation Area"; and

(2) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by inserting "Morley Nelson" before "Snake River Birds of Prey National Conservation Area".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Snake River Birds of Prey National Conservation Area shall be deemed to be a reference to the Morley Nelson Snake River Birds of Prey National Conservation Area.

16 USC 460iii note.

(c) TECHNICAL CORRECTIONS.—Public Law 103–64 is further amended—

(1) in section 3(a)(1) (16 U.S.C. 460iii–2(a)(1)), by striking "(hereafter referred to as the 'conservation area')"; and

(2) in section 4 (16 U.S.C. 460iii–3)—

(A) in subsection (a)(2), by striking "Conservation Area" and inserting "conservation area"; and

(B) in subsection (d), by striking "Visitors Center" and inserting "visitors center".

Subtitle E—Dominguez-Escalante National Conservation Area

16 USC 460zzz.

SEC. 2401. DEFINITIONS.

In this subtitle:

(1) CONSERVATION AREA.—The term "Conservation Area" means the Dominguez-Escalante National Conservation Area established by section 2402(a)(1).

(2) COUNCIL.—The term "Council" means the Dominguez-Escalante National Conservation Area Advisory Council established under section 2407.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 2406.

(4) MAP.—The term "Map" means the map entitled "Dominguez-Escalante National Conservation Area" and dated September 15, 2008.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Colorado.

(7) WILDERNESS.—The term "Wilderness" means the Dominguez Canyon Wilderness Area designated by section 2403(a).

16 USC 460zzz–1.

SEC. 2402. DOMINGUEZ-ESCALANTE NATIONAL CONSERVATION AREA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Dominguez-Escalante National Conservation Area in the State.

(2) AREA INCLUDED.—The Conservation Area shall consist of approximately 209,610 acres of public land, as generally depicted on the Map.

(b) PURPOSES.—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and

(C) in accordance with—

(i) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(ii) this subtitle; and

(iii) any other applicable laws.

(2) USES.—

(A) IN GENERAL.—The Secretary shall allow only such uses of the Conservation Area as the Secretary determines would further the purposes for which the Conservation Area is established.

(B) USE OF MOTORIZED VEHICLES.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), use of motorized vehicles in the Conservation Area shall be allowed—

(I) before the effective date of the management plan, only on roads and trails designated for use of motor vehicles in the management plan that applies on the date of the enactment of this Act to the public land in the Conservation Area; and

(II) after the effective date of the management plan, only on roads and trails designated in the management plan for the use of motor vehicles.

(ii) ADMINISTRATIVE AND EMERGENCY RESPONSE USE.—Clause (i) shall not limit the use of motor vehicles in the Conservation Area for administrative purposes or to respond to an emergency.

(iii) LIMITATION.—This subparagraph shall not apply to the Wilderness.

SEC. 2403. DOMINGUEZ CANYON WILDERNESS AREA.

16 USC 460zzz–2. 16 USC 1132 note.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 66,280 acres of public land in Mesa, Montrose, and Delta Counties, Colorado, as generally depicted on the Map, is designated as wilderness and as a component of the National Wilderness Preservation System, to be known as the "Dominguez Canyon Wilderness Area".

(b) ADMINISTRATION OF WILDERNESS.—The Wilderness shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this subtitle, except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

SEC. 2404. MAPS AND LEGAL DESCRIPTIONS.

16 USC 460zzz–3.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Conservation Area and the Wilderness with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) FORCE AND EFFECT.—The Map and legal descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct clerical and typographical errors in the Map and legal descriptions.

(c) PUBLIC AVAILABILITY.—The Map and legal descriptions filed under subsection (a) shall be available for public inspection in the appropriate offices of the Bureau of Land Management.

16 USC 460zzz–4.

SEC. 2405. MANAGEMENT OF CONSERVATION AREA AND WILDERNESS.

(a) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Conservation Area and the Wilderness and all land and interests in land acquired by the United States within the Conservation Area or the Wilderness is withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) GRAZING.—

Contracts. Permits.

(1) GRAZING IN CONSERVATION AREA.—Except as provided in paragraph (2), the Secretary shall issue and administer any grazing leases or permits in the Conservation Area in accordance with the laws (including regulations) applicable to the issuance and administration of such leases and permits on other land under the jurisdiction of the Bureau of Land Management.

(2) GRAZING IN WILDERNESS.—The grazing of livestock in the Wilderness, if established as of the date of enactment of this Act, shall be permitted to continue—

(A) subject to any reasonable regulations, policies, and practices that the Secretary determines to be necessary; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(c) NO BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle creates a protective perimeter or buffer zone around the Conservation Area.

(2) ACTIVITIES OUTSIDE CONSERVATION AREA.—The fact that an activity or use on land outside the Conservation Area can be seen or heard within the Conservation Area shall not preclude the activity or use outside the boundary of the Conservation Area.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary may acquire non-Federal land within the boundaries of the Conservation Area or the Wilderness only through exchange, donation, or purchase from a willing seller.

(2) MANAGEMENT.—Land acquired under paragraph (1) shall—

(A) become part of the Conservation Area and, if applicable, the Wilderness; and

(B) be managed in accordance with this subtitle and any other applicable laws.

(e) FIRE, INSECTS, AND DISEASES.—Subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may undertake such measures as are necessary to control fire, insects, and diseases—

(1) in the Wilderness, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(2) except as provided in paragraph (1), in the Conservation Area in accordance with this subtitle and any other applicable laws.

(f) ACCESS.—The Secretary shall continue to provide private landowners adequate access to inholdings in the Conservation Area.

(g) INVASIVE SPECIES AND NOXIOUS WEEDS.—In accordance with any applicable laws and subject to such terms and conditions as the Secretary determines to be desirable and appropriate, the Secretary may prescribe measures to control nonnative invasive plants and noxious weeds within the Conservation Area.

(h) WATER RIGHTS.—

(1) EFFECT.—Nothing in this subtitle—

(A) affects the use or allocation, in existence on the date of enactment of this Act, of any water, water right, or interest in water;

(B) affects any vested absolute or decreed conditional water right in existence on the date of enactment of this Act, including any water right held by the United States;

(C) affects any interstate water compact in existence on the date of enactment of this Act;

(D) authorizes or imposes any new reserved Federal water rights; or

(E) shall be considered to be a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State on or before the date of enactment of this Act.

(2) WILDERNESS WATER RIGHTS.—

(A) IN GENERAL.—The Secretary shall ensure that any water rights within the Wilderness required to fulfill the purposes of the Wilderness are secured in accordance with subparagraphs (B) through (G).

(B) STATE LAW.—

(i) PROCEDURAL REQUIREMENTS.—Any water rights within the Wilderness for which the Secretary pursues adjudication shall be adjudicated, changed, and administered in accordance with the procedural requirements and priority system of State law.

(ii) ESTABLISHMENT OF WATER RIGHTS.—

(I) IN GENERAL.—Except as provided in subclause (II), the purposes and other substantive characteristics of the water rights pursued under this paragraph shall be established in accordance with State law.

(II) EXCEPTION.—Notwithstanding subclause (I) and in accordance with this subtitle, the Secretary may appropriate and seek adjudication of water rights to maintain surface water levels and stream flows on and across the Wilderness to fulfill the purposes of the Wilderness.

(C) DEADLINE.—The Secretary shall promptly, but not earlier than January 2009, appropriate the water rights required to fulfill the purposes of the Wilderness.

(D) REQUIRED DETERMINATION.—The Secretary shall not pursue adjudication for any instream flow water rights unless the Secretary makes a determination pursuant to subparagraph (E)(ii) or (F).

(E) COOPERATIVE ENFORCEMENT.—

(i) IN GENERAL.—The Secretary shall not pursue adjudication of any Federal instream flow water rights established under this paragraph if—

(I) the Secretary determines, upon adjudication of the water rights by the Colorado Water Conservation Board, that the Board holds water rights sufficient in priority, amount, and timing to fulfill the purposes of the Wilderness; and

(II) the Secretary has entered into a perpetual agreement with the Colorado Water Conservation Board to ensure the full exercise, protection, and enforcement of the State water rights within the Wilderness to reliably fulfill the purposes of the Wilderness.

(ii) ADJUDICATION.—If the Secretary determines that the provisions of clause (i) have not been met, the Secretary shall adjudicate and exercise any Federal water rights required to fulfill the purposes of the Wilderness in accordance with this paragraph.

(F) INSUFFICIENT WATER RIGHTS.—If the Colorado Water Conservation Board modifies the instream flow water rights obtained under subparagraph (E) to such a degree that the Secretary determines that water rights held by the State are insufficient to fulfill the purposes of the Wilderness, the Secretary shall adjudicate and exercise Federal water rights required to fulfill the purposes of the Wilderness in accordance with subparagraph (B).

(G) FAILURE TO COMPLY.—The Secretary shall promptly act to exercise and enforce the water rights described in subparagraph (E) if the Secretary determines that—

(i) the State is not exercising its water rights consistent with subparagraph (E)(i)(I); or

(ii) the agreement described in subparagraph (E)(i)(II) is not fulfilled or complied with sufficiently to fulfill the purposes of the Wilderness.

(3) WATER RESOURCE FACILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraph (B), beginning on the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new irrigation and pumping facility, reservoir, water conservation work, aqueduct, canal, ditch, pipeline, well, hydropower project, transmission, other ancillary facility, or other water, diversion, storage, or carriage structure in the Wilderness.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the Secretary may allow construction of new livestock watering facilities within the Wilderness in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101–405).

(4) CONSERVATION AREA WATER RIGHTS.—With respect to water within the Conservation Area, nothing in this subtitle—

(A) authorizes any Federal agency to appropriate or otherwise acquire any water right on the mainstem of the Gunnison River; or

(B) prevents the State from appropriating or acquiring, or requires the State to appropriate or acquire, an instream flow water right on the mainstem of the Gunnison River.

(5) WILDERNESS BOUNDARIES ALONG GUNNISON RIVER.—

(A) IN GENERAL.—In areas in which the Gunnison River is used as a reference for defining the boundary of the Wilderness, the boundary shall—

(i) be located at the edge of the river; and

(ii) change according to the river level.

(B) EXCLUSION FROM WILDERNESS.—Regardless of the level of the Gunnison River, no portion of the Gunnison River is included in the Wilderness.

(i) EFFECT.—Nothing in this subtitle—

(1) diminishes the jurisdiction of the State with respect to fish and wildlife in the State; or

(2) imposes any Federal water quality standard upstream of the Conservation Area or within the mainstem of the Gunnison River that is more restrictive than would be applicable had the Conservation Area not been established.

(j) VALID EXISTING RIGHTS.—The designation of the Conservation Area and Wilderness is subject to valid rights in existence on the date of enactment of this Act.

SEC. 2406. MANAGEMENT PLAN.

16 USC 460zzz–5. Deadline.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term protection and management of the Conservation Area.

(b) PURPOSES.—The management plan shall—

(1) describe the appropriate uses and management of the Conservation Area;

(2) be developed with extensive public input;

(3) take into consideration any information developed in studies of the land within the Conservation Area; and

(4) include a comprehensive travel management plan.

SEC. 2407. ADVISORY COUNCIL.

16 USC 460zzz–6. Deadline.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the "Dominguez-Escalante National Conservation Area Advisory Council".

(b) DUTIES.—The Council shall advise the Secretary with respect to the preparation and implementation of the management plan.

(c) APPLICABLE LAW.—The Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(d) MEMBERS.—The Council shall include 10 members to be appointed by the Secretary, of whom, to the extent practicable—

(1) 1 member shall be appointed after considering the recommendations of the Mesa County Commission;

(2) 1 member shall be appointed after considering the recommendations of the Montrose County Commission;

(3) 1 member shall be appointed after considering the recommendations of the Delta County Commission;

(4) 1 member shall be appointed after considering the recommendations of the permittees holding grazing allotments within the Conservation Area or the Wilderness; and

(5) 5 members shall reside in, or within reasonable proximity to, Mesa County, Delta County, or Montrose County, Colorado, with backgrounds that reflect—

(A) the purposes for which the Conservation Area or Wilderness was established; and

(B) the interests of the stakeholders that are affected by the planning and management of the Conservation Area and Wilderness.

(e) REPRESENTATION.—The Secretary shall ensure that the membership of the Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Council.

Termination date.

(f) DURATION.—The Council shall terminate on the date that is 1 year from the date on which the management plan is adopted by the Secretary.

16 USC 460zzz–7.

SEC. 2408. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

Subtitle F—Rio Puerco Watershed Management Program

SEC. 2501. RIO PUERCO WATERSHED MANAGEMENT PROGRAM.

(a) RIO PUERCO MANAGEMENT COMMITTEE.—Section 401(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4147) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (I) through (N) as subparagraphs (J) through (O), respectively; and

(B) by inserting after subparagraph (H) the following:

"(I) the Environmental Protection Agency;"; and

(2) in paragraph (4), by striking "enactment of this Act" and inserting "enactment of the Omnibus Public Land Management Act of 2009".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 401(e) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4148) is amended by striking "enactment of this Act" and inserting "enactment of the Omnibus Public Land Management Act of 2009".

Subtitle G—Land Conveyances and Exchanges

SEC. 2601. CARSON CITY, NEVADA, LAND CONVEYANCES.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means Carson City Consolidated Municipality, Nevada.

(2) MAP.—The term "Map" means the map entitled "Carson City, Nevada Area", dated November 7, 2008, and on file and available for public inspection in the appropriate offices of—

(A) the Bureau of Land Management;

(B) the Forest Service; and

(C) the City.

(3) SECRETARY.—The term "Secretary" means—

(A) with respect to land in the National Forest System, the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) with respect to other Federal land, the Secretary of the Interior.

(4) SECRETARIES.—The term "Secretaries" means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(5) TRIBE.—The term "Tribe" means the Washoe Tribe of Nevada and California, which is a federally recognized Indian tribe.

(b) CONVEYANCES OF FEDERAL LAND AND CITY LAND.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), if the City offers to convey to the United States title to the non-Federal land described in paragraph (2)(A) that is acceptable to the Secretary of Agriculture—

(A) the Secretary shall accept the offer; and

(B) not later than 180 days after the date on which the Secretary receives acceptable title to the non-Federal land described in paragraph (2)(A), the Secretaries shall convey to the City, subject to valid existing rights and for no consideration, except as provided in paragraph (3)(A), all right, title, and interest of the United States in and to the Federal land (other than any easement reserved under paragraph (3)(B)) or interest in land described in paragraph (2)(B). Deadline.

(2) DESCRIPTION OF LAND.—

(A) NON-FEDERAL LAND.—The non-Federal land referred to in paragraph (1) is the approximately 2,264 acres of land administered by the City and identified on the Map as "To U.S. Forest Service".

(B) FEDERAL LAND.—The Federal land referred to in paragraph (1)(B) is—

(i) the approximately 935 acres of Forest Service land identified on the Map as "To Carson City for Natural Areas";

(ii) the approximately 3,604 acres of Bureau of Land Management land identified on the Map as "Silver Saddle Ranch and Carson River Area";

(iii) the approximately 1,848 acres of Bureau of Land Management land identified on the Map as "To Carson City for Parks and Public Purposes"; and

(iv) the approximately 75 acres of City land in which the Bureau of Land Management has a reversionary interest that is identified on the Map as "Reversionary Interest of the United States Released".

(3) CONDITIONS.—

(A) CONSIDERATION.—Before the conveyance of the 62–acre Bernhard parcel to the City, the City shall deposit in the special account established by subsection (e)(2)(A) an amount equal to 25 percent of the difference between—

(i) the amount for which the Bernhard parcel was purchased by the City on July 18, 2001; and

(ii) the amount for which the Bernhard parcel was purchased by the Secretary on March 24, 2006.

(B) CONSERVATION EASEMENT.—As a condition of the conveyance of the land described in paragraph (2)(B)(ii), the Secretary, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to the land to protect, preserve, and enhance the conservation values of the land, consistent with paragraph (4)(B).

(C) COSTS.—Any costs relating to the conveyance under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the recipient of the land being conveyed.

(4) USE OF LAND.—

(A) NATURAL AREAS.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(i) shall be managed by the City to maintain undeveloped open space and to preserve the natural characteristics of the land in perpetuity.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) conduct projects on the land to reduce fuels;

(II) construct and maintain trails, trailhead facilities, and any infrastructure on the land that is required for municipal water and flood management activities; and

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act.

(B) SILVER SADDLE RANCH AND CARSON RIVER AREA.—

(i) IN GENERAL.—Except as provided in clause (ii), the land described in paragraph (2)(B)(ii) shall—

(I) be managed by the City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

(II) be used for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

(ii) EXCEPTION.—Notwithstanding clause (i), the City may—

(I) construct and maintain trails and trailhead facilities on the land;

(II) conduct projects on the land to reduce fuels;

(III) maintain or reconstruct any improvements on the land that are in existence on the date of enactment of this Act; and

(IV) allow the use of motorized vehicles on designated roads, trails, and areas in the south end of Prison Hill.

(C) PARKS AND PUBLIC PURPOSES.—The land described in paragraph (2)(B)(iii) shall be managed by the City for—

(i) undeveloped open space; and

(ii) recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(D) REVERSIONARY INTEREST.—

(i) RELEASE.—The reversionary interest described in paragraph (2)(B)(iv) shall terminate on the date of enactment of this Act.

(ii) CONVEYANCE BY CITY.—

(I) IN GENERAL.—If the City sells, leases, or otherwise conveys any portion of the land described in paragraph (2)(B)(iv), the sale, lease, or conveyance of land shall be—

(aa) through a competitive bidding process; and

(bb) except as provided in subclause (II), for not less than fair market value.

(II) CONVEYANCE TO GOVERNMENT OR NON-PROFIT.—A sale, lease, or conveyance of land described in paragraph (2)(B)(iv) to the Federal Government, a State government, a unit of local government, or a nonprofit organization shall be for consideration in an amount equal to the price established by the Secretary of the Interior under section 2741 of title 43, Code of Federal Regulation (or successor regulations).

(III) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale, lease, or conveyance of land under subclause (I) shall be distributed in accordance with subsection (e)(1).

(5) REVERSION.—If land conveyed under paragraph (1) is used in a manner that is inconsistent with the uses described in subparagraph (A), (B), (C), or (D) of paragraph (4), the land shall, at the discretion of the Secretary, revert to the United States.

(6) MISCELLANEOUS PROVISIONS.—

(A) IN GENERAL.—On conveyance of the non-Federal land under paragraph (1) to the Secretary of Agriculture, the non-Federal land shall—

(i) become part of the Humboldt-Toiyabe National Forest; and

(ii) be administered in accordance with the laws (including the regulations) and rules generally applicable to the National Forest System.

(B) MANAGEMENT PLAN.—The Secretary of Agriculture, in consultation with the City and other interested parties, may develop and implement a management plan for National Forest System land that ensures the protection and stabilization of the National Forest System land to minimize the impacts of flooding on the City.

(7) CONVEYANCE TO BUREAU OF LAND MANAGEMENT.—

(A) IN GENERAL.—If the City offers to convey to the United States title to the non-Federal land described in subparagraph (B) that is acceptable to the Secretary of the Interior, the land shall, at the discretion of the Secretary, be conveyed to the United States.

(B) DESCRIPTION OF LAND.—The non-Federal land referred to in subparagraph (A) is the approximately 46 acres of land administered by the City and identified on the Map as "To Bureau of Land Management".

(C) COSTS.—Any costs relating to the conveyance under subparagraph (A), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM THE FOREST SERVICE TO THE BUREAU OF LAND MANAGEMENT.—

(1) IN GENERAL.—Administrative jurisdiction over the approximately 50 acres of Forest Service land identified on the Map as "Parcel #1" is transferred, from the Secretary of Agriculture to the Secretary of the Interior.

(2) COSTS.—Any costs relating to the transfer under paragraph (1), including any costs for surveys and other administrative costs, shall be paid by the Secretary of the Interior.

(3) USE OF LAND.—

Deadline.

(A) RIGHT-OF-WAY.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior shall grant to the City a right-of-way for the maintenance of flood management facilities located on the land.

(B) DISPOSAL.—The land referred to in paragraph (1) shall be disposed of in accordance with subsection (d).

(C) DISPOSITION OF PROCEEDS.—The gross proceeds from the disposal of land under subparagraph (B) shall be distributed in accordance with subsection (e)(1).

(d) DISPOSAL OF CARSON CITY LAND.—

(1) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall, in accordance with that Act, this subsection, and other applicable law, and subject to valid existing rights, conduct sales of the Federal land described in paragraph (2) to qualified bidders.

(2) DESCRIPTION OF LAND.—The Federal land referred to in paragraph (1) is—

(A) the approximately 108 acres of Bureau of Land Management land identified as "Lands for Disposal" on the Map; and

(B) the approximately 50 acres of land identified as "Parcel #1" on the Map.

Certification.

(3) COMPLIANCE WITH LOCAL PLANNING AND ZONING LAWS.—Before a sale of Federal land under paragraph (1), the City shall submit to the Secretary a certification that qualified bidders have agreed to comply with—

(A) City zoning ordinances; and

(B) any master plan for the area approved by the City.

(4) METHOD OF SALE; CONSIDERATION.—The sale of Federal land under paragraph (1) shall be—

(A) consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713);

(B) unless otherwise determined by the Secretary, through a competitive bidding process; and

(C) for not less than fair market value.

(5) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights and except as provided in subparagraph (B), the Federal land described in paragraph (2) is withdrawn from—

(i) all forms of entry and appropriation under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws.

(B) EXCEPTION.—Subparagraph (A)(i) shall not apply to sales made consistent with this subsection.

(6) DEADLINE FOR SALE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 1 year after the date of enactment of this Act, if there is a qualified bidder for the land described in subparagraphs (A) and (B) of paragraph (2), the Secretary of the Interior shall offer the land for sale to the qualified bidder.

(B) POSTPONEMENT; EXCLUSION FROM SALE.—

(i) REQUEST BY CARSON CITY FOR POSTPONEMENT OR EXCLUSION.—At the request of the City, the Secretary shall postpone or exclude from the sale under subparagraph (A) all or a portion of the land described in subparagraphs (A) and (B) of paragraph (2).

(ii) INDEFINITE POSTPONEMENT.—Unless specifically requested by the City, a postponement under clause (i) shall not be indefinite.

(e) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—Of the proceeds from the sale of land under subsections (b)(4)(D)(ii) and (d)(1)—

(A) 5 percent shall be paid directly to the State for use in the general education program of the State; and

(B) the remainder shall be deposited in a special account in the Treasury of the United States, to be known as the "Carson City Special Account", and shall be available without further appropriation to the Secretary until expended to—

(i) reimburse costs incurred by the Bureau of Land Management for preparing for the sale of the Federal land described in subsection (d)(2), including the costs of—

(I) surveys and appraisals; and

(II) compliance with—

(aa) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(bb) sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713);

(ii) reimburse costs incurred by the Bureau of Land Management and Forest Service for preparing for, and

carrying out, the transfers of land to be held in trust by the United States under subsection (h)(1); and

(iii) acquire environmentally sensitive land or an interest in environmentally sensitive land in the City.

(2) SILVER SADDLE ENDOWMENT ACCOUNT.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a special account, to be known as the "Silver Saddle Endowment Account", consisting of such amounts as are deposited under subsection (b)(3)(A).

(B) AVAILABILITY OF AMOUNTS.—Amounts deposited in the account established by paragraph (1) shall be available to the Secretary, without further appropriation, for the oversight and enforcement of the conservation easement established under subsection (b)(3)(B).

(f) URBAN INTERFACE.—

(1) IN GENERAL.—Except as otherwise provided in this section and subject to valid existing rights, the Federal land described in paragraph (2) is permanently withdrawn from—

(A) all forms of entry and appropriation under the public land laws and mining laws;

(B) location and patent under the mining laws; and

(C) operation of the mineral laws, geothermal leasing laws, and mineral material laws.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 19,747 acres, which is identified on the Map as "Urban Interface Withdrawal".

(3) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land or interest in land within the boundaries of the land described in paragraph (2) that is acquired by the United States after the date of enactment of this Act shall be withdrawn in accordance with this subsection.

(4) OFF-HIGHWAY VEHICLE MANAGEMENT.—Until the date on which the Secretary, in consultation with the State, the City, and any other interested persons, completes a transportation plan for Federal land in the City, the use of motorized and mechanical vehicles on Federal land within the City shall be limited to roads and trails in existence on the date of enactment of this Act unless the use of the vehicles is needed—

(A) for administrative purposes; or

(B) to respond to an emergency.

(g) AVAILABILITY OF FUNDS.—Section 4(e) of the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2346; 116 Stat. 2007; 117 Stat. 1317; 118 Stat. 2414; 120 Stat. 3045) is amended—

(1) in paragraph (3)(A)(iv), by striking "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4))" and inserting "Clark, Lincoln, and White Pine Counties and Washoe County (subject to paragraph 4)) and Carson City (subject to paragraph (5))";

(2) in paragraph (3)(A)(v), by striking "Clark, Lincoln, and White Pine Counties" and inserting "Clark, Lincoln, and White Pine Counties and Carson City (subject to paragraph (5))";

(3) in paragraph (4), by striking "2011" and inserting "2015"; and

(4) by adding at the end the following:

"(5) LIMITATION FOR CARSON CITY.—Carson City shall be eligible to nominate for expenditure amounts to acquire land or an interest in land for parks or natural areas and for conservation initiatives—

"(A) adjacent to the Carson River; or

"(B) within the floodplain of the Carson River.".

(h) TRANSFER OF LAND TO BE HELD IN TRUST FOR WASHOE TRIBE.—

(1) IN GENERAL.—Subject to valid existing rights, all right, title, and interest of the United States in and to the land described in paragraph (2)—

(A) shall be held in trust by the United States for the benefit and use of the Tribe; and

(B) shall be part of the reservation of the Tribe.

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) consists of approximately 293 acres, which is identified on the Map as "To Washoe Tribe".

(3) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under paragraph (1). Deadline.

(4) USE OF LAND.—

(A) GAMING.—Land taken into trust under paragraph (1) shall not be eligible, or considered to have been taken into trust, for class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

(B) TRUST LAND FOR CEREMONIAL USE AND CONSERVATION.—With respect to the use of the land taken into trust under paragraph (1) that is above the 5,200′ elevation contour, the Tribe—

(i) shall limit the use of the land to—

(I) traditional and customary uses; and

(II) stewardship conservation for the benefit of the Tribe; and

(ii) shall not permit any—

(I) permanent residential or recreational development on the land; or

(II) commercial use of the land, including commercial development or gaming.

(C) TRUST LAND FOR COMMERCIAL AND RESIDENTIAL USE.—With respect to the use of the land taken into trust under paragraph (1), the Tribe shall limit the use of the land below the 5,200′ elevation to—

(i) traditional and customary uses;

(ii) stewardship conservation for the benefit of the Tribe; and

(iii)(I) residential or recreational development; or

(II) commercial use.

(D) THINNING; LANDSCAPE RESTORATION.—With respect to the land taken into trust under paragraph (1), the Secretary of Agriculture, in consultation and coordination with the Tribe, may carry out any thinning and other landscape restoration activities on the land that is beneficial to the Tribe and the Forest Service.

(i) CORRECTION OF SKUNK HARBOR CONVEYANCE.—

(1) PURPOSE.—The purpose of this subsection is to amend Public Law 108–67 (117 Stat. 880) to make a technical correction relating to the land conveyance authorized under that Act.

(2) TECHNICAL CORRECTION.—Section 2 of Public Law 108–67 (117 Stat. 880) is amended—

(A) by striking "Subject to" and inserting the following: "(a) IN GENERAL.—Subject to";

(B) in subsection (a) (as designated by paragraph (1)), by striking "the parcel" and all that follows through the period at the end and inserting the following: "and to approximately 23 acres of land identified as 'Parcel A' on the map entitled 'Skunk Harbor Conveyance Correction' and dated September 12, 2008, the western boundary of which is the low water line of Lake Tahoe at elevation 6,223.0′ (Lake Tahoe Datum).."; and

(C) by adding at the end the following:

"(b) SURVEY AND LEGAL DESCRIPTION.—

Deadline.

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Agriculture shall complete a survey and legal description of the boundary lines to establish the boundaries of the trust land.

"(2) TECHNICAL CORRECTIONS.—The Secretary may correct any technical errors in the survey or legal description completed under paragraph (1).

"(c) PUBLIC ACCESS AND USE.—Nothing in this Act prohibits any approved general public access (through existing easements or by boat) to, or use of, land remaining within the Lake Tahoe Basin Management Unit after the conveyance of the land to the Secretary of the Interior, in trust for the Tribe, under subsection (a), including access to, and use of, the beach and shoreline areas adjacent to the portion of land conveyed under that subsection.".

(3) DATE OF TRUST STATUS.—The trust land described in section 2(a) of Public Law 108–67 (117 Stat. 880) shall be considered to be taken into trust as of August 1, 2003.

(4) TRANSFER.—The Secretary of the Interior, acting on behalf of and for the benefit of the Tribe, shall transfer to the Secretary of Agriculture administrative jurisdiction over the land identified as "Parcel B" on the map entitled "Skunk Harbor Conveyance Correction" and dated September 12, 2008.

(j) AGREEMENT WITH FOREST SERVICE.—The Secretary of Agriculture, in consultation with the Tribe, shall develop and implement a cooperative agreement that ensures regular access by members of the Tribe and other people in the community of the Tribe across National Forest System land from the City to Lake Tahoe for cultural and religious purposes.

(k) ARTIFACT COLLECTION.—

Deadline.

(1) NOTICE.—At least 180 days before conducting any ground disturbing activities on the land identified as "Parcel #2" on the Map, the City shall notify the Tribe of the proposed activities to provide the Tribe with adequate time to inventory and collect any artifacts in the affected area.

(2) AUTHORIZED ACTIVITIES.—On receipt of notice under paragraph (1), the Tribe may collect and possess any artifacts relating to the Tribe in the land identified as "Parcel #2" on the Map.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 2602. SOUTHERN NEVADA LIMITED TRANSITION AREA CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Henderson, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STATE.—The term "State" means the State of Nevada.

(4) TRANSITION AREA.—The term "Transition Area" means the approximately 502 acres of Federal land located in Henderson, Nevada, and identified as "Limited Transition Area" on the map entitled "Southern Nevada Limited Transition Area Act" and dated March 20, 2006.

(b) SOUTHERN NEVADA LIMITED TRANSITION AREA.—

(1) CONVEYANCE.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), on request of the City, the Secretary shall, without consideration and subject to all valid existing rights, convey to the City all right, title, and interest of the United States in and to the Transition Area.

(2) USE OF LAND FOR NONRESIDENTIAL DEVELOPMENT.—

(A) IN GENERAL.—After the conveyance to the City under paragraph (1), the City may sell, lease, or otherwise convey any portion or portions of the Transition Area for purposes of nonresidential development.

(B) METHOD OF SALE.—

(i) IN GENERAL.—The sale, lease, or conveyance of land under subparagraph (A) shall be through a competitive bidding process.

(ii) FAIR MARKET VALUE.—Any land sold, leased, or otherwise conveyed under subparagraph (A) shall be for not less than fair market value.

(C) COMPLIANCE WITH CHARTER.—Except as provided in subparagraphs (B) and (D), the City may sell, lease, or otherwise convey parcels within the Transition Area only in accordance with the procedures for conveyances established in the City Charter.

(D) DISPOSITION OF PROCEEDS.—The gross proceeds from the sale of land under subparagraph (A) shall be distributed in accordance with section 4(e) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345).

(3) USE OF LAND FOR RECREATION OR OTHER PUBLIC PURPOSES.—The City may elect to retain parcels in the Transition Area for public recreation or other public purposes consistent with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) by providing to the Secretary written notice of the election. Notice.

(4) NOISE COMPATIBILITY REQUIREMENTS.—The City shall—

(A) plan and manage the Transition Area in accordance with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated in accordance with that section; and Plans.

(B) agree that if any land in the Transition Area is sold, leased, or otherwise conveyed by the City, the sale, lease, or conveyance shall contain a limitation to require uses compatible with that airport noise compatibility planning.

(5) REVERSION.—

Deadline.

(A) IN GENERAL.—If any parcel of land in the Transition Area is not conveyed for nonresidential development under this section or reserved for recreation or other public purposes under paragraph (3) by the date that is 20 years after the date of enactment of this Act, the parcel of land shall, at the discretion of the Secretary, revert to the United States.

(B) INCONSISTENT USE.—If the City uses any parcel of land within the Transition Area in a manner that is inconsistent with the uses specified in this subsection—

(i) at the discretion of the Secretary, the parcel shall revert to the United States; or

(ii) if the Secretary does not make an election under clause (i), the City shall sell the parcel of land in accordance with this subsection.

SEC. 2603. NEVADA CANCER INSTITUTE LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) ALTA-HUALAPAI SITE.—The term "Alta-Hualapai Site" means the approximately 80 acres of land that is—

(A) patented to the City under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.); and

(B) identified on the map as the "Alta-Hualapai Site".

(2) CITY.—The term "City" means the city of Las Vegas, Nevada.

(3) INSTITUTE.—The term "Institute" means the Nevada Cancer Institute, a nonprofit organization described under section 501(c)(3) of the Internal Revenue Code of 1986, the principal place of business of which is at 10441 West Twain Avenue, Las Vegas, Nevada.

(4) MAP.—The term "map" means the map titled "Nevada Cancer Institute Expansion Act" and dated July 17, 2006.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(6) WATER DISTRICT.—The term "Water District" means the Las Vegas Valley Water District.

(b) LAND CONVEYANCE.—

(1) SURVEY AND LEGAL DESCRIPTION.—The City shall prepare a survey and legal description of the Alta-Hualapai Site. The survey shall conform to the Bureau of Land Management cadastral survey standards and be subject to approval by the Secretary.

(2) ACCEPTANCE.—The Secretary may accept the relinquishment by the City of all or part of the Alta-Hualapai Site.

(3) CONVEYANCE FOR USE AS NONPROFIT CANCER INSTITUTE.—After relinquishment of all or part of the Alta-Hualapai Site to the Secretary, and not later than 180 days after request of the Institute, the Secretary shall convey to the Institute, subject to valid existing rights, the portion of

Deadline.

the Alta-Hualapai Site that is necessary for the development of a nonprofit cancer institute.

(4) ADDITIONAL CONVEYANCES.—Not later than 180 days after a request from the City, the Secretary shall convey to the City, subject to valid existing rights, any remaining portion of the Alta-Hualapai Site necessary for ancillary medical or nonprofit use compatible with the mission of the Institute. Deadline.

(5) APPLICABLE LAW.—Any conveyance by the City of any portion of the land received under this section shall be for no less than fair market value and the proceeds shall be distributed in accordance with section 4(e)(1) of Public Law 105–263 (112 Stat. 2345).

(6) TRANSACTION COSTS.—All land conveyed by the Secretary under this section shall be at no cost, except that the Secretary may require the recipient to bear any costs associated with transfer of title or any necessary land surveys.

(7) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on all transactions conducted under Public Law 105–263 (112 Stat. 2345).

(c) RIGHTS-OF-WAY.—Consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), the Secretary may grant rights-of-way to the Water District on a portion of the Alta-Hualapai Site for a flood control project and a water pumping facility.

(d) REVERSION.—Any property conveyed pursuant to this section which ceases to be used for the purposes specified in this section shall, at the discretion of the Secretary, revert to the United States, along with any improvements thereon or thereto.

SEC. 2604. TURNABOUT RANCH LAND CONVEYANCE, UTAH.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 25 acres of Bureau of Land Management land identified on the map as "Lands to be conveyed to Turnabout Ranch".

(2) MAP.—The term "map" means the map entitled "Turnabout Ranch Conveyance" dated May 12, 2006, and on file in the office of the Director of the Bureau of Land Management.

(3) MONUMENT.—The term "Monument" means the Grand Staircase-Escalante National Monument located in southern Utah.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) TURNABOUT RANCH.—The term "Turnabout Ranch" means the Turnabout Ranch in Escalante, Utah, owned by Aspen Education Group.

(b) CONVEYANCE OF FEDERAL LAND TO TURNABOUT RANCH.— Deadlines.

(1) IN GENERAL.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), if not later than 30 days after completion of the appraisal required under paragraph (2), Turnabout Ranch of Escalante, Utah, submits to the Secretary an offer to acquire the Federal land for the appraised value, the Secretary shall, not later

than 30 days after the date of the offer, convey to Turnabout Ranch all right, title, and interest to the Federal land, subject to valid existing rights.

(2) APPRAISAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land. The appraisal shall be completed in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice". All costs associated with the appraisal shall be born by Turnabout Ranch.

(3) PAYMENT OF CONSIDERATION.—Not later than 30 days after the date on which the Federal land is conveyed under paragraph (1), as a condition of the conveyance, Turnabout Ranch shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under paragraph (2).

(4) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under this section shall be paid by Turnabout Ranch.

(5) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the conveyance of the Federal land under paragraph (1) in the Federal Land Deposit Account established by section 206 of the Federal Land Transaction Facilitation Act(43 U.S.C. 2305), to be expended in accordance with that Act.

(c) MODIFICATION OF MONUMENT BOUNDARY.—When the conveyance authorized by subsection (b) is completed, the boundaries of the Grand Staircase-Escalante National Monument in the State of Utah are hereby modified to exclude the Federal land conveyed to Turnabout Ranch.

SEC. 2605. BOY SCOUTS LAND EXCHANGE, UTAH.

(a) DEFINITIONS.—In this section:

(1) BOY SCOUTS.—The term "Boy Scouts" means the Utah National Parks Council of the Boy Scouts of America.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) BOY SCOUTS OF AMERICA LAND EXCHANGE.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—Subject to paragraph (3) and notwithstanding the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the Boy Scouts may convey to Brian Head Resort, subject to valid existing rights and, except as provided in subparagraph (B), any rights reserved by the United States, all right, title, and interest granted to the Boy Scouts by the original patent to the parcel described in paragraph (2)(A) in exchange for the conveyance by Brian Head Resort to the Boy Scouts of all right, title, and interest in and to the parcels described in paragraph (2)(B).

(B) REVERSIONARY INTEREST.—On conveyance of the parcel of land described in paragraph (2)(A), the Secretary shall have discretion with respect to whether or not the reversionary interests of the United States are to be exercised.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the 120-acre parcel that is part of a tract of public land acquired by the Boy Scouts under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) for the purpose of operating a camp, which is more particularly described as the W 1/2 SE 1/4 and SE 1/4 SE 1/4 sec. 26, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(B) the 2 parcels of private land owned by Brian Head Resort that total 120 acres, which are more particularly described as—

(i) NE 1/4 NW 1/4 and NE 1/4 NE 1/4 sec. 25, T. 35 S., R. 9 W., Salt Lake Base and Meridian; and

(ii) SE 1/4 SE 1/4 sec. 24, T. 35. S., R. 9 W., Salt Lake Base Meridian.

(3) CONDITIONS.—On conveyance to the Boy Scouts under paragraph (1)(A), the parcels of land described in paragraph (2)(B) shall be subject to the terms and conditions imposed on the entire tract of land acquired by the Boy Scouts for a camp under the Bureau of Land Management patent numbered 43–75–0010.

(4) MODIFICATION OF PATENT.—On completion of the exchange under paragraph (1)(A), the Secretary shall amend the original Bureau of Land Management patent providing for the conveyance to the Boy Scouts under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.) numbered 43–75–0010 to take into account the exchange under paragraph (1)(A).

SEC. 2606. DOUGLAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) DEFINITIONS.—In this section:

(1) PUBLIC LAND.—The term "public land" means the approximately 622 acres of Federal land managed by the Bureau of Land Management and identified for conveyance on the map prepared by the Bureau of Land Management entitled "Douglas County Public Utility District Proposal" and dated March 2, 2006.

(2) PUD.—The term "PUD" means the Public Utility District No. 1 of Douglas County, Washington.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) WELLS HYDROELECTRIC PROJECT.—The term "Wells Hydroelectric Project" means Federal Energy Regulatory Commission Project No. 2149.

(b) CONVEYANCE OF PUBLIC LAND, WELLS HYDROELECTRIC PROJECT, PUBLIC UTILITY DISTRICT NO. 1 OF DOUGLAS COUNTY, WASHINGTON.—

(1) CONVEYANCE REQUIRED.—Notwithstanding the land use planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), and notwithstanding section 24 of the Federal Power Act (16 U.S.C. 818) and Federal Power Order for Project 2149, and subject to valid existing rights, if not later than 45 days after the date of completion of the appraisal required under paragraph (2), the Public Utility District No. 1 of Douglas County, Washington, submits to the Secretary an offer to Deadlines.

acquire the public land for the appraised value, the Secretary shall convey, not later than 30 days after the date of the offer, to the PUD all right, title, and interest of the United States in and to the public land.

Deadline.

(2) APPRAISAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the public land. The appraisal shall be conducted in accordance with the "Uniform Appraisal Standards for Federal Land Acquisitions" and the "Uniform Standards of Professional Appraisal Practice".

Deadline.

(3) PAYMENT.—Not later than 30 days after the date on which the public land is conveyed under this subsection, the PUD shall pay to the Secretary an amount equal to the appraised value of the public land as determined under paragraph (2).

(4) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary shall finalize legal descriptions of the public land to be conveyed under this subsection. The Secretary may correct any minor errors in the map referred to in subsection (a)(1) or in the legal descriptions. The map and legal descriptions shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(5) COSTS OF CONVEYANCE.—As a condition of conveyance, any costs related to the conveyance under this subsection shall be paid by the PUD.

(6) DISPOSITION OF PROCEEDS.—The Secretary shall deposit the proceeds from the sale in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305) to be expended to improve access to public lands administered by the Bureau of Land Management in the State of Washington.

(c) SEGREGATION OF LANDS.—

Effective date.

(1) WITHDRAWAL.—Except as provided in subsection (b)(1), effective immediately upon enactment of this Act, and subject to valid existing rights, the public land is withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws, and all amendments thereto;

(B) location, entry, and patenting under the mining laws, and all amendments thereto; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.

Expiration date.

(2) DURATION.—This subsection expires two years after the date of enactment of this Act or on the date of the completion of the conveyance under subsection (b), whichever is earlier.

(d) RETAINED AUTHORITY.—The Secretary shall retain the authority to place conditions on the license to insure adequate protection and utilization of the public land granted to the Secretary in section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) until the Federal Energy Regulatory Commission has issued a new license for the Wells Hydroelectric Project, to replace the original license expiring May 31, 2012, consistent with section 15 of the Federal Power Act (16 U.S.C. 808).

SEC. 2607. TWIN FALLS, IDAHO, LAND CONVEYANCE.

(a) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey to the city of Twin Falls, Idaho, subject to valid existing rights, without consideration, all right, title, and interest of the United States in and to the 4 parcels of land described in subsection (b).

(b) LAND DESCRIPTION.—The 4 parcels of land to be conveyed under subsection (a) are the approximately 165 acres of land in Twin Falls County, Idaho, that are identified as "Land to be conveyed to Twin Falls" on the map titled "Twin Falls Land Conveyance" and dated July 28, 2008.

(c) MAP ON FILE.—A map depicting the land described in subsection (b) shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) USE OF CONVEYED LANDS.—

(1) PURPOSE.—The land conveyed under this section shall be used to support the public purposes of the Auger Falls Project, including a limited agricultural exemption to allow for water quality and wildlife habitat improvements.

(2) RESTRICTION.—The land conveyed under this section shall not be used for residential or commercial purposes, except for the limited agricultural exemption described in paragraph (1).

(3) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(e) REVERSION.—If the land conveyed under this section is no longer used in accordance with subsection (d)—

(1) the land shall, at the discretion of the Secretary based on his determination of the best interests of the United States, revert to the United States; and

(2) if the Secretary chooses to have the land revert to the United States and if the Secretary determines that the land is environmentally contaminated, the city of Twin Falls, Idaho, or any other person responsible for the contamination shall remediate the contamination.

(f) ADMINISTRATIVE COSTS.—The Secretary shall require that the city of Twin Falls, Idaho, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

SEC. 2608. SUNRISE MOUNTAIN INSTANT STUDY AREA RELEASE, NEVADA.

(a) FINDING.—Congress finds that the land described in subsection (c) has been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(b) RELEASE.—The land described in subsection (c)—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with—

(A) land management plans adopted under section 202 of that Act (43 U.S.C. 1712); and

(B) cooperative conservation agreements in existence on the date of the enactment of this Act.

(c) DESCRIPTION OF LAND.—The land referred to in subsections (a) and (b) is the approximately 70 acres of land in the Sunrise Mountain Instant Study Area of Clark County, Nevada, that is designated on the map entitled "Sunrise Mountain ISA Release Areas" and dated September 6, 2008.

SEC. 2609. PARK CITY, UTAH, LAND CONVEYANCE.

(a) CONVEYANCE OF LAND BY THE BUREAU OF LAND MANAGEMENT TO PARK CITY, UTAH.—

Deadline.

(1) LAND TRANSFER.—Notwithstanding the planning requirements of sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary of the Interior shall convey, not later than 180 days after the date of the enactment of this Act, to Park City, Utah, all right, title, and interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and designated as parcel 8 (commonly known as the White Acre parcel) and parcel 16 (commonly known as the Gambel Oak parcel). The conveyance shall be subject to all valid existing rights.

(2) DEED RESTRICTION.—The conveyance of the lands under paragraph (1) shall be made by a deed or deeds containing a restriction requiring that the lands be maintained as open space and used solely for public recreation purposes or other purposes consistent with their maintenance as open space. This restriction shall not be interpreted to prohibit the construction or maintenance of recreational facilities, utilities, or other structures that are consistent with the maintenance of the lands as open space or its use for public recreation purposes.

Payments.

(3) CONSIDERATION.—In consideration for the transfer of the land under paragraph (1), Park City shall pay to the Secretary of the Interior an amount consistent with conveyances to governmental entities for recreational purposes under the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869 et seq.).

(b) SALE OF BUREAU OF LAND MANAGEMENT LAND IN PARK CITY, UTAH, AT AUCTION.—

Deadline.

(1) SALE OF LAND.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Interior shall offer for sale any right, title, or interest of the United States in and to two parcels of real property located in Park City, Utah, that are currently under the management jurisdiction of the Bureau of Land Management and are designated as parcels 17 and 18 in the Park City, Utah, area. The sale of the land shall be carried out in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) and other applicable law, other than the planning provisions of sections 202 and 203 of such Act (43 U.S.C. 1712, 1713), and shall be subject to all valid existing rights.

(2) METHOD OF SALE.—The sale of the land under paragraph (1) shall be consistent with subsections (d) and (f) of section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713) through a competitive bidding process and for not less than fair market value.

(c) DISPOSITION OF LAND SALES PROCEEDS.—All proceeds derived from the sale of land described in this section shall be deposited in the Federal Land Disposal Account established by section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

SEC. 2610. RELEASE OF REVERSIONARY INTEREST IN CERTAIN LANDS IN RENO, NEVADA.

(a) RAILROAD LANDS DEFINED.—For the purposes of this section, the term "railroad lands" means those lands within the City of Reno, Nevada, located within portions of sections 10, 11, and 12 of T.19 N., R. 19 E., and portions of section 7 of T.19 N., R. 20 E., Mount Diablo Meridian, Nevada, that were originally granted to the Union Pacific Railroad under the provisions of the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act.

(b) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interests of the United States (including interests under the Act of July 1, 1862, commonly known as the Union Pacific Railroad Act) in and to the railroad lands as defined in subsection (a) of this section are hereby released.

SEC. 2611. TUOLUMNE BAND OF ME-WUK INDIANS OF THE TUOLUMNE RANCHERIA.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act (Public Law 106–568; 114 Stat. 2921).

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to

192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

Deadline.

(e) LEGAL DESCRIPTIONS.—

Federal Register, publication.

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

Effective date.

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

TITLE III—FOREST SERVICE AUTHORIZATIONS

Subtitle A—Watershed Restoration and Enhancement

SEC. 3001. WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011 note; Public Law 105–277), is amended—

(1) in subsection (a), by striking "each of fiscal years 2006 through 2011" and inserting "fiscal year 2006 and each fiscal year thereafter";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

"(d) APPLICABLE LAW.—Chapter 63 of title 31, United States Code, shall not apply to—

"(1) a watershed restoration and enhancement agreement entered into under this section; or

"(2) an agreement entered into under the first section of Public Law 94–148 (16 U.S.C. 565a–1).".

Subtitle B—Wildland Firefighter Safety

SEC. 3101. WILDLAND FIREFIGHTER SAFETY. 16 USC 551d.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) WILDLAND FIREFIGHTER.—The term "wildland firefighter" means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) TIMELINE.—Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

Subtitle C—Wyoming Range

SEC. 3201. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) WYOMING RANGE WITHDRAWAL AREA.—The term "Wyoming Range Withdrawal Area" means all National Forest System land and federally owned minerals located within the boundaries of the Bridger-Teton National Forest identified on the map entitled "Wyoming Range Withdrawal Area" and dated October 17, 2007, on file with the Office of the Chief of the Forest Service and the Office of the Supervisor of the Bridger-Teton National Forest.

SEC. 3202. WITHDRAWAL OF CERTAIN LAND IN THE WYOMING RANGE.

(a) WITHDRAWAL.—Except as provided in subsection (f), subject to valid existing rights as of the date of enactment of this Act and the provisions of this subtitle, land in the Wyoming Range Withdrawal Area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

(b) EXISTING RIGHTS.—If any right referred to in subsection (a) is relinquished or otherwise acquired by the United States (including through donation under section 3203) after the date of enactment of this Act, the land subject to that right shall be withdrawn in accordance with this section.

(c) BUFFERS.—Nothing in this section requires—

(1) the creation of a protective perimeter or buffer area outside the boundaries of the Wyoming Range Withdrawal Area; or

(2) any prohibition on activities outside of the boundaries of the Wyoming Range Withdrawal Area that can be seen or heard from within the boundaries of the Wyoming Range Withdrawal Area.

Applicability.

(d) LAND AND RESOURCE MANAGEMENT PLAN.—

(1) IN GENERAL.—Subject to paragraph (2), the Bridger-Teton National Land and Resource Management Plan (including any revisions to the Plan) shall apply to any land within the Wyoming Range Withdrawal Area.

(2) CONFLICTS.—If there is a conflict between this subtitle and the Bridger-Teton National Land and Resource Management Plan, this subtitle shall apply.

(e) PRIOR LEASE SALES.—Nothing in this section prohibits the Secretary from taking any action necessary to issue, deny, remove the suspension of, or cancel a lease, or any sold lease parcel that has not been issued, pursuant to any lease sale conducted prior to the date of enactment of this Act, including the completion of any requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) EXCEPTION.—Notwithstanding the withdrawal in subsection (a), the Secretary may lease oil and gas resources in the Wyoming Range Withdrawal Area that are within 1 mile of the boundary of the Wyoming Range Withdrawal Area in accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subject to the following conditions:

(1) The lease may only be accessed by directional drilling from a lease held by production on the date of enactment of this Act on National Forest System land that is adjacent to, and outside of, the Wyoming Range Withdrawal Area.

(2) The lease shall prohibit, without exception or waiver, surface occupancy and surface disturbance for any activities, including activities related to exploration, development, or production.

(3) The directional drilling may extend no further than 1 mile inside the boundary of the Wyoming Range Withdrawal Area.

SEC. 3203. ACCEPTANCE OF THE DONATION OF VALID EXISTING MINING OR LEASING RIGHTS IN THE WYOMING RANGE.

(a) NOTIFICATION OF LEASEHOLDERS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall provide notice to holders of valid existing mining or leasing rights within the Wyoming Range Withdrawal Area of the potential opportunity for repurchase of those rights and retirement under this section. Deadline.

(b) REQUEST FOR LEASE RETIREMENT.—

(1) IN GENERAL.—A holder of a valid existing mining or leasing right within the Wyoming Range Withdrawal Area may submit a written notice to the Secretary of the interest of the holder in the retirement and repurchase of that right.

(2) LIST OF INTERESTED HOLDERS.—The Secretary shall prepare a list of interested holders and make the list available to any non-Federal entity or person interested in acquiring that right for retirement by the Secretary.

(c) PROHIBITION.—The Secretary may not use any Federal funds to purchase any right referred to in subsection (a).

(d) DONATION AUTHORITY.—The Secretary shall—

(1) accept the donation of any valid existing mining or leasing right in the Wyoming Range Withdrawal Area from the holder of that right or from any non-Federal entity or person that acquires that right; and

(2) on acceptance, cancel that right.

(e) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this subtitle affects any authority the Secretary may otherwise have to modify, suspend, or terminate a lease without compensation, or to recognize the transfer of a valid existing mining or leasing right, if otherwise authorized by law.

Subtitle D—Land Conveyances and Exchanges

SEC. 3301. LAND CONVEYANCE TO CITY OF COFFMAN COVE, ALASKA.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the city of Coffman Cove, Alaska.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) CONVEYANCE.—

(1) IN GENERAL.—Subject to valid existing rights, the Secretary shall convey to the City, without consideration and by quitclaim deed all right, title, and interest of the United States, except as provided in paragraphs (3) and (4), in and to the parcel of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of National Forest System land referred to in paragraph (1) is the approximately 12 acres of land identified in U.S. Survey 10099, as depicted on the plat entitled "Subdivision of U.S. Survey No. 10099" and recorded as Plat 2003–1 on January 21, 2003, Petersburg Recording District, Alaska.

(B) EXCLUDED LAND.—The parcel of National Forest System land conveyed under paragraph (1) does not include the portion of U.S. Survey 10099 that is north of the right-of-way for Forest Development Road 3030–295 and southeast of Tract CC–8.

(3) RIGHT-OF-WAY.—The United States may reserve a right-of-way to provide access to the National Forest System land excluded from the conveyance to the City under paragraph (2)(B).

(4) REVERSION.—If any portion of the land conveyed under paragraph (1) (other than a portion of land sold under paragraph (5)) ceases to be used for public purposes, the land shall, at the option of the Secretary, revert to the United States.

(5) CONDITIONS ON SUBSEQUENT CONVEYANCES.—If the City sells any portion of the land conveyed to the City under paragraph (1)—

Appraisal.

(A) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

Payments.

(B) the City shall pay to the Secretary an amount equal to the gross proceeds of the sale, which shall be available, without further appropriation, for the Tongass National Forest.

SEC. 3302. BEAVERHEAD-DEERLODGE NATIONAL FOREST LAND CONVEYANCE, MONTANA.

(a) DEFINITIONS.—In this section:

(1) COUNTY.—The term "County" means Jefferson County, Montana.

(2) MAP.—The term "map" means the map that is—

(A) entitled "Elkhorn Cemetery";

(B) dated May 9, 2005; and

(C) on file in the office of the Beaverhead-Deerlodge National Forest Supervisor.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) CONVEYANCE TO JEFFERSON COUNTY, MONTANA.—

Deadline.

(1) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act and subject to valid existing rights, the Secretary (acting through the Regional Forester, Northern Region, Missoula, Montana) shall convey by quitclaim deed

to the County for no consideration, all right, title, and interest of the United States, except as provided in paragraph (5), in and to the parcel of land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1) is the parcel of approximately 9.67 acres of National Forest System land (including any improvements to the land) in the County that is known as the "Elkhorn Cemetery", as generally depicted on the map.

(3) USE OF LAND.—As a condition of the conveyance under paragraph (1), the County shall—

(A) use the land described in paragraph (2) as a County cemetery; and

(B) agree to manage the cemetery with due consideration and protection for the historic and cultural values of the cemetery, under such terms and conditions as are agreed to by the Secretary and the County.

(4) EASEMENT.—In conveying the land to the County under paragraph (1), the Secretary, in accordance with applicable law, shall grant to the County an easement across certain National Forest System land, as generally depicted on the map, to provide access to the land conveyed under that paragraph.

(5) REVERSION.—In the quitclaim deed to the County, the Secretary shall provide that the land conveyed to the County under paragraph (1) shall revert to the Secretary, at the election of the Secretary, if the land is—

(A) used for a purpose other than the purposes described in paragraph (3)(A); or

(B) managed by the County in a manner that is inconsistent with paragraph (3)(B).

SEC. 3303. SANTA FE NATIONAL FOREST; PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE. New Mexico.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term "landowner" means the 1 or more owners of the non-Federal land.

(3) MAP.—The term "map" means the map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term "Park" means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term "State" means the State of New Mexico.

(b) LAND EXCHANGE.—

(1) IN GENERAL.—If the Secretary of the Interior accepts the non-Federal land, title to which is acceptable to the Secretary of the Interior, the Secretary of Agriculture shall, subject

to the conditions of this section and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), convey to the landowner the Federal land.

(2) EASEMENT.—

(A) IN GENERAL.—As a condition of the conveyance of the non-Federal land, the landowner may reserve an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(B) ROUTE.—The Secretary of the Interior and the landowner shall determine the appropriate route of the easement through the non-Federal land.

(C) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior and the landowner determine to be appropriate.

(D) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal, State, and local laws.

(3) VALUATION, APPRAISALS, AND EQUALIZATION.—

(A) IN GENERAL.—The value of the Federal land and non-Federal land—

(i) shall be equal, as determined by appraisals conducted in accordance with subparagraph (B); or

(ii) if the value is not equal, shall be equalized in accordance with subparagraph (C).

(B) APPRAISALS.—

(i) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(ii) REQUIREMENTS.—An appraisal conducted under clause (i) shall be conducted in accordance with—

(I) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(II) the Uniform Standards of Professional Appraisal Practice.

(iii) APPROVAL.—The appraisals conducted under this subparagraph shall be submitted to the Secretaries for approval.

(C) EQUALIZATION OF VALUES.—

(i) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(ii) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(I) be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(II) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(4) COSTS.—Before the completion of the exchange under this subsection, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner. Contracts.

(5) APPLICABLE LAW.—Except as otherwise provided in this section, the exchange of land and interests in land under this section shall be in accordance with—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) other applicable Federal, State, and local laws.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this section, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this section as the Secretaries determine to be appropriate to protect the interests of the United States.

(7) COMPLETION OF THE EXCHANGE.—

(A) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of— Deadline.

(i) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(ii) the date on which the Secretary of the Interior approves the appraisals under paragraph (3)(B)(iii); or

(iii) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this subsection.

(B) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this subsection.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this section in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(2) MAPS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(B) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts— Deadline.

(i) the Federal land and non-Federal land exchanged under this section; and

(ii) the easement described in subsection (b)(2).

SEC. 3304. SANTA FE NATIONAL FOREST LAND CONVEYANCE, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) CLAIM.—The term "Claim" means a claim of the Claimants to any right, title, or interest in any land located in lot 10, sec. 22, T. 18 N., R. 12 E., New Mexico Principal Meridian, San Miguel County, New Mexico, except as provided in subsection (b)(1).

(2) CLAIMANTS.—The term "Claimants" means Ramona Lawson and Boyd Lawson.

(3) FEDERAL LAND.—The term "Federal land" means a parcel of National Forest System land in the Santa Fe National Forest, New Mexico, that is—

(A) comprised of approximately 6.20 acres of land; and

(B) described and delineated in the survey.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Forest Service Regional Forester, Southwestern Region.

(5) SURVEY.—The term "survey" means the survey plat entitled "Boundary Survey and Conservation Easement Plat", prepared by Chris A. Chavez, Land Surveyor, Forest Service, NMPLS#12793, and recorded on February 27, 2007, at book 55, page 93, of the land records of San Miguel County, New Mexico.

(b) SANTA FE NATIONAL FOREST LAND CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall, except as provided in subparagraph (A) and subject to valid existing rights, convey and quitclaim to the Claimants all right, title, and interest of the United States in and to the Federal land in exchange for—

(A) the grant by the Claimants to the United States of a scenic easement to the Federal land that—

(i) protects the purposes for which the Federal land was designated under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(ii) is determined to be acceptable by the Secretary; and

(B) a release of the United States by the Claimants of—

(i) the Claim; and

(ii) any additional related claims of the Claimants against the United States.

(2) SURVEY.—The Secretary, with the approval of the Claimants, may make minor corrections to the survey and legal description of the Federal land to correct clerical, typographical, and surveying errors.

(3) SATISFACTION OF CLAIM.—The conveyance of Federal land under paragraph (1) shall constitute a full satisfaction of the Claim.

SEC. 3305. KITTITAS COUNTY, WASHINGTON, LAND CONVEYANCE.

(a) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the King and Kittitas Counties Fire District #51 of King and Kittitas Counties, Washington (in this section referred to as the "District"), all right, title, and interest of the United States in and to a parcel of National Forest System

land in Kittitas County, Washington, consisting of approximately 1.5 acres within the SW¼ of the SE¼ of section 4, township 22 north, range 11 east, Willamette meridian, for the purpose of permitting the District to use the parcel as a site for a new Snoqualmie Pass fire and rescue station.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If necessary, the exact acreage and legal description of the lands to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of a survey shall be borne by the District.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 3306. MAMMOTH COMMUNITY WATER DISTRICT USE RESTRICTIONS.

Notwithstanding Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a), the approximately 36.25 acres patented to the Mammoth County Water District (now known as the "Mammoth Community Water District") by Patent No. 04–87–0038, on June 26, 1987, and recorded in volume 482, at page 516, of the official records of the Recorder's Office, Mono County, California, may be used for any public purpose.

SEC. 3307. LAND EXCHANGE, WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Bountiful, Utah.

(2) FEDERAL LAND.—The term "Federal land" means the land under the jurisdiction of the Secretary identified on the map as "Shooting Range Special Use Permit Area".

(3) MAP.—The term "map" means the map entitled "Bountiful City Land Consolidation Act" and dated October 15, 2007.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the 3 parcels of City land comprising a total of approximately 1,680 acres, as generally depicted on the map.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) EXCHANGE.—Subject to subsections (d) through (h), if the City conveys to the Secretary all right, title, and interest of the City in and to the non-Federal land, the Secretary shall convey to the City all right, title, and interest of the United States in and to the Federal land.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(d) VALUATION AND EQUALIZATION.—

(1) VALUATION.—The value of the Federal land and the non-Federal land to be conveyed under subsection (b)—

(A) shall be equal, as determined by appraisals carried out in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); or

(B) if not equal, shall be equalized in accordance with paragraph (2).

(2) EQUALIZATION.—If the value of the Federal land and the non-Federal land to be conveyed in a land exchange under this section is not equal, the value may be equalized by—

(A) making a cash equalization payment to the Secretary or to the City, as appropriate; or

(B) reducing the acreage of the Federal land or the non-Federal land to be exchanged, as appropriate.

(e) APPLICABLE LAW.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land exchange authorized under subsection (b), except that the Secretary may accept a cash equalization payment in excess of 25 percent of the value of the Federal land.

(f) CONDITIONS.—

(1) LIABILITY.—

(A) IN GENERAL.—As a condition of the exchange under subsection (b), the Secretary shall—

(i) require that the City—

(I) assume all liability for the shooting range located on the Federal land, including the past, present, and future condition of the Federal land; and

(II) hold the United States harmless for any liability for the condition of the Federal land; and

(ii) comply with the hazardous substances disclosure requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(B) LIMITATION.—Clauses (ii) and (iii) of section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)(3)(A)) shall not apply to the conveyance of Federal land under subsection (b).

(2) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (b) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

(g) MANAGEMENT OF ACQUIRED LAND.—The non-Federal land acquired by the Secretary under subsection (b) shall be—

(1) added to, and administered as part of, the Wasatch-Cache National Forest; and

(2) managed by the Secretary in accordance with—

(A) the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 480 et seq.); and

(B) any laws (including regulations) applicable to the National Forest System.

(h) EASEMENTS; RIGHTS-OF-WAY.—

(1) BONNEVILLE SHORELINE TRAIL EASEMENT.—In carrying out the land exchange under subsection (b), the Secretary shall

ensure that an easement not less than 60 feet in width is reserved for the Bonneville Shoreline Trail.

(2) OTHER RIGHTS-OF-WAY.—The Secretary and the City may reserve any other rights-of-way for utilities, roads, and trails that—

(A) are mutually agreed to by the Secretary and the City; and

(B) the Secretary and the City consider to be in the public interest.

(i) DISPOSAL OF REMAINING FEDERAL LAND.—

(1) IN GENERAL.—The Secretary may, by sale or exchange, dispose of all, or a portion of, the parcel of National Forest System land comprising approximately 220 acres, as generally depicted on the map that remains after the conveyance of the Federal land authorized under subsection (b), if the Secretary determines, in accordance with paragraph (2), that the land or portion of the land is in excess of the needs of the National Forest System.

(2) REQUIREMENTS.—A determination under paragraph (1) shall be made—

(A) pursuant to an amendment of the land and resource management plan for the Wasatch-Cache National Forest; and

(B) after carrying out a public process consistent with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) CONSIDERATION.—As consideration for any conveyance of Federal land under paragraph (1), the Secretary shall require payment of an amount equal to not less than the fair market value of the conveyed National Forest System land. Payments.

(4) RELATION TO OTHER LAWS.—Any conveyance of Federal land under paragraph (1) by exchange shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(5) DISPOSITION OF PROCEEDS.—Any amounts received by the Secretary as consideration under subsection (d) or paragraph (3) shall be—

(A) deposited in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(B) available to the Secretary, without further appropriation and until expended, for the acquisition of land or interests in land to be included in the Wasatch-Cache National Forest.

(6) ADDITIONAL TERMS AND CONDITIONS.—Any conveyance of Federal land under paragraph (1) shall be subject to—

(A) valid existing rights; and

(B) such additional terms and conditions as the Secretary may require.

SEC. 3308. BOUNDARY ADJUSTMENT, FRANK CHURCH RIVER OF NO RETURN WILDERNESS. Idaho. 16 USC 1132 note.

(a) PURPOSES.—The purposes of this section are—

(1) to adjust the boundaries of the wilderness area; and

(2) to authorize the Secretary to sell the land designated for removal from the wilderness area due to encroachment.

(b) DEFINITIONS.—In this section:

(1) LAND DESIGNATED FOR EXCLUSION.—The term "land designated for exclusion" means the parcel of land that is—

(A) comprised of approximately 10.2 acres of land;

(B) generally depicted on the survey plat entitled "Proposed Boundary Change FCRONRW Sections 15 (unsurveyed) Township 14 North, Range 13 East, B.M., Custer County, Idaho" and dated November 14, 2001; and

(C) more particularly described in the survey plat and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the office of the Intermountain Regional Forester, Ogden, Utah.

(2) LAND DESIGNATED FOR INCLUSION.—The term "land designated for inclusion" means the parcel of National Forest System land that is—

(A) comprised of approximately 10.2 acres of land;

(B) located in unsurveyed section 22, T. 14 N., R. 13 E., Boise Meridian, Custer County, Idaho;

(C) generally depicted on the map entitled "Challis National Forest, T.14 N., R. 13 E., B.M., Custer County, Idaho, Proposed Boundary Change FCRONRW" and dated September 19, 2007; and

(D) more particularly described on the map and legal description on file in—

(i) the office of the Chief of the Forest Service, Washington, DC; and

(ii) the Intermountain Regional Forester, Ogden, Utah.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(4) WILDERNESS AREA.—The term "wilderness area" means the Frank Church River of No Return Wilderness designated by section 3 of the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132 note; 94 Stat. 948).

(c) BOUNDARY ADJUSTMENT.—

(1) ADJUSTMENT TO WILDERNESS AREA.—

(A) INCLUSION.—The wilderness area shall include the land designated for inclusion.

(B) EXCLUSION.—The wilderness area shall not include the land designated for exclusion.

(2) CORRECTIONS TO LEGAL DESCRIPTIONS.—The Secretary may make corrections to the legal descriptions.

(d) CONVEYANCE OF LAND DESIGNATED FOR EXCLUSION.—

(1) IN GENERAL.—Subject to paragraph (2), to resolve the encroachment on the land designated for exclusion, the Secretary may sell for consideration in an amount equal to fair market value—

(A) the land designated for exclusion; and

(B) as the Secretary determines to be necessary, not more than 10 acres of land adjacent to the land designated for exclusion.

(2) CONDITIONS.—The sale of land under paragraph (1) shall be subject to the conditions that—

(A) the land to be conveyed be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions;

(B) the person buying the land shall pay— Payments.

(i) the costs associated with appraising and, if the land needs to be resurveyed, resurveying the land; and

(ii) any analyses and closing costs associated with the conveyance;

(C) for management purposes, the Secretary may reconfigure the description of the land for sale; and

(D) the owner of the adjacent private land shall have the first opportunity to buy the land.

(3) DISPOSITION OF PROCEEDS.—

(A) IN GENERAL.—The Secretary shall deposit the cash proceeds from a sale of land under paragraph (1) in the fund established under Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) AVAILABILITY AND USE.—Amounts deposited under subparagraph (A)—

(i) shall remain available until expended for the acquisition of land for National Forest purposes in the State of Idaho; and

(ii) shall not be subject to transfer or reprogramming for—

(I) wildland fire management; or

(II) any other emergency purposes.

SEC. 3309. SANDIA PUEBLO LAND EXCHANGE TECHNICAL AMENDMENT.

Section 413(b) of the T'uf Shur Bien Preservation Trust Area Act (16 U.S.C. 539m–11) is amended—

(1) in paragraph (1), by inserting "3," after "sections"; and

(2) in the first sentence of paragraph (4), by inserting ", as a condition of the conveyance," before "remain".

Subtitle E—Colorado Northern Front Range Study

SEC. 3401. PURPOSE.

The purpose of this subtitle is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3402. DEFINITIONS.

In this subtitle:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term "State" means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term "study area" means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled "Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area" and dated August 27, 2008.

(B) EXCLUSIONS.—The term "study area" does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) UNDEVELOPED LAND.—The term "undeveloped land" means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 3403. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

Notice.

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this subtitle authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

TITLE IV—FOREST LANDSCAPE RESTORATION

SEC. 4001. PURPOSE. 16 USC 7301.

The purpose of this title is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

(1) encourages ecological, economic, and social sustainability;

(2) leverages local resources with national and private resources;

(3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and

(4) demonstrates the degree to which—

(A) various ecological restoration techniques—

(i) achieve ecological and watershed health objectives; and

(ii) affect wildfire activity and management costs; and

(B) the use of forest restoration byproducts can offset treatment costs while benefitting local rural economies and improving forest health.

SEC. 4002. DEFINITIONS. 16 USC 7302.

In this title:

(1) FUND.—The term "Fund" means the Collaborative Forest Landscape Restoration Fund established by section 4003(f).

(2) PROGRAM.—The term "program" means the Collaborative Forest Landscape Restoration Program established under section 4003(a).

(3) PROPOSAL.—The term "proposal" means a collaborative forest landscape restoration proposal described in section 4003(b).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) STRATEGY.—The term "strategy" means a landscape restoration strategy described in section 4003(b)(1).

SEC. 4003. COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM. 16 USC 7303.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(3) any other applicable law.

(b) ELIGIBILITY CRITERIA.—To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

(1) be based on a landscape restoration strategy that—

(A) is complete or substantially complete;

(B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—

(i) at least 50,000 acres;

(ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;

(iii) in need of active ecosystem restoration; and

(iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;

(C) incorporates the best available science and scientific application tools in ecological restoration strategies;

(D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;

(E) would carry out any forest restoration treatments that reduce hazardous fuels by—

(i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of Public Law 106–393 (16 U.S.C. 500 note);

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the "10 Year Comprehensive Strategy Implementation Plan" and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) NOMINATION PROCESS.—

(1) SUBMISSION.—A proposal shall be submitted to— Proposal.

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) NOMINATION.—

(A) IN GENERAL.—A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) CONCURRENCE.—Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

Plans.

(3) DOCUMENTATION.—With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) SELECTION PROCESS.—

(1) IN GENERAL.—After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) CRITERIA.—In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) LIMITATION.—The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(e) ADVISORY PANEL.—

Establishment.

(1) IN GENERAL.—The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) REPRESENTATION.—The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) INCLUSION.—The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Collaborative Forest Landscape Restoration Fund", to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) INCLUSION.—The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) CONTENTS.—The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) LIMITATION.—The Secretary shall not expend money from the Fund on any 1 proposal—

(i) during a period of more than 10 fiscal years; or

(ii) in excess of $4,000,000 in any 1 fiscal year.

(5) ACCOUNTING AND REPORTING SYSTEM.—The Secretary shall establish an accounting and reporting system for the Fund.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $40,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(g) PROGRAM IMPLEMENTATION AND MONITORING.—

Deadline. Budget.

(1) WORK PLAN.—Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

(i) the anticipated unit treatment cost reductions over 10 years;

(ii) the anticipated costs for infrastructure needed for the proposal;

(iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and

(iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) PROJECT IMPLEMENTATION.—Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) ANNUAL REPORT.—The Secretary, in collaboration with the Secretary of the Interior and interested persons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

(i) treatments; and

(ii) relevant fire management activities.

(4) MULTIPARTY MONITORING.—The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected

proposal for not less than 15 years after project implementation commences.

(h) REPORT.—Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this title, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Natural Resources of the House of Representatives; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 4004. AUTHORIZATION OF APPROPRIATIONS. 16 USC 7304.

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this title.

TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

SEC. 5001. FOSSIL CREEK, ARIZONA.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 1852) is amended by adding at the end the following:

"(205) FOSSIL CREEK, ARIZONA.—Approximately 16.8 miles of Fossil Creek from the confluence of Sand Rock and Calf Pen Canyons to the confluence with the Verde River, to be administered by the Secretary of Agriculture in the following classes:

"(A) The approximately 2.7-mile segment from the confluence of Sand Rock and Calf Pen Canyons to the point where the segment exits the Fossil Spring Wilderness, as a wild river.

"(B) The approximately 7.5-mile segment from where the segment exits the Fossil Creek Wilderness to the boundary of the Mazatzal Wilderness, as a recreational river.

"(C) The 6.6-mile segment from the boundary of the Mazatzal Wilderness downstream to the confluence with the Verde River, as a wild river.".

SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

Craig Thomas Snake Headwaters Legacy Act of 2008. 16 USC 1271 note.

(a) SHORT TITLE.—This section may be cited as the "Craig Thomas Snake Headwaters Legacy Act of 2008".

(b) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) the headwaters of the Snake River System in northwest Wyoming feature some of the cleanest sources of

freshwater, healthiest native trout fisheries, and most intact rivers and streams in the lower 48 States;

(B) the rivers and streams of the headwaters of the Snake River System—

(i) provide unparalleled fishing, hunting, boating, and other recreational activities for—

(I) local residents; and

(II) millions of visitors from around the world; and

(ii) are national treasures;

(C) each year, recreational activities on the rivers and streams of the headwaters of the Snake River System generate millions of dollars for the economies of—

(i) Teton County, Wyoming; and

(ii) Lincoln County, Wyoming;

(D) to ensure that future generations of citizens of the United States enjoy the benefits of the rivers and streams of the headwaters of the Snake River System, Congress should apply the protections provided by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) to those rivers and streams; and

(E) the designation of the rivers and streams of the headwaters of the Snake River System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) will signify to the citizens of the United States the importance of maintaining the outstanding and remarkable qualities of the Snake River System while—

(i) preserving public access to those rivers and streams;

(ii) respecting private property rights (including existing water rights); and

(iii) continuing to allow historic uses of the rivers and streams.

(2) PURPOSES.—The purposes of this section are—

(A) to protect for current and future generations of citizens of the United States the outstandingly remarkable scenic, natural, wildlife, fishery, recreational, scientific, historic, and ecological values of the rivers and streams of the headwaters of the Snake River System, while continuing to deliver water and operate and maintain valuable irrigation water infrastructure; and

(B) to designate approximately 387.7 miles of the rivers and streams of the headwaters of the Snake River System as additions to the National Wild and Scenic Rivers System.

16 USC 1274 note.

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge; and

(B) the Secretary of the Interior, with respect to each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

(i) Grand Teton National Park;

(ii) Yellowstone National Park;

(iii) the John D. Rockefeller, Jr. Memorial Parkway; or

(iv) the National Elk Refuge.

(2) STATE.—The term "State" means the State of Wyoming.

(d) WILD AND SCENIC RIVER DESIGNATIONS, SNAKE RIVER HEADWATERS, WYOMING.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5001) is amended by adding at the end the following:

"(206) SNAKE RIVER HEADWATERS, WYOMING.—The following segments of the Snake River System, in the State of Wyoming:

"(A) BAILEY CREEK.—The 7-mile segment of Bailey Creek, from the divide with the Little Greys River north to its confluence with the Snake River, as a wild river.

"(B) BLACKROCK CREEK.—The 22-mile segment from its source to the Bridger-Teton National Forest boundary, as a scenic river.

"(C) BUFFALO FORK OF THE SNAKE RIVER.—The portions of the Buffalo Fork of the Snake River, consisting of—

"(i) the 55-mile segment consisting of the North Fork, the Soda Fork, and the South Fork, upstream from Turpin Meadows, as a wild river;

"(ii) the 14-mile segment from Turpin Meadows to the upstream boundary of Grand Teton National Park, as a scenic river; and

"(iii) the 7.7-mile segment from the upstream boundary of Grand Teton National Park to its confluence with the Snake River, as a scenic river.

"(D) CRYSTAL CREEK.—The portions of Crystal Creek, consisting of—

"(i) the 14-mile segment from its source to the Gros Ventre Wilderness boundary, as a wild river; and

"(ii) the 5-mile segment from the Gros Ventre Wilderness boundary to its confluence with the Gros Ventre River, as a scenic river.

"(E) GRANITE CREEK.—The portions of Granite Creek, consisting of—

"(i) the 12-mile segment from its source to the end of Granite Creek Road, as a wild river; and

"(ii) the 9.5-mile segment from Granite Hot Springs to the point 1 mile upstream from its confluence with the Hoback River, as a scenic river.

"(F) GROS VENTRE RIVER.—The portions of the Gros Ventre River, consisting of—

"(i) the 16.5-mile segment from its source to Darwin Ranch, as a wild river;

"(ii) the 39-mile segment from Darwin Ranch to the upstream boundary of Grand Teton National Park, excluding the section along Lower Slide Lake, as a scenic river; and

"(iii) the 3.3-mile segment flowing across the southern boundary of Grand Teton National Park to the Highlands Drive Loop Bridge, as a scenic river.

"(G) HOBACK RIVER.—The 10-mile segment from the point 10 miles upstream from its confluence with the Snake River to its confluence with the Snake River, as a recreational river.

"(H) LEWIS RIVER.—The portions of the Lewis River, consisting of—

"(i) the 5-mile segment from Shoshone Lake to Lewis Lake, as a wild river; and

"(ii) the 12-mile segment from the outlet of Lewis Lake to its confluence with the Snake River, as a scenic river.

"(I) PACIFIC CREEK.—The portions of Pacific Creek, consisting of—

"(i) the 22.5-mile segment from its source to the Teton Wilderness boundary, as a wild river; and

"(ii) the 11-mile segment from the Wilderness boundary to its confluence with the Snake River, as a scenic river.

"(J) SHOAL CREEK.—The 8-mile segment from its source to the point 8 miles downstream from its source, as a wild river.

"(K) SNAKE RIVER.—The portions of the Snake River, consisting of—

"(i) the 47-mile segment from its source to Jackson Lake, as a wild river;

"(ii) the 24.8-mile segment from 1 mile downstream of Jackson Lake Dam to 1 mile downstream of the Teton Park Road bridge at Moose, Wyoming, as a scenic river; and

"(iii) the 19-mile segment from the mouth of the Hoback River to the point 1 mile upstream from the Highway 89 bridge at Alpine Junction, as a recreational river, the boundary of the western edge of the corridor for the portion of the segment extending from the point 3.3 miles downstream of the mouth of the Hoback River to the point 4 miles downstream of the mouth of the Hoback River being the ordinary high water mark.

"(L) WILLOW CREEK.—The 16.2-mile segment from the point 16.2 miles upstream from its confluence with the Hoback River to its confluence with the Hoback River, as a wild river.

"(M) WOLF CREEK.—The 7-mile segment from its source to its confluence with the Snake River, as a wild river.".

16 USC 1274 note.

(e) MANAGEMENT.—

(1) IN GENERAL.—Each river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) shall be managed by the Secretary concerned.

(2) MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—In accordance with subparagraph (A), not later than 3 years after the date of enactment of this Act, the Secretary concerned shall develop a management plan for each river segment described in paragraph

(205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in an area under the jurisdiction of the Secretary concerned.

(B) REQUIRED COMPONENT.—Each management plan developed by the Secretary concerned under subparagraph (A) shall contain, with respect to the river segment that is the subject of the plan, a section that contains an analysis and description of the availability and compatibility of future development with the wild and scenic character of the river segment (with particular emphasis on each river segment that contains 1 or more parcels of private land).

(3) QUANTIFICATION OF WATER RIGHTS RESERVED BY RIVER SEGMENTS.—

(A) The Secretary concerned shall apply for the quantification of the water rights reserved by each river segment designated by this section in accordance with the procedural requirements of the laws of the State of Wyoming.

(B) For the purpose of the quantification of water rights under this subsection, with respect to each Wild and Scenic River segment designated by this section—

(i) the purposes for which the segments are designated, as set forth in this section, are declared to be beneficial uses; and

(ii) the priority date of such right shall be the date of enactment of this Act.

(4) STREAM GAUGES.—Consistent with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), the Secretary may carry out activities at United States Geological Survey stream gauges that are located on the Snake River (including tributaries of the Snake River), including flow measurements and operation, maintenance, and replacement.

(5) CONSENT OF PROPERTY OWNER.—No property or interest in property located within the boundaries of any river segment described in paragraph (205) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) may be acquired by the Secretary without the consent of the owner of the property or interest in property.

(6) EFFECT OF DESIGNATIONS.—

(A) IN GENERAL.—Nothing in this section affects valid existing rights, including—

(i) all interstate water compacts in existence on the date of enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(ii) water rights in the States of Idaho and Wyoming; and

(iii) water rights held by the United States.

(B) JACKSON LAKE; JACKSON LAKE DAM.—Nothing in this section shall affect the management and operation of Jackson Lake or Jackson Lake Dam, including the storage, management, and release of water.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

"(207) TAUNTON RIVER, MASSACHUSETTS.—The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:

"(A) The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.

"(B) The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.

"(C) The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.

"(D) The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.".

16 USC 1274 note.

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the "Secretary") determines to be consistent with this section).

(B) EFFECT.—The Taunton River Stewardship Plan described in subparagraph (A) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(A) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(B) the Taunton River Stewardship Council; and

(C) any appropriate nonprofit organization, as determined by the Secretary.

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

(A) administered as a unit of the National Park System; or

(B) subject to the laws (including regulations) that govern the administration of the National Park System.

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by section 3(a)(206) of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

Subtitle B—Wild and Scenic Rivers Studies

SEC. 5101. MISSISQUOI AND TROUT RIVERS STUDY.

(a) DESIGNATION FOR STUDY.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:

"(140) MISSISQUOI AND TROUT RIVERS, VERMONT.—The approximately 25-mile segment of the upper Missisquoi from its headwaters in Lowell to the Canadian border in North Troy, the approximately 25-mile segment from the Canadian border in East Richford to Enosburg Falls, and the approximately 20-mile segment of the Trout River from its headwaters to its confluence with the Missisquoi River.".

(b) STUDY AND REPORT.—Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:

"(19) MISSISQUOI AND TROUT RIVERS, VERMONT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

"(A) complete the study of the Missisquoi and Trout Rivers, Vermont, described in subsection (a)(140); and

"(B) submit a report describing the results of that study to the appropriate committees of Congress.".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Additions to the National Trails System

SEC. 5201. ARIZONA NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

"(27) ARIZONA NATIONAL SCENIC TRAIL.—

"(A) IN GENERAL.—The Arizona National Scenic Trail, extending approximately 807 miles across the State of Arizona from the U.S.–Mexico international border to the Arizona–Utah border, as generally depicted on the map entitled 'Arizona National Scenic Trail' and dated December 5, 2007, to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior and appropriate State, tribal, and local governmental agencies.

"(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Forest Service.".

SEC. 5202. NEW ENGLAND NATIONAL SCENIC TRAIL.

(a) AUTHORIZATION AND ADMINISTRATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5201) is amended by adding at the end the following:

"(28) NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled 'New England National Scenic Trail Proposed Route', numbered T06/80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in consultation with appropriate Federal, State, tribal, regional, and local agencies, and other organizations, shall administer the trail after considering the recommendations of the report titled the 'Metacomet Monadnock Mattabesset Trail System National Scenic Trail Feasibility Study and Environmental Assessment', prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.".

16 USC 1244 note.

(b) MANAGEMENT.—The Secretary of the Interior (referred to in this section as the "Secretary") shall consider the actions outlined in the Trail Management Blueprint described in the report titled the "Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment", prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New

England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this subsection may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail. 16 USC 1244 note.

(d) ADDITIONAL TRAIL SEGMENTS.—Pursuant to section 6 of the National Trails System Act (16 U.S.C. 1245), the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint. 16 USC 1244 note.

SEC. 5203. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL. 16 USC 1244 note.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(B) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(C) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(i) to recognize the national significance of this phenomenon; and

(ii) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(2) PURPOSE.—The purpose of this section is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities. State listing.

(b) DEFINITIONS.—In this section:

(1) ICE AGE FLOODS; FLOODS.—The term "Ice Age floods" or "floods" means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake Missoula.

(2) PLAN.—The term "plan" means the cooperative management and interpretation plan authorized under subsection (f)(5).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRAIL.—The term "Trail" means the Ice Age Floods National Geologic Trail designated by subsection (c).

(c) DESIGNATION.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(d) LOCATION.—

(1) MAP.—The route of the Trail shall be as generally depicted on the map entitled "Ice Age Floods National Geologic Trail," numbered P43/80,000 and dated June 2004.

(2) ROUTE.—The route shall generally follow public roads and highways.

Federal Register, publication. Notice.

(3) REVISION.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(e) MAP AVAILABILITY.—The map referred to in subsection (d)(1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this section.

(2) LIMITATION.—Except as provided in paragraph (6)(B), the Trail shall not be considered to be a unit of the National Park System.

(3) TRAIL MANAGEMENT OFFICE.—To improve management of the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office at a central location within the vicinity of the Trail.

(4) INTERPRETIVE FACILITIES.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or non-profit entities and are consistent with the plan.

(5) MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—Not later than 3 years after funds are made available to carry out this section, the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(B) CONSULTATION.—The Secretary shall prepare the plan in consultation with—

(i) State, local, and tribal governments;

(ii) the Ice Age Floods Institute;

(iii) private property owners; and

(iv) other interested parties.

(C) CONTENTS.—The plan shall—

(i) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled "Ice Age Floods, Study of Alternatives and Environmental Assessment" (February 2001) by—

(I) locating features more accurately;

(II) improving the description of features; and

(III) reevaluating the features in terms of their interpretive potential;

(ii) review and, if appropriate, modify the map of the Trail referred to in subsection (d)(1);

(iii) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(iv) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(6) COOPERATIVE MANAGEMENT.—

(A) IN GENERAL.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91–383 (16 U.S.C. 1a–2(l)).

(B) AUTHORITY.—For purposes of this paragraph only, the Trail shall be considered a unit of the National Park System.

(7) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with public or private entities to carry out this section.

(8) EFFECT ON PRIVATE PROPERTY RIGHTS.—Nothing in this section—

(A) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(B) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(9) LIABILITY.—Designation of the Trail by subsection (c) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, of which not more than $12,000,000 may be used for development of the Trail.

SEC. 5204. WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5202(a)) is amended by adding at the end the following:

"(29) WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Washington-Rochambeau Revolutionary Route National Historic Trail, a corridor of approximately 600 miles following the route taken by the armies of General George Washington and Count Rochambeau between Newport, Rhode Island, and Yorktown, Virginia, in 1781 and 1782, as generally depicted on the map entitled 'WASHINGTON-ROCHAMBEAU REVOLUTIONARY ROUTE NATIONAL HISTORIC TRAIL', numbered T01/80,001, and dated June 2007.

"(B) MAP.—The map referred to in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, in consultation with—

"(i) other Federal, State, tribal, regional, and local agencies; and

"(ii) the private sector.

"(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.".

SEC. 5205. PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) (as amended by section 5204) is amended by adding at the end the following:

"(30) PACIFIC NORTHWEST NATIONAL SCENIC TRAIL.—

"(A) IN GENERAL.—The Pacific Northwest National Scenic Trail, a trail of approximately 1,200 miles, extending from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean Coast in Olympic National Park, Washington, following the route depicted on the map entitled 'Pacific Northwest National Scenic Trail: Proposed Trail', numbered T12/80,000, and dated February 2008 (referred to in this paragraph as the 'map').

"(B) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the Forest Service.

"(C) ADMINISTRATION.—The Pacific Northwest National Scenic Trail shall be administered by the Secretary of Agriculture.

"(D) LAND ACQUISITION.—The United States shall not acquire for the Pacific Northwest National Scenic Trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.".

SEC. 5206. TRAIL OF TEARS NATIONAL HISTORIC TRAIL.

Section 5(a)(16) of the National Trails System Act (16 U.S.C. 1244(a)(16)) is amended as follows:

(1) By amending subparagraph (C) to read as follows:

"(C) In addition to the areas otherwise designated under this paragraph, the following routes and land components by which the Cherokee Nation was removed to Oklahoma are components of the Trail of Tears National Historic Trail, as generally described in the environmentally preferred alternative of the November 2007 Feasibility Study Amendment and Environmental Assessment for Trail of Tears National Historic Trail:

"(i) The Benge and Bell routes.

"(ii) The land components of the designated water routes in Alabama, Arkansas, Oklahoma, and Tennessee.

"(iii) The routes from the collection forts in Alabama, Georgia, North Carolina, and Tennessee to the emigration depots.

"(iv) The related campgrounds located along the routes and land components described in clauses (i) through (iii).".

(2) In subparagraph (D)—

(A) by striking the first sentence; and

(B) by adding at the end the following: "No lands or interests in lands outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears National Historic Trail except with the consent of the owner thereof.".

Subtitle D—National Trail System Amendments

SEC. 5301. NATIONAL TRAILS SYSTEM WILLING SELLER AUTHORITY.

(a) AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.—

(1) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.".

(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to

an average of not more than ¼ mile on either side of the trail.".

(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.".

(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.".

(5) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.".

(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.".

(7) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.".

(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.".

(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(A) by striking the fourth and fifth sentences; and

(B) by adding at the end the following: "No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.".

(b) CONFORMING AMENDMENT.—Section 10 of the National Trails System Act (16 U.S.C. 1249) is amended by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

"(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

"(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the 'trail') designated by section 5(a)(12)—

"(i) not more than $500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

"(ii) not more than $2,000,000 shall be appropriated for the development of the trail.

"(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.".

SEC. 5302. REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.

Section 5 of the National Trails System Act (16 U.S.C. 1244) is amended by adding at the end the following:

"(g) REVISION OF FEASIBILITY AND SUITABILITY STUDIES OF EXISTING NATIONAL HISTORIC TRAILS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ROUTE.—The term 'route' includes a trail segment commonly known as a cutoff.

"(B) SHARED ROUTE.—The term 'shared route' means a route that was a segment of more than 1 historic trail, including a route shared with an existing national historic trail.

"(2) REQUIREMENTS FOR REVISION.—

"(A) IN GENERAL.—The Secretary of the Interior shall revise the feasibility and suitability studies for certain national trails for consideration of possible additions to the trails.

"(B) STUDY REQUIREMENTS AND OBJECTIVES.—The study requirements and objectives specified in subsection (b) shall apply to a study required by this subsection. Applicability.

"(C) COMPLETION AND SUBMISSION OF STUDY.—A study listed in this subsection shall be completed and submitted Deadline.

to Congress not later than 3 complete fiscal years from the date funds are made available for the study.

"(3) OREGON NATIONAL HISTORIC TRAIL.—

"(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Oregon Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Oregon National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) Whitman Mission route.
"(ii) Upper Columbia River.
"(iii) Cowlitz River route.
"(iv) Meek cutoff.
"(v) Free Emigrant Road.
"(vi) North Alternate Oregon Trail.
"(vii) Goodale's cutoff.
"(viii) North Side alternate route.
"(ix) Cutoff to Barlow road.
"(x) Naches Pass Trail.

"(4) PONY EXPRESS NATIONAL HISTORIC TRAIL.—The Secretary of the Interior shall undertake a study of the approximately 20-mile southern alternative route of the Pony Express Trail from Wathena, Kansas, to Troy, Kansas, and such other routes of the Pony Express Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Pony Express National Historic Trail.

"(5) CALIFORNIA NATIONAL HISTORIC TRAIL.—

"(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the Missouri Valley, central, and western routes of the California Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other and shared Missouri Valley, central, and western routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the California National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) MISSOURI VALLEY ROUTES.—

"(I) Blue Mills-Independence Road.
"(II) Westport Landing Road.
"(III) Westport-Lawrence Road.
"(IV) Fort Leavenworth-Blue River route.
"(V) Road to Amazonia.
"(VI) Union Ferry Route.
"(VII) Old Wyoming-Nebraska City cutoff.
"(VIII) Lower Plattsmouth Route.
"(IX) Lower Bellevue Route.
"(X) Woodbury cutoff.
"(XI) Blue Ridge cutoff.

"(XII) Westport Road.
"(XIII) Gum Springs-Fort Leavenworth route.
"(XIV) Atchison/Independence Creek routes.
"(XV) Fort Leavenworth-Kansas River route.
"(XVI) Nebraska City cutoff routes.
"(XVII) Minersville-Nebraska City Road.
"(XVIII) Upper Plattsmouth route.
"(XIX) Upper Bellevue route.

"(ii) CENTRAL ROUTES.—
"(I) Cherokee Trail, including splits.
"(II) Weber Canyon route of Hastings cutoff.
"(III) Bishop Creek cutoff.
"(IV) McAuley cutoff.
"(V) Diamond Springs cutoff.
"(VI) Secret Pass.
"(VII) Greenhorn cutoff.
"(VIII) Central Overland Trail.

"(iii) WESTERN ROUTES.—
"(I) Bidwell-Bartleson route.
"(II) Georgetown/Dagget Pass Trail.
"(III) Big Trees Road.
"(IV) Grizzly Flat cutoff.
"(V) Nevada City Road.
"(VI) Yreka Trail.
"(VII) Henness Pass route.
"(VIII) Johnson cutoff.
"(IX) Luther Pass Trail.
"(X) Volcano Road.
"(XI) Sacramento-Coloma Wagon Road.
"(XII) Burnett cutoff.
"(XIII) Placer County Road to Auburn.

"(6) MORMON PIONEER NATIONAL HISTORIC TRAIL.—

"(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the routes of the Mormon Pioneer Trail listed in subparagraph (B) and generally depicted in the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other routes of the Mormon Pioneer Trail that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as components of the Mormon Pioneer National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

"(ii) 1856–57 Handcart route (Iowa City to Council Bluffs).

"(iii) Keokuk route (Iowa).

"(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

"(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

"(vi) 1850 Golden Pass Road in Utah.

"(7) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

"(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of 1 or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

"(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

"(i) St. Joe Road.
"(ii) Council Bluffs Road.
"(iii) Sublette cutoff.
"(iv) Applegate route.
"(v) Old Fort Kearny Road (Oxbow Trail).
"(vi) Childs cutoff.
"(vii) Raft River to Applegate.".

SEC. 5303. CHISHOLM TRAIL AND GREAT WESTERN TRAILS STUDIES.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"(44) CHISHOLM TRAIL.—

"(A) IN GENERAL.—The Chisholm Trail (also known as the 'Abilene Trail'), from the vicinity of San Antonio, Texas, segments from the vicinity of Cuero, Texas, to Ft. Worth, Texas, Duncan, Oklahoma, alternate segments used through Oklahoma, to Enid, Oklahoma, Caldwell, Kansas, Wichita, Kansas, Abilene, Kansas, and commonly used segments running to alternative Kansas destinations.

"(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.

"(45) GREAT WESTERN TRAIL.—

"(A) IN GENERAL.—The Great Western Trail (also known as the 'Dodge City Trail'), from the vicinity of San Antonio, Texas, north-by-northwest through the vicinities of Kerrville and Menard, Texas, north-by-northeast through the vicinities of Coleman and Albany, Texas, north through the vicinity of Vernon, Texas, to Doan's Crossing, Texas, northward through or near the vicinities of Altus, Lone Wolf, Canute, Vici, and May, Oklahoma, north through Kansas to Dodge City, and north through Nebraska to Ogallala.

"(B) REQUIREMENT.—In conducting the study required under this paragraph, the Secretary of the Interior shall identify the point at which the trail originated south of San Antonio, Texas.".

Subtitle E—Effect of Title

16 USC 1244 note.

SEC. 5401. EFFECT.

(a) EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.—Nothing in this title shall be construed as affecting access for recreational

activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

(b) EFFECT ON STATE AUTHORITY.—Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

TITLE VI—DEPARTMENT OF THE INTERIOR AUTHORIZATIONS

Subtitle A—Cooperative Watershed Management Program

SEC. 6001. DEFINITIONS. 16 USC 1015.

In this subtitle:

(1) AFFECTED STAKEHOLDER.—The term "affected stakeholder" means an entity that significantly affects, or is significantly affected by, the quality or quantity of water in a watershed, as determined by the Secretary.

(2) GRANT RECIPIENT.—The term "grant recipient" means a watershed group that the Secretary has selected to receive a grant under section 6002(c)(2).

(3) PROGRAM.—The term "program" means the Cooperative Watershed Management Program established by the Secretary under section 6002(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) WATERSHED GROUP.—The term "watershed group" means a self-sustaining, cooperative watershed-wide group that—

(A) is comprised of representatives of the affected stakeholders of the relevant watershed;

(B) incorporates the perspectives of a diverse array of stakeholders, including, to the maximum extent practicable—

(i) representatives of—

(I) hydroelectric production;

(II) livestock grazing;

(III) timber production;

(IV) land development;

(V) recreation or tourism;

(VI) irrigated agricultural production;

(VII) the environment;

(VIII) potable water purveyors and industrial water users; and

(IX) private property owners within the watershed;

(ii) any Federal agency that has authority with respect to the watershed;

(iii) any State agency that has authority with respect to the watershed;

(iv) any local agency that has authority with respect to the watershed; and

(v) any Indian tribe that—

(I) owns land within the watershed; or

(II) has land in the watershed that is held in trust;

(C) is a grassroots, nonregulatory entity that addresses water availability and quality issues within the relevant watershed;

(D) is capable of promoting the sustainable use of the water resources of the relevant watershed and improving the functioning condition of rivers and streams through—

(i) water conservation;

(ii) improved water quality;

(iii) ecological resiliency; and

(iv) the reduction of water conflicts; and

(E) makes decisions on a consensus basis, as defined in the bylaws of the watershed group.

(6) WATERSHED MANAGEMENT PROJECT.—The term "watershed management project" means any project (including a demonstration project) that—

(A) enhances water conservation, including alternative water uses;

(B) improves water quality;

(C) improves ecological resiliency of a river or stream;

(D) reduces the potential for water conflicts; or

(E) advances any other goals associated with water quality or quantity that the Secretary determines to be appropriate.

16 USC 1015a.

SEC. 6002. PROGRAM.

Deadline.
Grants.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the "Cooperative Watershed Management Program", under which the Secretary shall provide grants—

(1)(A) to form a watershed group; or

(B) to enlarge a watershed group; and

(2) to conduct 1 or more projects in accordance with the goals of a watershed group.

(b) APPLICATION.—

Deadline.

(1) ESTABLISHMENT OF APPLICATION PROCESS; CRITERIA.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish—

(A) an application process for the program; and

(B) in consultation with the States, prioritization and eligibility criteria for considering applications submitted in accordance with the application process.

(c) DISTRIBUTION OF GRANT FUNDS.—

(1) IN GENERAL.—In distributing grant funds under this section, the Secretary—

(A) shall comply with paragraph (2); and

(B) may give priority to watershed groups that—

(i) represent maximum diversity of interests; or

(ii) serve subbasin-sized watersheds with an 8-digit hydrologic unit code, as defined by the United States Geological Survey.

(2) FUNDING PROCEDURE.—

(A) FIRST PHASE.—

(i) IN GENERAL.—The Secretary may provide to a grant recipient a first-phase grant in an amount not greater than $100,000 each year for a period of not more than 3 years.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a first-phase grant shall use the funds—

(I) to establish or enlarge a watershed group;

(II) to develop a mission statement for the watershed group;

(III) to develop project concepts; and

(IV) to develop a restoration plan.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of a first-phase grant, not later than 270 days after the date on which a grant recipient first receives grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding. Deadline.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year covered by the determination justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITIONS.—A grant recipient shall not be eligible to receive a second-phase grant under subparagraph (B) until the date on which the Secretary determines that the watershed group—

(I) has approved articles of incorporation and bylaws governing the organization; and

(II)(aa) holds regular meetings;

(bb) has completed a mission statement; and

(cc) has developed a restoration plan and project concepts for the watershed.

(v) EXCEPTION.—A watershed group that has not applied for or received first-phase grants may apply for and receive second-phase grants under subparagraph (B) if the Secretary determines that the group has satisfied the requirements of first-phase grants.

(B) SECOND PHASE.—

(i) IN GENERAL.—A watershed group may apply for and receive second-phase grants of $1,000,000 each year for a period of not more than 4 years if—

(I) the watershed group has applied for and received watershed grants under subparagraph (A); or

(II) the Secretary determines that the watershed group has satisfied the requirements of first-phase grants.

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a second-phase grant shall use the funds to plan and carry out watershed management projects.

(iii) ANNUAL DETERMINATION OF ELIGIBILITY.—

(I) DETERMINATION.—For each year of the second-phase grant, not later than 270 days after the date on which a grant recipient first receives Deadline.

grant funds for the year, the Secretary shall determine whether the grant recipient has made sufficient progress during the year to justify additional funding.

(II) EFFECT OF DETERMINATION.—If the Secretary determines under subclause (I) that the progress of a grant recipient during the year justifies additional funding, the Secretary shall provide to the grant recipient grant funds for the following year.

(iv) ADVANCEMENT CONDITION.—A grant recipient shall not be eligible to receive a third-phase grant under subparagraph (C) until the date on which the Secretary determines that the grant recipient has—

(I) completed each requirement of the second-phase grant; and

(II) demonstrated that 1 or more pilot projects of the grant recipient have resulted in demonstrable improvements, as determined by the Secretary, in the functioning condition of at least 1 river or stream in the watershed.

(C) THIRD PHASE.—

(i) FUNDING LIMITATION.—

(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may provide to a grant recipient a third-phase grant in an amount not greater than $5,000,000 for a period of not more than 5 years.

(II) EXCEPTION.—The Secretary may provide to a grant recipient a third-phase grant in an amount that is greater than the amount described in subclause (I) if the Secretary determines that the grant recipient is capable of using the additional amount to further the purposes of the program in a way that could not otherwise be achieved by the grant recipient using the amount described in subclause (I).

(ii) MANDATORY USE OF FUNDS.—A grant recipient that receives a third-phase grant shall use the funds to plan and carry out at least 1 watershed management project.

(3) AUTHORIZING USE OF FUNDS FOR ADMINISTRATIVE AND OTHER COSTS.—A grant recipient that receives a grant under this section may use the funds—

(A) to pay for—

(i) administrative and coordination costs, if the costs are not greater than the lesser of—

(I) 20 percent of the total amount of the grant; or

(II) $100,000;

(ii) the salary of not more than 1 full-time employee of the watershed group; and

(iii) any legal fees arising from the establishment of the relevant watershed group; and

(B) to fund—

(i) water quality and quantity studies of the relevant watershed; and

(ii) the planning, design, and implementation of any projects relating to water quality or quantity.

(d) COST SHARE.—

(1) PLANNING.—The Federal share of the cost of an activity provided assistance through a first-phase grant shall be 100 percent.

(2) PROJECTS CARRIED OUT UNDER SECOND PHASE.—

(A) IN GENERAL.—The Federal share of the cost of any activity of a watershed management project provided assistance through a second-phase grant shall not exceed 50 percent of the total cost of the activity.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(3) PROJECTS CARRIED OUT UNDER THIRD PHASE.—

(A) IN GENERAL.—The Federal share of the costs of any activity of a watershed group of a grant recipient relating to a watershed management project provided assistance through a third-phase grant shall not exceed 50 percent of the total costs of the watershed management project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of in-kind contributions.

(e) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which a grant recipient first receives funds under this section, and annually thereafter, in accordance with paragraph (2), the watershed group shall submit to the Secretary a report that describes the progress of the watershed group.

(2) REQUIRED DEGREE OF DETAIL.—The contents of an annual report required under paragraph (1) shall contain sufficient information to enable the Secretary to complete each report required under subsection (f), as determined by the Secretary.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the ways in which the program assists the Secretary—

(A) in addressing water conflicts;

(B) in conserving water;

(C) in improving water quality; and

(D) in improving the ecological resiliency of a river or stream; and

(2) benefits that the program provides, including, to the maximum extent practicable, a quantitative analysis of economic, social, and environmental benefits.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $2,000,000 for each of fiscal years 2008 and 2009;

(2) $5,000,000 for fiscal year 2010;

(3) $10,000,000 for fiscal year 2011; and

(4) $20,000,000 for each of fiscal years 2012 through 2020.

16 USC 1015b.

SEC. 6003. EFFECT OF SUBTITLE.

Nothing in this subtitle affects the applicability of any Federal, State, or local law with respect to any watershed group.

Subtitle B—Competitive Status for Federal Employees in Alaska

SEC. 6101. COMPETITIVE STATUS FOR CERTAIN FEDERAL EMPLOYEES IN THE STATE OF ALASKA.

Section 1308 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3198) is amended by adding at the end the following:

"(e) COMPETITIVE STATUS.—

"(1) IN GENERAL.—Nothing in subsection (a) provides that any person hired pursuant to the program established under that subsection is not eligible for competitive status in the same manner as any other employee hired as part of the competitive service.

Deadlines.

"(2) REDESIGNATION OF CERTAIN POSITIONS.—

"(A) PERSONS SERVING IN ORIGINAL POSITIONS.—Not later than 60 days after the date of enactment of this subsection, with respect to any person hired into a permanent position pursuant to the program established under subsection (a) who is serving in that position as of the date of enactment of this subsection, the Secretary shall redesignate that position and the person serving in that position as having been part of the competitive service as of the date that the person was hired into that position.

"(B) PERSONS NO LONGER SERVING IN ORIGINAL POSITIONS.—With respect to any person who was hired pursuant to the program established under subsection (a) that is no longer serving in that position as of the date of enactment of this subsection—

"(i) the person may provide to the Secretary a request for redesignation of the service as part of the competitive service that includes evidence of the employment; and

"(ii) not later than 90 days of the submission of a request under clause (i), the Secretary shall redesignate the service of the person as being part of the competitive service.".

7 USC 426 note.

Subtitle C—Wolf Livestock Loss Demonstration Project

SEC. 6201. DEFINITIONS.

In this subtitle:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(2) LIVESTOCK.—The term "livestock" means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

(3) PROGRAM.—The term "program" means the demonstration program established under section 6202(a).

(4) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes— Grants.

(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

(2) to compensate livestock producers for livestock losses due to such predation.

(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

(1) establish criteria and requirements to implement the program; and

(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to— Consultation.

(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

(B) provide compensation to livestock producers for livestock losses due to such predation.

(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

(2) establish 1 or more accounts to receive grant funds;

(3) maintain files of all claims received under programs funded by the grant, including supporting documentation; Records.

(4) submit to the Secretary— Reports.

(A) annual reports that include—

(i) a summary of claims and expenditures under the program during the year; and

(ii) a description of any action taken on the claims; and

(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

(5) promulgate rules for reimbursing livestock producers under the program. Regulations.

(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

(2) among States and Indian tribes based on—

(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

(C) any other factors that the Secretaries determine are appropriate.

(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle $1,000,000 for fiscal year 2009 and each fiscal year thereafter.

Subtitle D—Paleontological Resources Preservation

16 USC 470aaa.

SEC. 6301. DEFINITIONS.

In this subtitle:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) FEDERAL LAND.—The term "Federal land" means—

(A) land controlled or administered by the Secretary of the Interior, except Indian land; or

(B) National Forest System land controlled or administered by the Secretary of Agriculture.

(3) INDIAN LAND.—The term "Indian Land" means land of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(4) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to land controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System land controlled or administered by the Secretary of Agriculture.

(6) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 6302. MANAGEMENT.

16 USC 470aaa–1.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal land using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

Plans.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this subtitle.

SEC. 6303. PUBLIC AWARENESS AND EDUCATION PROGRAM.

16 USC 470aaa–2.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 6304. COLLECTION OF PALEONTOLOGICAL RESOURCES.

16 USC 470aaa–3.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary shall allow casual collecting without a permit on Federal land controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal land and this subtitle.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal land concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this subtitle. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal land under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 6306 or is assessed a civil penalty under section 6307.

(e) AREA CLOSURES.—In order to protect paleontological or other resources or to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

16 USC 470aaa–4.

SEC. 6305. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

16 USC 470aaa–5.

SEC. 6306. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal land unless such activity is conducted in accordance with this subtitle;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if the person knew or should have known such resource to have been excavated or removed from Federal land in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this subtitle; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal land.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal land.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than 2 years, or both.

(d) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of the penalty assessed under subsection (c) may be doubled.

(e) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of enactment of this Act.

SEC. 6307. CIVIL PENALTIES.

16 USC 470aaa–6.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this subtitle may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section. Notification.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this subtitle, taking into account the following factors: Regulations.

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any 1 violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.— Deadlines.

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole. Records.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment

of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, and to protect, monitor, and study the resources and sites.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 6308.

16 USC 470aaa–7.

SEC. 6308. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 6306 or 6307 or from appropriated funds—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount up to ½ of the penalties, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 6306 or 6307 occurred and which are in the possession of any person, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

16 USC 470aaa–8.

SEC. 6309. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this subtitle;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 6310. REGULATIONS.

Notice. Public comment. 16 USC 470aaa–9.

As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment.

SEC. 6311. SAVINGS PROVISIONS.

16 USC 470aaa–10.

Nothing in this subtitle shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701–1784), Public Law 94–429 (commonly known as the "Mining in the Parks Act") (16 U.S.C. 1901 et seq.), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal land;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this subtitle;

(4) affect any land other than Federal land or affect the lawful recovery, collection, or sale of paleontological resources from land other than Federal land;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal land in addition to the protection provided under this subtitle; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this subtitle.

SEC. 6312. AUTHORIZATION OF APPROPRIATIONS.

16 USC 470aaa–11.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

Subtitle E—Izembek National Wildlife Refuge Land Exchange

Alaska. 16 USC 668dd note.

SEC. 6401. DEFINITIONS.

In this subtitle:

(1) CORPORATION.—The term "Corporation" means the King Cove Corporation.

(2) FEDERAL LAND.—The term "Federal land" means—

(A) the approximately 206 acres of Federal land located within the Refuge, as generally depicted on the map; and

(B) the approximately 1,600 acres of Federal land located on Sitkinak Island, as generally depicted on the map.

(3) MAP.—The term "map" means each of—

(A) the map entitled "Izembek and Alaska Peninsula National Wildlife Refuges" and dated September 2, 2008; and

(B) the map entitled "Sitkinak Island–Alaska Maritime National Wildlife Refuge" and dated September 2, 2008.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means—

(A) the approximately 43,093 acres of land owned by the State, as generally depicted on the map; and

(B) the approximately 13,300 acres of land owned by the Corporation (including approximately 5,430 acres of land for which the Corporation shall relinquish the selection rights of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) as part of the land exchange under section 6402(a)), as generally depicted on the map.

(5) REFUGE.—The term "Refuge" means the Izembek National Wildlife Refuge.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Alaska.

(8) TRIBE.—The term "Tribe" means the Agdaagux Tribe of King Cove, Alaska.

SEC. 6402. LAND EXCHANGE.

Notification. King Cove Corporation.

(a) IN GENERAL.—Upon receipt of notification by the State and the Corporation of the intention of the State and the Corporation to exchange the non-Federal land for the Federal land, subject to the conditions and requirements described in this subtitle, the Secretary may convey to the State all right, title, and interest of the United States in and to the Federal land. The Federal land within the Refuge shall be transferred for the purpose of constructing a single-lane gravel road between the communities of King Cove and Cold Bay, Alaska.

(b) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 AND OTHER APPLICABLE LAWS.—

(1) IN GENERAL.—In determining whether to carry out the land exchange under subsection (a), the Secretary shall—

(A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) except as provided in subsection (c), comply with any other applicable law (including regulations).

(2) ENVIRONMENTAL IMPACT STATEMENT.—

Deadline.

(A) IN GENERAL.—Not later than 60 days after the date on which the Secretary receives notification under subsection (a), the Secretary shall initiate the preparation of an environmental impact statement required under the

National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) REQUIREMENTS.—The environmental impact statement prepared under subparagraph (A) shall contain—

(i) an analysis of—

(I) the proposed land exchange; and

(II) the potential construction and operation of a road between the communities of King Cove and Cold Bay, Alaska; and

(ii) an evaluation of a specific road corridor through the Refuge that is identified in consultation with the State, the City of King Cove, Alaska, and the Tribe.

(3) COOPERATING AGENCIES.—

(A) IN GENERAL.—During the preparation of the environmental impact statement under paragraph (2), each entity described in subparagraph (B) may participate as a cooperating agency.

(B) AUTHORIZED ENTITIES.—An authorized entity may include—

(i) any Federal agency that has permitting jurisdiction over the road described in paragraph (2)(B)(i)(II);

(ii) the State;

(iii) the Aleutians East Borough of the State;

(iv) the City of King Cove, Alaska;

(v) the Tribe; and

(vi) the Alaska Migratory Bird Co-Management Council.

(c) VALUATION.—The conveyance of the Federal land and non-Federal land under this section shall not be subject to any requirement under any Federal law (including regulations) relating to the valuation, appraisal, or equalization of land.

(d) PUBLIC INTEREST DETERMINATION.—

(1) CONDITIONS FOR LAND EXCHANGE.—Subject to paragraph (2), to carry out the land exchange under subsection (a), the Secretary shall determine that the land exchange (including the construction of a road between the City of King Cove, Alaska, and the Cold Bay Airport) is in the public interest.

(2) LIMITATION OF AUTHORITY OF SECRETARY.—The Secretary may not, as a condition for a finding that the land exchange is in the public interest—

(A) require the State or the Corporation to convey additional land to the United States; or

(B) impose any restriction on the subsistence uses (as defined in section 803 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3113)) of waterfowl by rural residents of the State. Waterfowl.

(e) KINZAROFF LAGOON.—The land exchange under subsection (a) shall not be carried out before the date on which the parcel of land owned by the State that is located in the Kinzaroff Lagoon has been designated by the State as a State refuge, in accordance with the applicable laws (including regulations) of the State.

(f) DESIGNATION OF ROAD CORRIDOR.—In designating the road corridor described in subsection (b)(2)(B)(ii), the Secretary shall—

(1) minimize the adverse impact of the road corridor on the Refuge;

(2) transfer the minimum acreage of Federal land that is required for the construction of the road corridor; and

(3) to the maximum extent practicable, incorporate into the road corridor roads that are in existence as of the date of enactment of this Act.

(g) ADDITIONAL TERMS AND CONDITIONS.—The land exchange under subsection (a) shall be subject to any other term or condition that the Secretary determines to be necessary.

SEC. 6403. KING COVE ROAD.

(a) REQUIREMENTS RELATING TO USE, BARRIER CABLES, AND DIMENSIONS.—

(1) LIMITATIONS ON USE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any portion of the road constructed on the Federal land conveyed pursuant to this subtitle shall be used primarily for health and safety purposes (including access to and from the Cold Bay Airport) and only for noncommercial purposes.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the use of taxis, commercial vans for public transportation, and shared rides (other than organized transportation of employees to a business or other commercial facility) shall be allowed on the road described in subparagraph (A).

(C) REQUIREMENT OF AGREEMENT.—The limitations of the use of the road described in this paragraph shall be enforced in accordance with an agreement entered into between the Secretary and the State.

(2) REQUIREMENT OF BARRIER CABLE.—The road described in paragraph (1)(A) shall be constructed to include a cable barrier on each side of the road, as described in the record of decision entitled "Mitigation Measure MM–11, King Cove Access Project Final Environmental Impact Statement Record of Decision" and dated January 22, 2004, unless a different type barrier is required as a mitigation measure in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2).

(3) REQUIRED DIMENSIONS AND DESIGN FEATURES.—The road described in paragraph (1)(A) shall—

(A) have a width of not greater than a single lane, in accordance with the applicable road standards of the State;

(B) be constructed with gravel;

(C) be constructed to comply with any specific design features identified in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) as Mitigation Measures relative to the passage and migration of wildlife, and also the exchange of tidal flows, where applicable, in accordance with applicable Federal and State design standards; and

(D) if determined to be necessary, be constructed to include appropriate safety pullouts.

(b) SUPPORT FACILITIES.—Support facilities for the road described in subsection (a)(1)(A) shall not be located within the Refuge.

Deadline.

(c) FEDERAL PERMITS.—It is the intent of Congress that any Federal permit required for construction of the road be issued

or denied not later than 1 year after the date of application for the permit.

(d) APPLICABLE LAW.—Nothing in this section amends, or modifies the application of, section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(e) MITIGATION PLAN.—

(1) IN GENERAL.—Based on the evaluation of impacts determined through the completion of the environmental impact statement under section 6402(b)(2), the Secretary, in consultation with the entities described in section 6402(b)(3)(B), shall develop an enforceable mitigation plan.

(2) CORRECTIVE MODIFICATIONS.—The Secretary may make corrective modifications to the mitigation plan developed under paragraph (1) if—

(A) the mitigation standards required under the mitigation plan are maintained; and

(B) the Secretary provides an opportunity for public comment with respect to any proposed corrective modification.

(3) AVOIDANCE OF WILDLIFE IMPACTS.—Road construction shall adhere to any specific mitigation measures included in the Record of Decision for Final Environmental Impact Statement required in section 6402(b)(2) that—

(A) identify critical periods during the calendar year when the refuge is utilized by wildlife, especially migratory birds; and

(B) include specific mandatory strategies to alter, limit or halt construction activities during identified high risk periods in order to minimize impacts to wildlife, and

(C) allow for the timely construction of the road.

(4) MITIGATION OF WETLAND LOSS.—The plan developed under this subsection shall comply with section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) with regard to minimizing, to the greatest extent practicable, the filling, fragmentation or loss of wetlands, especially intertidal wetlands, and shall evaluate mitigating effect of those wetlands transferred in Federal ownership under the provisions of this subtitle.

SEC. 6404. ADMINISTRATION OF CONVEYED LANDS.

(1) FEDERAL LAND.—Upon completion of the land exchange under section 6402(a)—

(A) the boundary of the land designated as wilderness within the Refuge shall be modified to exclude the Federal land conveyed to the State under the land exchange; and

(B) the Federal land located on Sitkinak Island that is withdrawn for use by the Coast Guard shall, at the request of the State, be transferred by the Secretary to the State upon the relinquishment or termination of the withdrawal.

(2) NON-FEDERAL LAND.—Upon completion of the land exchange under section 6402(a), the non-Federal land conveyed to the United States under this subtitle shall be—

(A) added to the Refuge or the Alaska Peninsula National Wildlife Refuge, as appropriate, as generally depicted on the map; and

(B) administered in accordance with the laws generally applicable to units of the National Wildlife Refuge System.

16 USC 1132 note.

(3) WILDERNESS ADDITIONS.—

(A) IN GENERAL.—Upon completion of the land exchange under section 6402(a), approximately 43,093 acres of land as generally depicted on the map shall be added to—

(i) the Izembek National Wildlife Refuge Wilderness; or

(ii) the Alaska Peninsula National Wildlife Refuge Wilderness.

(B) ADMINISTRATION.—The land added as wilderness under subparagraph (A) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations).

SEC. 6405. FAILURE TO BEGIN ROAD CONSTRUCTION.

(a) NOTIFICATION TO VOID LAND EXCHANGE.—If the Secretary, the State, and the Corporation enter into the land exchange authorized under section 6402(a), the State or the Corporation may notify the Secretary in writing of the intention of the State or Corporation to void the exchange if construction of the road through the Refuge has not begun.

(b) DISPOSITION OF LAND EXCHANGE.—Upon the latter of the date on which the Secretary receives a request under subsection (a), and the date on which the Secretary determines that the Federal land conveyed under the land exchange under section 6402(a) has not been adversely impacted (other than any nominal impact associated with the preparation of an environmental impact statement under section 6402(b)(2)), the land exchange shall be null and void.

(c) RETURN OF PRIOR OWNERSHIP STATUS OF FEDERAL AND NON-FEDERAL LAND.—If the land exchange is voided under subsection (b)—

(1) the Federal land and non-Federal land shall be returned to the respective ownership status of each land prior to the land exchange;

(2) the parcel of the Federal land that is located in the Refuge shall be managed as part of the Izembek National Wildlife Refuge Wilderness; and

(3) each selection of the Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that was relinquished under this subtitle shall be reinstated.

SEC. 6406. EXPIRATION OF LEGISLATIVE AUTHORITY.

(a) IN GENERAL.—Any legislative authority for construction of a road shall expire at the end of the 7-year period beginning on the date of the enactment of this subtitle unless a construction permit has been issued during that period.

(b) EXTENSION OF AUTHORITY.—If a construction permit is issued within the allotted period, the 7-year authority shall be extended for a period of 5 additional years beginning on the date of issuance of the construction permit.

(c) EXTENSION OF AUTHORITY AS RESULT OF LEGAL CHALLENGES.—

(1) IN GENERAL.—Prior to the issuance of a construction permit, if a lawsuit or administrative appeal is filed challenging

the land exchange or construction of the road (including a challenge to the NEPA process, decisions, or any required permit process required to complete construction of the road), the 7-year deadline or the five-year extension period, as appropriate, shall be extended for a time period equivalent to the time consumed by the full adjudication of the legal challenge or related administrative process.

(2) INJUNCTION.—After a construction permit has been issued, if a court issues an injunction against construction of the road, the 7-year deadline or 5-year extension, as appropriate, shall be extended for a time period equivalent to time period that the injunction is in effect.

(d) APPLICABILITY OF SECTION 6405.—Upon the expiration of the legislative authority under this section, if a road has not been constructed, the land exchange shall be null and void and the land ownership shall revert to the respective ownership status prior to the land exchange as provided in section 6405.

TITLE VII—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Additions to the National Park System

SEC. 7001. PATERSON GREAT FALLS NATIONAL HISTORICAL PARK, NEW JERSEY. 16 USC 410*lll*.

(a) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Paterson, New Jersey.

(2) COMMISSION.—The term "Commission" means the Paterson Great Falls National Historical Park Advisory Commission established by subsection (e)(1).

(3) HISTORIC DISTRICT.—The term "Historic District" means the Great Falls Historic District in the State.

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Park developed under subsection (d).

(5) MAP.—The term "Map" means the map entitled "Paterson Great Falls National Historical Park–Proposed Boundary", numbered T03/80,001, and dated May 2008.

(6) PARK.—The term "Park" means the Paterson Great Falls National Historical Park established by subsection (b)(1)(A).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of New Jersey.

(b) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established in the State a unit of the National Park System to be known as the "Paterson Great Falls National Historical Park".

(B) CONDITIONS FOR ESTABLISHMENT.—The Park shall not be established until the date on which the Secretary determines that—

(i)(I) the Secretary has acquired sufficient land or an interest in land within the boundary of the Park to constitute a manageable unit; or

Contracts.

(II) the State or City, as appropriate, has entered into a written agreement with the Secretary to donate—

(aa) the Great Falls State Park, including facilities for Park administration and visitor services; or

(bb) any portion of the Great Falls State Park agreed to between the Secretary and the State or City; and

(ii) the Secretary has entered into a written agreement with the State, City, or other public entity, as appropriate, providing that—

(I) land owned by the State, City, or other public entity within the Historic District will be managed consistent with this section; and

(II) future uses of land within the Historic District will be compatible with the designation of the Park.

(2) PURPOSE.—The purpose of the Park is to preserve and interpret for the benefit of present and future generations certain historical, cultural, and natural resources associated with the Historic District.

(3) BOUNDARIES.—The Park shall include the following sites, as generally depicted on the Map:

(A) The upper, middle, and lower raceways.

(B) Mary Ellen Kramer (Great Falls) Park and adjacent land owned by the City.

(C) A portion of Upper Raceway Park, including the Ivanhoe Wheelhouse and the Society for Establishing Useful Manufactures Gatehouse.

(D) Overlook Park and adjacent land, including the Society for Establishing Useful Manufactures Hydroelectric Plant and Administration Building.

(E) The Allied Textile Printing site, including the Colt Gun Mill ruins, Mallory Mill ruins, Waverly Mill ruins, and Todd Mill ruins.

(F) The Rogers Locomotive Company Erecting Shop, including the Paterson Museum.

(G) The Great Falls Visitor Center.

(4) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

Deadline.
Federal Register, publication.

(5) PUBLICATION OF NOTICE.—Not later than 60 days after the date on which the conditions in clauses (i) and (ii) of paragraph (1)(B) are satisfied, the Secretary shall publish in the Federal Register notice of the establishment of the Park, including an official boundary map for the Park.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Park in accordance with—

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including—

(i) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) STATE AND LOCAL JURISDICTION.—Nothing in this section enlarges, diminishes, or modifies any authority of the State, or any political subdivision of the State (including the City)—

(A) to exercise civil and criminal jurisdiction; or

(B) to carry out State laws (including regulations) and rules on non-Federal land located within the boundary of the Park.

(3) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—As the Secretary determines to be appropriate to carry out this section, the Secretary may enter into cooperative agreements with the owner of the Great Falls Visitor Center or any nationally significant properties within the boundary of the Park under which the Secretary may identify, interpret, restore, and provide technical assistance for the preservation of the properties.

(B) RIGHT OF ACCESS.—A cooperative agreement entered into under subparagraph (A) shall provide that the Secretary, acting through the Director of the National Park Service, shall have the right of access at all reasonable times to all public portions of the property covered by the agreement for the purposes of—

(i) conducting visitors through the properties; and

(ii) interpreting the properties for the public.

(C) CHANGES OR ALTERATIONS.—No changes or alterations shall be made to any properties covered by a cooperative agreement entered into under subparagraph (A) unless the Secretary and the other party to the agreement agree to the changes or alterations.

(D) CONVERSION, USE, OR DISPOSAL.—Any payment made by the Secretary under this paragraph shall be subject to an agreement that the conversion, use, or disposal of a project for purposes contrary to the purposes of this section, as determined by the Secretary, shall entitle the United States to reimbursement in amount equal to the greater of—

(i) the amounts made available to the project by the United States; or

(ii) the portion of the increased value of the project attributable to the amounts made available under this paragraph, as determined at the time of the conversion, use, or, disposal.

(E) MATCHING FUNDS.—

(i) IN GENERAL.—As a condition of the receipt of funds under this paragraph, the Secretary shall require that any Federal funds made available under a cooperative agreement shall be matched on a 1-to-1 basis by non-Federal funds.

(ii) FORM.—With the approval of the Secretary, the non-Federal share required under clause (i) may

be in the form of donated property, goods, or services from a non-Federal source.

(4) ACQUISITION OF LAND.—

(A) IN GENERAL.—The Secretary may acquire land or interests in land within the boundary of the Park by donation, purchase from a willing seller with donated or appropriated funds, or exchange.

(B) DONATION OF STATE OWNED LAND.—Land or interests in land owned by the State or any political subdivision of the State may only be acquired by donation.

(5) TECHNICAL ASSISTANCE AND PUBLIC INTERPRETATION.—The Secretary may provide technical assistance and public interpretation of related historic and cultural resources within the boundary of the Historic District.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this subsection, the Secretary, in consultation with the Commission, shall complete a management plan for the Park in accordance with—

(A) section 12(b) of Public Law 91–383 (commonly known as the "National Park Service General Authorities Act") (16 U.S.C. 1a–7(b)); and

(B) other applicable laws.

(2) COST SHARE.—The management plan shall include provisions that identify costs to be shared by the Federal Government, the State, and the City, and other public or private entities or individuals for necessary capital improvements to, and maintenance and operations of, the Park.

(3) SUBMISSION TO CONGRESS.—On completion of the management plan, the Secretary shall submit the management plan to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(e) PATERSON GREAT FALLS NATIONAL HISTORICAL PARK ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the "Paterson Great Falls National Historical Park Advisory Commission".

(2) DUTIES.—The duties of the Commission shall be to advise the Secretary in the development and implementation of the management plan.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 9 members, to be appointed by the Secretary, of whom—

(i) 4 members shall be appointed after consideration of recommendations submitted by the Governor of the State;

(ii) 2 members shall be appointed after consideration of recommendations submitted by the City Council of Paterson, New Jersey;

(iii) 1 member shall be appointed after consideration of recommendations submitted by the Board of Chosen Freeholders of Passaic County, New Jersey; and

(iv) 2 members shall have experience with national parks and historic preservation.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than the earlier of— Deadline.

(i) the date that is 30 days after the date on which the Secretary has received all of the recommendations for appointments under subparagraph (A); or

(ii) the date that is 30 days after the Park is established in accordance with subsection (b).

(4) TERM; VACANCIES.—

(A) TERM.—

(i) IN GENERAL.—A member shall be appointed for a term of 3 years.

(ii) REAPPOINTMENT.—A member may be reappointed for not more than 1 additional term.

(B) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(5) MEETINGS.—The Commission shall meet at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(6) QUORUM.—A majority of the Commission shall constitute a quorum.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) IN GENERAL.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(B) VICE CHAIRPERSON.—The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson.

(C) TERM.—A member may serve as Chairperson or Vice Chairman for not more than 1 year in each office.

(8) COMMISSION PERSONNEL MATTERS.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Members of the Commission shall serve without compensation.

(ii) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(B) STAFF.—

(i) IN GENERAL.—The Secretary shall provide the Commission with any staff members and technical assistance that the Secretary, after consultation with the Commission, determines to be appropriate to enable the Commission to carry out the duties of the Commission.

(ii) DETAIL OF EMPLOYEES.—The Secretary may accept the services of personnel detailed from—

(I) the State;

(II) any political subdivision of the State; or

(III) any entity represented on the Commission.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) TERMINATION.—The Commission shall terminate 10 years after the date of enactment of this Act.

(f) STUDY OF HINCHLIFFE STADIUM.—

Deadline.

(1) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are made available to carry out this section, the Secretary shall complete a study regarding the preservation and interpretation of Hinchliffe Stadium, which is listed on the National Register of Historic Places.

(2) INCLUSIONS.—The study shall include an assessment of—

(A) the potential for listing the stadium as a National Historic Landmark; and

(B) options for maintaining the historic integrity of Hinchliffe Stadium.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Arkansas.
16 USC 461 note.

SEC. 7002. WILLIAM JEFFERSON CLINTON BIRTHPLACE HOME NATIONAL HISTORIC SITE.

(a) ACQUISITION OF PROPERTY; ESTABLISHMENT OF HISTORIC SITE.—Should the Secretary of the Interior acquire, by donation only from the Clinton Birthplace Foundation, Inc., fee simple, unencumbered title to the William Jefferson Clinton Birthplace Home site located at 117 South Hervey Street, Hope, Arkansas, 71801, and to any personal property related to that site, the Secretary shall designate the William Jefferson Clinton Birthplace Home site as a National Historic Site and unit of the National Park System, to be known as the "President William Jefferson Clinton Birthplace Home National Historic Site".

(b) APPLICABILITY OF OTHER LAWS.—The Secretary shall administer the President William Jefferson Clinton Birthplace Home National Historic Site in accordance with the laws generally applicable to national historic sites, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1–4), and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects and antiquities of national significance, and for other purposes", approved August 21, 1935 (16 U.S.C. 461 et seq.).

Michigan.
16 USC 430vv.

SEC. 7003. RIVER RAISIN NATIONAL BATTLEFIELD PARK.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—If Monroe County or Wayne County, Michigan, or other willing landowners in either County offer to donate to the United States land relating to the Battles of the River Raisin on January 18 and 22, 1813, or the aftermath of the battles, the Secretary of the Interior (referred to in this section as the "Secretary") shall accept the donated land.

(2) DESIGNATION OF PARK.—On the acquisition of land under paragraph (1) that is of sufficient acreage to permit efficient administration, the Secretary shall designate the acquired land as a unit of the National Park System, to be

known as the "River Raisin National Battlefield Park" (referred to in this section as the "Park").

(3) LEGAL DESCRIPTION.—

(A) IN GENERAL.—The Secretary shall prepare a legal description of the land and interests in land designated as the Park by paragraph (2).

(B) AVAILABILITY OF MAP AND LEGAL DESCRIPTION.—A map with the legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall manage the Park for the purpose of preserving and interpreting the Battles of the River Raisin in accordance with the National Park Service Organic Act (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall complete a general management plan for the Park that, among other things, defines the role and responsibility of the Secretary with regard to the interpretation and the preservation of the site. Deadline.

(B) CONSULTATION.—The Secretary shall consult with and solicit advice and recommendations from State, county, local, and civic organizations and leaders, and other interested parties in the preparation of the management plan.

(C) INCLUSIONS.—The plan shall include—

(i) consideration of opportunities for involvement by and support for the Park by State, county, and local governmental entities and nonprofit organizations and other interested parties; and

(ii) steps for the preservation of the resources of the site and the costs associated with these efforts.

(D) SUBMISSION TO CONGRESS.—On the completion of the general management plan, the Secretary shall submit a copy of the plan to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(3) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with State, county, local, and civic organizations to carry out this section.

(c) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House a report describing the progress made with respect to acquiring real property under this section and designating the River Raisin National Battlefield Park.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Amendments to Existing Units of the National Park System

SEC. 7101. FUNDING FOR KEWEENAW NATIONAL HISTORICAL PARK.

(a) ACQUISITION OF PROPERTY.—Section 4 of Public Law 102–543 (16 U.S.C. 410yy–3) is amended by striking subsection (d).

(b) MATCHING FUNDS.—Section 8(b) of Public Law 102–543 (16 U.S.C. 410yy–7(b)) is amended by striking "$4" and inserting "$1".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 102–543 (16 U.S.C. 410yy–9) is amended—

(1) in subsection (a)—

(A) by striking "$25,000,000" and inserting "$50,000,000"; and

(B) by striking "$3,000,000" and inserting "$25,000,000"; and

(2) in subsection (b), by striking "$100,000" and all that follows through "those duties" and inserting "$250,000".

16 USC 461 note.

SEC. 7102. LOCATION OF VISITOR AND ADMINISTRATIVE FACILITIES FOR WEIR FARM NATIONAL HISTORIC SITE.

Section 4(d) of the Weir Farm National Historic Site Establishment Act of 1990 (16 U.S.C. 461 note) is amended—

(1) in paragraph (1)(B), by striking "contiguous to" and all that follows and inserting "within Fairfield County.";

(2) by amending paragraph (2) to read as follows:

"(2) DEVELOPMENT.—

"(A) MAINTAINING NATURAL CHARACTER.—The Secretary shall keep development of the property acquired under paragraph (1) to a minimum so that the character of the acquired property will be similar to the natural and undeveloped landscape of the property described in subsection (b).

"(B) TREATMENT OF PREVIOUSLY DEVELOPED PROPERTY.—Nothing in subparagraph (A) shall either prevent the Secretary from acquiring property under paragraph (1) that, prior to the Secretary's acquisition, was developed in a manner inconsistent with subparagraph (A), or require the Secretary to remediate such previously developed property to reflect the natural character described in subparagraph (A)."; and

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking "the appropriate zoning authority" and all that follows through "Wilton, Connecticut," and inserting "the local governmental entity that, in accordance with applicable State law, has jurisdiction over any property acquired under paragraph (1)(A)".

SEC. 7103. LITTLE RIVER CANYON NATIONAL PRESERVE BOUNDARY EXPANSION.

Section 2 of the Little River Canyon National Preserve Act of 1992 (16 U.S.C. 698q) is amended—

(1) in subsection (b)—

(A) by striking "The Preserve" and inserting the following:

"(1) IN GENERAL.—The Preserve"; and

(B) by adding at the end the following:

"(2) BOUNDARY EXPANSION.—The boundary of the Preserve is modified to include the land depicted on the map entitled 'Little River Canyon National Preserve Proposed Boundary', numbered 152/80,004, and dated December 2007."; and

(2) in subsection (c), by striking "map" and inserting "maps".

SEC. 7104. HOPEWELL CULTURE NATIONAL HISTORICAL PARK BOUNDARY EXPANSION. Ohio.

Section 2 of the Act entitled "An Act to rename and expand the boundaries of the Mound City Group National Monument in Ohio", approved May 27, 1992 (106 Stat. 185), is amended— 16 USC 410uu–1.

(1) by striking "and" at the end of subsection (a)(3);

(2) by striking the period at the end of subsection (a)(4) and inserting "; and";

(3) by adding after subsection (a)(4) the following new paragraph:

"(5) the map entitled 'Hopewell Culture National Historical Park, Ohio Proposed Boundary Adjustment' numbered 353/80,049 and dated June, 2006."; and

(4) by adding after subsection (d)(2) the following new paragraph:

"(3) The Secretary may acquire lands added by subsection (a)(5) only from willing sellers.".

SEC. 7105. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking "of approximately twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978," and inserting "generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100A, and dated December 2007,".

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking "(a) Within the" and all that follows through the first sentence and inserting the following:

"(a) IN GENERAL.—

"(1) BARATARIA PRESERVE UNIT.—

"(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the Barataria Preserve Unit by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—Any non-Federal land depicted on the map described in section 901 as 'Lands Proposed for Addition' may be acquired by the Secretary only with the consent of the owner of the land.

"(ii) BOUNDARY ADJUSTMENT.—On the date on which the Secretary acquires a parcel of land described in clause (i), the boundary of the Barataria Preserve Unit shall be adjusted to reflect the acquisition.

"(iii) EASEMENTS.—To ensure adequate hurricane protection of the communities located in the area, any land identified on the map described in section 901 that is acquired or transferred shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.

Effective date.

"(C) TRANSFER OF ADMINISTRATION JURISDICTION.—Effective on the date of enactment of the Omnibus Public Land Management Act of 2009, administrative jurisdiction over any Federal land within the areas depicted on the map described in section 901 as 'Lands Proposed for Addition' is transferred, without consideration, to the administrative jurisdiction of the National Park Service, to be administered as part of the Barataria Preserve Unit.";

(B) in the second sentence, by striking "The Secretary may also acquire by any of the foregoing methods" and inserting the following:

"(2) FRENCH QUARTER.—The Secretary may acquire by any of the methods referred to in paragraph (1)(A)";

(C) in the third sentence, by striking "Lands, waters, and interests therein" and inserting the following:

"(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water"; and

(D) in the fourth sentence, by striking "In acquiring" and inserting the following:

"(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring";

(2) by striking subsections (b) through (f) and inserting the following:

"(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

"(1) fresh water drainage patterns;

"(2) vegetative cover;

"(3) the integrity of ecological and biological systems; and

"(4) water and air quality.

"(c) ADJACENT LAND.—With the consent of the owner and the parish governing authority, the Secretary may—

"(1) acquire land, water, and interests in land and water, by any of the methods referred to in subsection (a)(1)(A) (including use of appropriations from the Land and Water Conservation Fund); and

"(2) revise the boundaries of the Barataria Preserve Unit to include adjacent land and water."; and

(3) by redesignating subsection (g) as subsection (d).

(c) DEFINITION OF IMPROVED PROPERTY.—Section 903 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230b) is amended in the fifth sentence by inserting "(or January 1, 2007, for areas added to the park after that date)" after "January 1, 1977".

(d) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking ", except that within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he" and inserting "on land, and interests in land and water managed by the Secretary, except that the Secretary".

(e) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "Pending such establishment and thereafter the" and inserting "The".

(f) REFERENCES IN LAW.—

(1) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States— 16 USC 230 note.

(A) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(B) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve. 16 USC 230 note, 231–231b.

(2) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(A) by striking "Barataria Marsh Unit" each place it appears and inserting "Barataria Preserve Unit"; and 16 USC 230b, 230d.

(B) by striking "Jean Lafitte National Historical Park" each place it appears and inserting "Jean Lafitte National Historical Park and Preserve". 16 USC 230, 230a, 230h.

SEC. 7106. MINUTE MAN NATIONAL HISTORICAL PARK. Massachusetts. 16 USC 410t note.

(a) DEFINITIONS.—In this section:

(1) MAP.—The term "map" means the map entitled "Minute Man National Historical Park Proposed Boundary", numbered 406/81001, and dated July 2007.

(2) PARK.—The term "Park" means the Minute Man National Historical Park in the State of Massachusetts.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) MINUTE MAN NATIONAL HISTORICAL PARK.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Park is modified to include the area generally depicted on the map.

(B) AVAILABILITY OF MAP.—The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(2) ACQUISITION OF LAND.—The Secretary may acquire the land or an interest in the land described in paragraph (1)(A) by—

(A) purchase from willing sellers with donated or appropriated funds;

(B) donation; or

(C) exchange.

(3) ADMINISTRATION OF LAND.—The Secretary shall administer the land added to the Park under paragraph (1)(A) in accordance with applicable laws (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7107. EVERGLADES NATIONAL PARK. Florida. 16 USC 410r–9.

(a) INCLUSION OF TARPON BASIN PROPERTY.—

(1) DEFINITIONS.—In this subsection:

(A) HURRICANE HOLE.—The term "Hurricane Hole" means the natural salt-water body of water within the

Duesenbury Tracts of the eastern parcel of the Tarpon Basin boundary adjustment and accessed by Duesenbury Creek.

(B) MAP.—The term "map" means the map entitled "Proposed Tarpon Basin Boundary Revision", numbered 160/80,012, and dated May 2008.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(D) TARPON BASIN PROPERTY.—The term "Tarpon Basin property" means land that—

(i) is comprised of approximately 600 acres of land and water surrounding Hurricane Hole, as generally depicted on the map; and

(ii) is located in South Key Largo.

(2) BOUNDARY REVISION.—

(A) IN GENERAL.—The boundary of the Everglades National Park is adjusted to include the Tarpon Basin property.

(B) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange, land, water, or interests in land and water, within the area depicted on the map, to be added to Everglades National Park.

(C) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(D) ADMINISTRATION.—Land added to Everglades National Park by this section shall be administered as part of Everglades National Park in accordance with applicable laws (including regulations).

(3) HURRICANE HOLE.—The Secretary may allow use of Hurricane Hole by sailing vessels during emergencies, subject to such terms and conditions as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(b) LAND EXCHANGES.—

(1) DEFINITIONS.—In this subsection:

(A) COMPANY.—The term "Company" means Florida Power & Light Company.

(B) FEDERAL LAND.—The term "Federal Land" means the parcels of land that are—

(i) owned by the United States;

(ii) administered by the Secretary;

(iii) located within the National Park; and

(iv) generally depicted on the map as—

(I) Tract A, which is adjacent to the Tamiami Trail, U.S. Rt. 41; and

(II) Tract B, which is located on the eastern boundary of the National Park.

(C) MAP.—The term "map" means the map prepared by the National Park Service, entitled "Proposed Land Exchanges, Everglades National Park", numbered 160/60411A, and dated September 2008.

(D) NATIONAL PARK.—The term "National Park" means the Everglades National Park located in the State.

(E) NON-FEDERAL LAND.—The term "non-Federal land" means the land in the State that—

(i) is owned by the State, the specific area and location of which shall be determined by the State; or

(ii)(I) is owned by the Company;

(II) comprises approximately 320 acres; and

(III) is located within the East Everglades Acquisition Area, as generally depicted on the map as "Tract D".

(F) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(G) STATE.—The term "State" means the State of Florida and political subdivisions of the State, including the South Florida Water Management District.

(2) LAND EXCHANGE WITH STATE.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the State offers to convey to the Secretary all right, title, and interest of the State in and to specific parcels of non-Federal land, and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the State all right, title, and interest of the United States in and to the Federal land generally depicted on the map as "Tract A".

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISALS.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the State, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(3) LAND EXCHANGE WITH COMPANY.—

(A) IN GENERAL.—Subject to the provisions of this paragraph, if the Company offers to convey to the Secretary all right, title, and interest of the Company in and to

the non-Federal land generally depicted on the map as "Tract D", and the offer is acceptable to the Secretary, the Secretary may, subject to valid existing rights, accept the offer and convey to the Company all right, title, and interest of the United States in and to the Federal land generally depicted on the map as "Tract B", along with a perpetual easement on a corridor of land contiguous to Tract B for the purpose of vegetation management.

(B) CONDITIONS.—The land exchange under subparagraph (A) shall be subject to such terms and conditions as the Secretary may require.

(C) VALUATION.—

(i) IN GENERAL.—The values of the land involved in the land exchange under subparagraph (A) shall be equal unless the non-Federal land is of higher value than the Federal land.

(ii) EQUALIZATION.—If the values of the land are not equal, the values may be equalized by donation, payment using donated or appropriated funds, or the conveyance of additional parcels of land.

(D) APPRAISAL.—Before the exchange of land under subparagraph (A), appraisals for the Federal and non-Federal land shall be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(E) TECHNICAL CORRECTIONS.—Subject to the agreement of the Company, the Secretary may make minor corrections to correct technical and clerical errors in the legal descriptions of the Federal and non-Federal land and minor adjustments to the boundaries of the Federal and non-Federal land.

(F) ADMINISTRATION OF LAND ACQUIRED BY SECRETARY.—Land acquired by the Secretary under subparagraph (A) shall—

(i) become part of the National Park; and

(ii) be administered in accordance with the laws applicable to the National Park System.

(4) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(5) BOUNDARY REVISION.—On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.

Hawaii.
16 USC 410jj–4 note.
Ka 'Ohana O Kalaupapa.
Establishment.

SEC. 7108. KALAUPAPA NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—The Secretary of the Interior shall authorize Ka 'Ohana O Kalaupapa, a non-profit organization consisting of patient residents at Kalaupapa National Historical Park, and their family members and friends, to establish a memorial at a suitable location or locations approved by the Secretary at Kalawao or Kalaupapa within the boundaries of Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to Kalaupapa Peninsula from 1866 to 1969.

(b) DESIGN.—

(1) IN GENERAL.—The memorial authorized by subsection (a) shall—

(A) display in an appropriate manner the names of the first 5,000 individuals sent to the Kalaupapa Peninsula between 1866 and 1896, most of whom lived at Kalawao; and

(B) display in an appropriate manner the names of the approximately 3,000 individuals who arrived at Kalaupapa in the second part of its history, when most of the community was concentrated on the Kalaupapa side of the peninsula.

(2) APPROVAL.—The location, size, design, and inscriptions of the memorial authorized by subsection (a) shall be subject to the approval of the Secretary of the Interior.

(c) FUNDING.—Ka 'Ohana O Kalaupapa, a nonprofit organization, shall be solely responsible for acceptance of contributions for and payment of the expenses associated with the establishment of the memorial.

SEC. 7109. BOSTON HARBOR ISLANDS NATIONAL RECREATION AREA. Massachusetts.

(a) COOPERATIVE AGREEMENTS.—Section 1029(d) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(d)) is amended by striking paragraph (3) and inserting the following:

"(3) AGREEMENTS.—

"(A) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term 'eligible entity' means—

"(i) the Commonwealth of Massachusetts;

"(ii) a political subdivision of the Commonwealth of Massachusetts; or

"(iii) any other entity that is a member of the Boston Harbor Islands Partnership described in subsection (e)(2).

"(B) AUTHORITY OF SECRETARY.—Subject to subparagraph (C), the Secretary may consult with an eligible entity on, and enter into with the eligible entity—

"(i) a cooperative management agreement to acquire from, and provide to, the eligible entity goods and services for the cooperative management of land within the recreation area; and

"(ii) notwithstanding section 6305 of title 31, United States Code, a cooperative agreement for the construction of recreation area facilities on land owned by an eligible entity for purposes consistent with the management plan under subsection (f).

"(C) CONDITIONS.—The Secretary may enter into an agreement with an eligible entity under subparagraph (B) only if the Secretary determines that—

"(i) appropriations for carrying out the purposes of the agreement are available; and

"(ii) the agreement is in the best interests of the United States.".

(b) TECHNICAL AMENDMENTS.—

(1) MEMBERSHIP.—Section 1029(e)(2)(B) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(2)(B)) is amended by striking "Coast Guard" and inserting "Coast Guard.".

(2) DONATIONS.—Section 1029(e)(11) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 460kkk(e)(11)) is amended by striking "Nothwithstanding" and inserting "Notwithstanding".

16 USC 410mmm.

SEC. 7110. THOMAS EDISON NATIONAL HISTORICAL PARK, NEW JERSEY.

(a) PURPOSES.—The purposes of this section are—

(1) to recognize and pay tribute to Thomas Alva Edison and his innovations; and

(2) to preserve, protect, restore, and enhance the Edison National Historic Site to ensure public use and enjoyment of the Site as an educational, scientific, and cultural center.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Thomas Edison National Historical Park as a unit of the National Park System (referred to in this section as the "Historical Park").

(2) BOUNDARIES.—The Historical Park shall be comprised of all property owned by the United States in the Edison National Historic Site as well as all property authorized to be acquired by the Secretary of the Interior (referred to in this section as the "Secretary") for inclusion in the Edison National Historic Site before the date of the enactment of this Act, as generally depicted on the map entitled the "Thomas Edison National Historical Park", numbered 403/80,000, and dated April 2008.

(3) MAP.—The map of the Historical Park shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the Historical Park in accordance with this section and with the provisions of law generally applicable to units of the National Park System, including the Acts entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.) and "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes," approved August 21, 1935 (16 U.S.C. 461 et seq.).

(2) ACQUISITION OF PROPERTY.—

(A) REAL PROPERTY.—The Secretary may acquire land or interests in land within the boundaries of the Historical Park, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange.

(B) PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, interpretation of the Historical Park.

(3) COOPERATIVE AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the Historical Park.

(4) REPEAL OF SUPERSEDED LAW.—Public Law 87–628 (76 Stat. 428), regarding the establishment and administration of the Edison National Historic Site, is repealed.

16 USC 461 note.

16 USC 431 note.

(5) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the

"Edison National Historic Site" shall be deemed to be a reference to the "Thomas Edison National Historical Park".

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 7111. WOMEN'S RIGHTS NATIONAL HISTORICAL PARK.

New York.
16 USC 469m.

(a) VOTES FOR WOMEN TRAIL.—Title XVI of Public Law 96–607 (16 U.S.C. 410ll) is amended by adding at the end the following:

"SEC. 1602. VOTES FOR WOMEN TRAIL.

16 USC 410*ll*–1.

"(a) DEFINITIONS.—In this section:

"(1) PARK.—The term 'Park' means the Women's Rights National Historical Park established by section 1601.

"(2) SECRETARY.—The term 'Secretary' means the Secretary of the Interior, acting through the Director of the National Park Service.

"(3) STATE.—The term 'State' means the State of New York.

"(4) TRAIL.—The term 'Trail' means the Votes for Women History Trail Route designated under subsection (b).

"(b) ESTABLISHMENT OF TRAIL ROUTE.—The Secretary, with concurrence of the agency having jurisdiction over the relevant roads, may designate a vehicular tour route, to be known as the 'Votes for Women History Trail Route', to link properties in the State that are historically and thematically associated with the struggle for women's suffrage in the United States.

"(c) ADMINISTRATION.—The Trail shall be administered by the National Park Service through the Park.

"(d) ACTIVITIES.—To facilitate the establishment of the Trail and the dissemination of information regarding the Trail, the Secretary shall—

"(1) produce and disseminate appropriate educational materials regarding the Trail, such as handbooks, maps, exhibits, signs, interpretive guides, and electronic information;

"(2) coordinate the management, planning, and standards of the Trail in partnership with participating properties, other Federal agencies, and State and local governments;

"(3) create and adopt an official, uniform symbol or device to mark the Trail; and

"(4) issue guidelines for the use of the symbol or device adopted under paragraph (3).

Guidelines.

"(e) ELEMENTS OF TRAIL ROUTE.—Subject to the consent of the owner of the property, the Secretary may designate as an official stop on the Trail—

"(1) all units and programs of the Park relating to the struggle for women's suffrage;

"(2) other Federal, State, local, and privately owned properties that the Secretary determines have a verifiable connection to the struggle for women's suffrage; and

"(3) other governmental and nongovernmental facilities and programs of an educational, commemorative, research, or interpretive nature that the Secretary determines to be directly related to the struggle for women's suffrage.

"(f) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—

"(1) IN GENERAL.—To facilitate the establishment of the Trail and to ensure effective coordination of the Federal and

non-Federal properties designated as stops along the Trail, the Secretary may enter into cooperative agreements and memoranda of understanding with, and provide technical and financial assistance to, other Federal agencies, the State, localities, regional governmental bodies, and private entities.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the period of fiscal years 2009 through 2013 to provide financial assistance to cooperating entities pursuant to agreements or memoranda entered into under paragraph (1).".

(b) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT NATIONAL REGISTRY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") may make annual grants to State historic preservation offices for not more than 5 years to assist the State historic preservation offices in surveying, evaluating, and nominating to the National Register of Historic Places women's rights history properties.

(2) ELIGIBILITY.—In making grants under paragraph (1), the Secretary shall give priority to grants relating to properties associated with the multiple facets of the women's rights movement, such as politics, economics, education, religion, and social and family rights.

Web posting.

(3) UPDATES.—The Secretary shall ensure that the National Register travel itinerary website entitled "Places Where Women Made History" is updated to contain—

(A) the results of the inventory conducted under paragraph (1); and

(B) any links to websites related to places on the inventory.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

(c) NATIONAL WOMEN'S RIGHTS HISTORY PROJECT PARTNERSHIPS NETWORK.—

(1) GRANTS.—The Secretary may make matching grants and give technical assistance for development of a network of governmental and nongovernmental entities (referred to in this subsection as the "network"), the purpose of which is to provide interpretive and educational program development of national women's rights history, including historic preservation.

(2) MANAGEMENT OF NETWORK.—

Designation.

(A) IN GENERAL.—The Secretary shall, through a competitive process, designate a nongovernmental managing network to manage the network.

(B) COORDINATION.—The nongovernmental managing entity designated under subparagraph (A) shall work in partnership with the Director of the National Park Service and State historic preservation offices to coordinate operation of the network.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the cost of any activity carried out using any assistance made available under this subsection shall be 50 percent.

(B) STATE HISTORIC PRESERVATION OFFICES.—Matching grants for historic preservation specific to the network may be made available through State historic preservation offices.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2013.

SEC. 7112. MARTIN VAN BUREN NATIONAL HISTORIC SITE.

New York.
16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term "historic site" means the Martin Van Buren National Historic Site in the State of New York established by Public Law 93–486 (16 U.S.C. 461 note) on October 26, 1974.

(2) MAP.—The term "map" means the map entitled "Boundary Map, Martin Van Buren National Historic Site", numbered "460/80801", and dated January 2005.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) BOUNDARY ADJUSTMENTS TO THE HISTORIC SITE.—

(1) BOUNDARY ADJUSTMENT.—The boundary of the historic site is adjusted to include approximately 261 acres of land identified as the "PROPOSED PARK BOUNDARY", as generally depicted on the map.

(2) ACQUISITION AUTHORITY.—The Secretary may acquire the land and any interests in the land described in paragraph (1) from willing sellers by donation, purchase with donated or appropriated funds, or exchange.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADMINISTRATION.—Land acquired for the historic site under this section shall be administered as part of the historic site in accordance with applicable law (including regulations).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7113. PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.

Texas.

(a) DESIGNATION OF PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Palo Alto Battlefield National Historic Site shall be known and designated as the "Palo Alto Battlefield National Historical Park".

16 USC 410nnn note.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the historic site referred to in subsection (a) shall be deemed to be a reference to the Palo Alto Battlefield National Historical Park.

16 USC 410nnn note.

(3) CONFORMING AMENDMENTS.—The Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) is amended—

(A) by striking "National Historic Site" each place it appears and inserting "National Historical Park";

(B) in the heading for section 3, by striking "**NATIONAL HISTORIC SITE**" and inserting "**NATIONAL HISTORICAL PARK**"; and

(C) by striking "historic site" each place it appears and inserting "historical park".

(b) BOUNDARY EXPANSION, PALO ALTO BATTLEFIELD NATIONAL HISTORICAL PARK, TEXAS.—Section 3(b) of the Palo Alto Battlefield National Historic Site Act of 1991 (16 U.S.C. 461 note; Public Law 102–304) (as amended by subsection (a)) is amended—

(1) in paragraph (1), by striking "(1) The historical park" and inserting the following:

"(1) IN GENERAL.—The historical park";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) ADDITIONAL LAND.—

"(A) IN GENERAL.—In addition to the land described in paragraph (1), the historical park shall consist of approximately 34 acres of land, as generally depicted on the map entitled 'Palo Alto Battlefield NHS Proposed Boundary Expansion', numbered 469/80,012, and dated May 21, 2008.

"(B) AVAILABILITY OF MAP.—The map described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service."; and

(4) in paragraph (3) (as redesignated by paragraph (2))—

(A) by striking "(3) Within" and inserting the following: "(3) LEGAL DESCRIPTION.—Not later than"; and

(B) in the second sentence, by striking "map referred to in paragraph (1)" and inserting "maps referred to in paragraphs (1) and (2)".

Kentucky.
16 USC 217b.

SEC. 7114. ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORICAL PARK.

(a) DESIGNATION.—The Abraham Lincoln Birthplace National Historic Site in the State of Kentucky shall be known and designated as the "Abraham Lincoln Birthplace National Historical Park".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Abraham Lincoln Birthplace National Historic Site shall be deemed to be a reference to the "Abraham Lincoln Birthplace National Historical Park".

SEC. 7115. NEW RIVER GORGE NATIONAL RIVER.

Section 1106 of the National Parks and Recreation Act of 1978 (16 U.S.C. 460m–20) is amended in the first sentence by striking "may" and inserting "shall".

SEC. 7116. TECHNICAL CORRECTIONS.

(a) GAYLORD NELSON WILDERNESS.—

(1) REDESIGNATION.—Section 140 of division E of the Consolidated Appropriations Act, 2005 (16 U.S.C. 1132 note; Public Law 108–447), is amended—

(A) in subsection (a), by striking "Gaylord A. Nelson" and inserting "Gaylord Nelson"; and

(B) in subsection (c)(4), by striking "Gaylord A. Nelson Wilderness" and inserting "Gaylord Nelson Wilderness".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the "Gaylord A. Nelson Wilderness" shall be deemed to be a reference to the "Gaylord Nelson Wilderness".

(b) ARLINGTON HOUSE LAND TRANSFER.—Section 2863(h)(1) of Public Law 107–107 (115 Stat. 1333) is amended by striking "the George Washington Memorial Parkway" and inserting "Arlington House, The Robert E. Lee Memorial,".

(c) CUMBERLAND ISLAND WILDERNESS.—Section 2(a)(1) of Public Law 97–250 (16 U.S.C. 1132 note; 96 Stat. 709) is amended by striking "numbered 640/20,038I, and dated September 2004" and inserting "numbered 640/20,038K, and dated September 2005".

(d) PETRIFIED FOREST BOUNDARY.—Section 2(1) of the Petrified Forest National Park Expansion Act of 2004 (16 U.S.C. 119 note; Public Law 108–430) is amended by striking "numbered 110/80,044, and dated July 2004" and inserting "numbered 110/80,045, and dated January 2005".

(e) COMMEMORATIVE WORKS ACT.—Chapter 89 of title 40, United States Code, is amended—

(1) in section 8903(d), by inserting "Natural" before "Resources";

(2) in section 8904(b), by inserting "Advisory" before "Commission"; and

(3) in section 8908(b)(1)—

(A) in the first sentence, by inserting "Advisory" before "Commission"; and

(B) in the second sentence, by striking "House Administration" and inserting "Natural Resources".

(f) CAPTAIN JOHN SMITH CHESAPEAKE NATIONAL HISTORIC TRAIL.—Section 5(a)(25)(A) of the National Trails System Act (16 U.S.C. 1244(a)(25)(A)) is amended by striking "The John Smith" and inserting "The Captain John Smith".

(g) DELAWARE NATIONAL COASTAL SPECIAL RESOURCE STUDY.—Section 604 of the Delaware National Coastal Special Resources Study Act (Public Law 109–338; 120 Stat. 1856) is amended by striking "under section 605".

(h) USE OF RECREATION FEES.—Section 808(a)(1)(F) of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6807(a)(1)(F)) is amended by striking "section 6(a)" and inserting "section 806(a)".

(i) CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.—Section 297F(b)(2)(A) of the Crossroads of the American Revolution National Heritage Area Act of 2006 (Public Law 109–338; 120 Stat. 1844) is amended by inserting "duties" before "of the". 16 USC 461 note.

(j) CUYAHOGA VALLEY NATIONAL PARK.—Section 474(12) of the Consolidated Natural Resources Act of 2008 (Public Law 1110–229; 122 Stat. 827) is amended by striking "Cayohoga" each place it appears and inserting "Cuyahoga". 16 USC 461 note.

(k) PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE.—

(1) NAME ON MAP.—Section 313(d)(1)(B) of the Department of the Interior and Related Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–199; 40 U.S.C. 872 note) is amended by striking "map entitled 'Pennsylvania Avenue National Historic Park', dated June 1, 1995, and numbered 840–82441" and inserting "map entitled 'Pennsylvania Avenue National Historic Site', dated August 25, 2008, and numbered 840–82441B". 40 USC 6702.

16 USC 6702 note.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the "Pennsylvania Avenue National Historic Site".

SEC. 7117. DAYTON AVIATION HERITAGE NATIONAL HISTORICAL PARK, OHIO.

16 USC 410ww.

(a) ADDITIONAL AREAS INCLUDED IN PARK.—Section 101 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww, et seq.) is amended by adding at the end the following:

"(c) ADDITIONAL SITES.—In addition to the sites described in subsection (b), the park shall consist of the following sites, as generally depicted on a map titled 'Dayton Aviation Heritage National Historical Park', numbered 362/80,013 and dated May 2008:

"(1) Hawthorn Hill, Oakwood, Ohio.

"(2) The Wright Company factory and associated land and buildings, Dayton, Ohio.".

(b) PROTECTION OF HISTORIC PROPERTIES.—Section 102 of the Dayton Aviation Heritage Preservation Act of 1992 (16 U.S.C. 410ww–1) is amended—

(1) in subsection (a), by inserting "Hawthorn Hill, the Wright Company factory," after ", acquire";

(2) in subsection (b), by striking "Such agreements" and inserting:

"(d) CONDITIONS.—Cooperative agreements under this section";

(3) by inserting before subsection (d) (as added by paragraph 2) the following:

"(c) COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into a cooperative agreement with a partner or partners, including the Wright Family Foundation, to operate and provide programming for Hawthorn Hill and charge reasonable fees notwithstanding any other provision of law, which may be used to defray the costs of park operation and programming."; and

(4) by striking "Commission" and inserting "Aviation Heritage Foundation".

(c) GRANT ASSISTANCE.—The Dayton Aviation Heritage Preservation Act of 1992, is amended—

16 USC 410ww–7.

(1) by redesignating subsection (b) of section 108 as subsection (c); and

(2) by inserting after subsection (a) of section 108 the following new subsection:

"(b) GRANT ASSISTANCE.—The Secretary is authorized to make grants to the parks' partners, including the Aviation Trail, Inc., the Ohio Historical Society, and Dayton History, for projects not requiring Federal involvement other than providing financial assistance, subject to the availability of appropriations in advance identifying the specific partner grantee and the specific project. Projects funded through these grants shall be limited to construction and development on non-Federal property within the boundaries of the park. Any project funded by such a grant shall support the purposes of the park, shall be consistent with the park's general management plan, and shall enhance public use and enjoyment of the park.".

(d) NATIONAL AVIATION HERITAGE AREA.—Title V of division J of the Consolidated Appropriations Act, 2005 (16 U.S.C. 461 note; Public Law 108–447), is amended—

(1) in section 503(3), by striking "104" and inserting "504";
(2) in section 503(4), by striking "106" and inserting "506";
(3) in section 504, by striking subsection (b)(2) and by redesignating subsection (b)(3) as subsection (b)(2); and
(4) in section 505(b)(1), by striking "106" and inserting "506".

SEC. 7118. FORT DAVIS NATIONAL HISTORIC SITE.

Public Law 87–213 (16 U.S.C. 461 note) is amended as follows:
(1) In the first section—
(A) by striking "the Secretary of the Interior" and inserting "(a) The Secretary of the Interior";
(B) by striking "476 acres" and inserting "646 acres"; and
(C) by adding at the end the following:
"(b) The Secretary may acquire from willing sellers land comprising approximately 55 acres, as depicted on the map titled 'Fort Davis Proposed Boundary Expansion', numbered 418/80,045, and dated April 2008. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. Upon acquisition of the land, the land shall be incorporated into the Fort Davis National Historic Site.".
(2) By repealing section 3.

Subtitle C—Special Resource Studies

SEC. 7201. WALNUT CANYON STUDY.

(a) DEFINITIONS.—In this section:
(1) MAP.—The term "map" means the map entitled "Walnut Canyon Proposed Study Area" and dated July 17, 2007.
(2) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.
(3) STUDY AREA.—The term "study area" means the area identified on the map as the "Walnut Canyon Proposed Study Area".
(b) STUDY.—
(1) IN GENERAL.—The Secretaries shall conduct a study of the study area to assess—
(A) the suitability and feasibility of designating all or part of the study area as an addition to Walnut Canyon National Monument, in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c));
(B) continued management of the study area by the Forest Service; or
(C) any other designation or management option that would provide for—
(i) protection of resources within the study area; and
(ii) continued access to, and use of, the study area by the public.
(2) CONSULTATION.—The Secretaries shall provide for public comment in the preparation of the study, including consultation with appropriate Federal, State, and local governmental entities. Public comment.

(3) REPORT.—Not later than 18 months after the date on which funds are made available to carry out this section, the Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(A) the results of the study; and

(B) any recommendations of the Secretaries.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7202. TULE LAKE SEGREGATION CENTER, CALIFORNIA.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the Tule Lake Segregation Center to determine the national significance of the site and the suitability and feasibility of including the site in the National Park System.

(2) STUDY GUIDELINES.—The study shall be conducted in accordance with the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(3) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(A) Modoc County;

(B) the State of California;

(C) appropriate Federal agencies;

(D) tribal and local government entities;

(E) private and nonprofit organizations; and

(F) private landowners.

(4) SCOPE OF STUDY.—The study shall include an evaluation of—

(A) the significance of the site as a part of the history of World War II;

(B) the significance of the site as the site relates to other war relocation centers;.

(C) the historical resources of the site, including the stockade, that are intact and in place;

(D) the contributions made by the local agricultural community to the World War II effort; and

(E) the potential impact of designation of the site as a unit of the National Park System on private landowners.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to conduct the study required under this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study.

Virgin Islands.

SEC. 7203. ESTATE GRANGE, ST. CROIX.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary"), in consultation with the Governor of the Virgin Islands, shall conduct a special resource study of Estate Grange and other sites and resources

associated with Alexander Hamilton's life on St. Croix in the United States Virgin Islands.

(2) CONTENTS.—In conducting the study under paragraph (1), the Secretary shall evaluate— Evaluation.

(A) the national significance of the sites and resources; and

(B) the suitability and feasibility of designating the sites and resources as a unit of the National Park System.

(3) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under paragraph (1). Applicability.

(4) REPORT.—Not later than 3 years after the date on which funds are first made available for the study under paragraph (1), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(A) the results of the study; and

(B) any findings, conclusions, and recommendations of the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7204. HARRIET BEECHER STOWE HOUSE, MAINE.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the "Secretary") shall complete a special resource study of the Harriet Beecher Stowe House in Brunswick, Maine, to evaluate— Deadline.

(A) the national significance of the Harriet Beecher Stowe House and surrounding land; and

(B) the suitability and feasibility of designating the Harriet Beecher Stowe House and surrounding land as a unit of the National Park System.

(2) STUDY GUIDELINES.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(b) REPORT.—On completion of the study required under subsection (a), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7205. SHEPHERDSTOWN BATTLEFIELD, WEST VIRGINIA.

(a) SPECIAL RESOURCES STUDY.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study relating to the Battle of Shepherdstown in Shepherdstown, West Virginia, to evaluate—

(1) the national significance of the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield; and

(2) the suitability and feasibility of adding the Shepherdstown battlefield and sites relating to the Shepherdstown battlefield as part of—

(A) Harpers Ferry National Historical Park; or

(B) Antietam National Battlefield.

(b) CRITERIA.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 7206. GREEN MCADOO SCHOOL, TENNESSEE.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the site of Green McAdoo School in Clinton, Tennessee, (referred to in this section as the "site") to evaluate—

(1) the national significance of the site; and

(2) the suitability and feasibility of designating the site as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) CONTENTS.—The study authorized by this section shall—

(1) determine the suitability and feasibility of designating the site as a unit of the National Park System;

(2) include cost estimates for any necessary acquisition, development, operation, and maintenance of the site; and

(3) identify alternatives for the management, administration, and protection of the site.

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings and conclusions of the study; and

(2) any recommendations of the Secretary.

SEC. 7207. HARRY S TRUMAN BIRTHPLACE, MISSOURI.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the Harry S Truman Birthplace State Historic Site (referred to in this section as the "birthplace site") in Lamar, Missouri, to determine—

(1) the suitability and feasibility of—

(A) adding the birthplace site to the Harry S Truman National Historic Site; or

(B) designating the birthplace site as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the birthplace site by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the birthplace site.

SEC. 7208. BATTLE OF MATEWAN SPECIAL RESOURCE STUDY.

West Virginia.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the sites and resources at Matewan, West Virginia, associated with the Battle of Matewan (also known as the "Matewan Massacre") of May 19, 1920, to determine—

(1) the suitability and feasibility of designating certain historic areas of Matewan, West Virginia, as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the historic areas by the National Park Service, other Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the historic areas.

SEC. 7209. BUTTERFIELD OVERLAND TRAIL.

State listing.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study along the route known as the "Ox-Bow Route" of the Butterfield Overland Trail (referred to in this section as the "route") in the States of Missouri, Tennessee, Arkansas, Oklahoma, Texas, New Mexico, Arizona, and California to evaluate—

(1) a range of alternatives for protecting and interpreting the resources of the route, including alternatives for potential addition of the Trail to the National Trails System; and

(2) the methods and means for the protection and interpretation of the route by the National Park Service, other

Federal, State, or local government entities, or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study required under subsection (a) in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) or section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), as appropriate.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study conducted under subsection (a); and

(2) any recommendations of the Secretary with respect to the route.

16 USC 1a–5 note.

SEC. 7210. COLD WAR SITES THEME STUDY.

(a) DEFINITIONS.—

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Cold War Advisory Committee established under subsection (c).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) THEME STUDY.—The term "theme study" means the national historic landmark theme study conducted under subsection (b)(1).

(b) COLD WAR THEME STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Cold War.

(2) RESOURCES.—In conducting the theme study, the Secretary shall consider—

(A) the inventory of sites and resources associated with the Cold War completed by the Secretary of Defense under section 8120(b)(9) of the Department of Defense Appropriations Act, 1991 (Public Law 101–511; 104 Stat. 1906); and

(B) historical studies and research of Cold War sites and resources, including—

(i) intercontinental ballistic missiles;

(ii) flight training centers;

(iii) manufacturing facilities;

(iv) communications and command centers (such as Cheyenne Mountain, Colorado);

(v) defensive radar networks (such as the Distant Early Warning Line);

(vi) nuclear weapons test sites (such as the Nevada test site); and

(vii) strategic and tactical aircraft.

(3) CONTENTS.—The theme study shall include—

(A) recommendations for commemorating and interpreting sites and resources identified by the theme study, including—

(i) sites for which studies for potential inclusion in the National Park System should be authorized;

(ii) sites for which new national historic landmarks should be nominated; and

(iii) other appropriate designations;

(B) recommendations for cooperative agreements with—

(i) State and local governments;

(ii) local historical organizations; and

(iii) other appropriate entities; and

(C) an estimate of the amount required to carry out the recommendations under subparagraphs (A) and (B).

(4) CONSULTATION.—In conducting the theme study, the Secretary shall consult with—

(A) the Secretary of the Air Force;

(B) State and local officials;

(C) State historic preservation offices; and

(D) other interested organizations and individuals.

(5) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the findings, conclusions, and recommendations of the theme study.

(c) COLD WAR ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—As soon as practicable after funds are made available to carry out this section, the Secretary shall establish an advisory committee, to be known as the "Cold War Advisory Committee", to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The Advisory Committee shall be composed of 9 members, to be appointed by the Secretary, of whom—

(A) 3 shall have expertise in Cold War history;

(B) 2 shall have expertise in historic preservation;

(C) 1 shall have expertise in the history of the United States; and

(D) 3 shall represent the general public.

(3) CHAIRPERSON.—The Advisory Committee shall select a chairperson from among the members of the Advisory Committee.

(4) COMPENSATION.—A member of the Advisory Committee shall serve without compensation but may be reimbursed by the Secretary for expenses reasonably incurred in the performance of the duties of the Advisory Committee.

(5) MEETINGS.—On at least 3 occasions, the Secretary (or a designee) shall meet and consult with the Advisory Committee on matters relating to the theme study.

(d) INTERPRETIVE HANDBOOK ON THE COLD WAR.—Not later than 4 years after the date on which funds are made available to carry out this section, the Secretary shall— Deadline.

(1) prepare and publish an interpretive handbook on the Cold War; and Publication.

(2) disseminate information in the theme study by other appropriate means.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $500,000.

SEC. 7211. BATTLE OF CAMDEN, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the site of the Battle of Camden fought in South

Carolina on August 16, 1780, and the site of Historic Camden, which is a National Park System Affiliated Area, to determine—

(1) the suitability and feasibility of designating the sites as a unit or units of the National Park System; and

(2) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 7212. FORT SAN GERÓNIMO, PUERTO RICO.

(a) DEFINITIONS.—In this section:

(1) FORT SAN GERÓNIMO.—The term "Fort San Gerónimo" (also known as "Fortín de San Gerónimo del Boquerón") means the fort and grounds listed on the National Register of Historic Places and located near Old San Juan, Puerto Rico.

(2) RELATED RESOURCES.—The term "related resources" means other parts of the fortification system of old San Juan that are not included within the boundary of San Juan National Historic Site, such as sections of the City Wall or other fortifications.

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of Fort San Gerónimo and other related resources, to determine—

(A) the suitability and feasibility of including Fort San Gerónimo and other related resources in the Commonwealth of Puerto Rico as part of San Juan National Historic Site; and

(B) the methods and means for the protection and interpretation of Fort San Gerónimo and other related resources by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Program Authorizations

SEC. 7301. AMERICAN BATTLEFIELD PROTECTION PROGRAM. 16 USC 469k–1.

(a) PURPOSE.—The purpose of this section is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

(b) PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(2) FINANCIAL ASSISTANCE.—To carry out paragraph (1), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 annually to carry out this subsection, to remain available until expended.

(c) BATTLEFIELD ACQUISITION GRANT PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) BATTLEFIELD REPORT.—The term "Battlefield Report" means the document entitled "Report on the Nation's Civil War Battlefields", prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(B) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government.

(C) ELIGIBLE SITE.—The term "eligible site" means a site—

(i) that is not within the exterior boundaries of a unit of the National Park System; and

(ii) that is identified in the Battlefield Report.

(D) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(2) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(3) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this subsection in partnership with a nonprofit organization.

(4) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this subsection shall be not less than 50 percent.

(5) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this subsection shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)).

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this subsection $10,000,000 for each of fiscal years 2009 through 2013.

16 USC 469n.

SEC. 7302. PRESERVE AMERICA PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term "heritage tourism" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term "program" means the Preserve America Program established under subsection (c)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, may provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under subsection (d)), Indian tribes, communities designated as Preserve America Communities under subsection (d), State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(2) ELIGIBLE PROJECTS.—

(A) IN GENERAL.—The following projects shall be eligible for a grant under this section:

(i) A project for the conduct of—

(I) research on, and documentation of, the history of a community; and

(II) surveys of the historic resources of a community.

(ii) An education and interpretation project that conveys the history of a community or site.

(iii) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(iv) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(v) A project to support heritage tourism in a Preserve America Community designated under subsection (d).

(vi) Other nonconstruction projects that identify or promote historic properties or provide for the education of the public about historic properties that are consistent with the purposes of this section.

(B) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant. Grants.

(3) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(4) CONSULTATION AND NOTIFICATION.—

(A) CONSULTATION.—The Secretary shall consult with the Council in preparing the list of projects to be provided grants for a fiscal year under the program.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year. Deadline. List.

(5) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies and related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity to secure, and a feasible plan for securing, the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

(d) DESIGNATION OF PRESERVE AMERICA COMMUNITIES.—

(1) APPLICATION.—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(2) CRITERIA.—To be designated as a Preserve America Community under the program, a community, tribal area, or neighborhood that submits an application under paragraph (1)

shall, as determined by the Council, in consultation with the Secretary, meet criteria required by the Council and, in addition, consider—

(A) protection and celebration of the heritage of the community, tribal area, or neighborhood;

(B) use of the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization; and

(C) encouragement of people to experience and appreciate local historic resources through education and heritage tourism programs.

(3) LOCAL GOVERNMENTS PREVIOUSLY CERTIFIED FOR HISTORIC PRESERVATION ACTIVITIES.—The Council shall establish an expedited process for Preserve America Community designation for local governments previously certified for historic preservation activities under section 101(c)(1) of the National Historic Preservation Act (16 U.S.C. 470a(c)(1)).

(4) GUIDELINES.—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this subsection.

Guidelines.

(e) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year, to remain available until expended.

16 USC 469o.

SEC. 7303. SAVE AMERICA'S TREASURES PROGRAM.

(a) PURPOSE.—The purpose of this section is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with—

(1) the National Endowment for the Arts;

(2) the National Endowment for the Humanities;

(3) the Institute of Museum and Library Services;

(4) the National Trust for Historic Preservation;

(5) the National Conference of State Historic Preservation Officers;

(6) the National Association of Tribal Historic Preservation Officers; and

(7) the President's Committee on the Arts and the Humanities.

(b) DEFINITIONS.—In this section:

(1) COLLECTION.—The term "collection" means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) HISTORIC PROPERTY.—The term "historic property" has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) NATIONALLY SIGNIFICANT.—The term "nationally significant" means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section

101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) PROGRAM.—The term "program" means the Save America's Treasures Program established under subsection (c)(1).

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under subsection (e) shall be used by the Secretary, in consultation with the organizations described in subsection (a), subject to paragraph (6)(A)(ii), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties. Grants.

(2) DETERMINATION OF GRANTS.—Of the amounts made available for grants under subsection (e), not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under paragraph (5).

(3) APPLICATIONS FOR GRANTS.—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(4) COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.—

(A) IN GENERAL.—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(i) nationally significant; and

(ii) threatened or endangered.

(B) ELIGIBLE COLLECTIONS.—A determination by the Secretary regarding the national significance of collections under subparagraph (A)(i) shall be made in consultation with the organizations described in subsection (a), as appropriate. Determination.

(C) ELIGIBLE HISTORIC PROPERTIES.—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(i) be listed in the National Register of Historic Places at the national level of significance; or

(ii) be designated as a National Historic Landmark.

(5) SELECTION CRITERIA FOR GRANTS.—

(A) IN GENERAL.—The Secretary shall not provide a grant under this section to a project for an eligible collection or historic property unless the project—

(i) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(ii) has a clear public benefit; and

(iii) is able to be completed on schedule and within the budget described in the grant application.

(B) PREFERENCE.—In providing grants under this section, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(C) LIMITATION.—In providing grants under this section, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(6) CONSULTATION AND NOTIFICATION BY SECRETARY.—

(A) CONSULTATION.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary shall consult with the organizations described in subsection (a) in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(ii) LIMITATION.—If an entity described in clause (i) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that clause and paragraph (1).

Deadline.

(B) NOTIFICATION.—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(7) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the cost of carrying out a project provided a grant under this section shall be not less than 50 percent of the total cost of the project.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) shall be in the form of—

(i) cash; or

(ii) donated supplies or related services, the value of which shall be determined by the Secretary.

(C) REQUIREMENT.—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under subparagraph (A) before a grant is provided to the eligible project under the program.

Guidelines.

(d) REGULATIONS.—The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year, to remain available until expended.

SEC. 7304. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking "2009" and inserting "2019".

SEC. 7305. NATIONAL CAVE AND KARST RESEARCH INSTITUTE.

The National Cave and Karst Research Institute Act of 1998 (16 U.S.C. 4310 note; Public Law 105–325) is amended by striking section 5 and inserting the following:

"SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this Act.".

Subtitle E—Advisory Commissions

Extensions.

SEC. 7401. NA HOA PILI O KALOKO-HONOKOHAU ADVISORY COMMISSION.

Section 505(f)(7) of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d(f)(7)) is amended by striking "ten years after the date of enactment of the Na Hoa Pili O Kaloko-Honokohau Re-establishment Act of 1996" and inserting "on December 31, 2018".

SEC. 7402. CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION.

Effective dates.

Effective September 26, 2008, section 8(a) of Public Law 87–126 (16 U.S.C. 459b–7(a)) is amended in the second sentence by striking "2008" and inserting "2018".

SEC. 7403. CONCESSIONS MANAGEMENT ADVISORY BOARD.

Section 409(d) of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5958(d)) is amended in the first sentence by striking "2008" and inserting "2009".

SEC. 7404. ST. AUGUSTINE 450TH COMMEMORATION COMMISSION.

Florida.
16 USC 470a note.

(a) DEFINITIONS.—In this section:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 450th anniversary of the founding of the settlement of St. Augustine, Florida.

(2) COMMISSION.—The term "Commission" means the St. Augustine 450th Commemoration Commission established by subsection (b)(1).

(3) GOVERNOR.—The term "Governor" means the Governor of the State.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—

(A) IN GENERAL.—The term "State" means the State of Florida.

(B) INCLUSION.—The term "State" includes agencies and entities of the State of Florida.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission, to be known as the "St. Augustine 450th Commemoration Commission".

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 14 members, of whom—

(i) 3 members shall be appointed by the Secretary, after considering the recommendations of the St. Augustine City Commission;

(ii) 3 members shall be appointed by the Secretary, after considering the recommendations of the Governor;

(iii) 1 member shall be an employee of the National Park Service having experience relevant to the historical resources relating to the city of St. Augustine and the commemoration, to be appointed by the Secretary;

(iv) 1 member shall be appointed by the Secretary, taking into consideration the recommendations of the Mayor of the city of St. Augustine;

(v) 1 member shall be appointed by the Secretary, after considering the recommendations of the Chancellor of the University System of Florida; and

(vi) 5 members shall be individuals who are residents of the State who have an interest in, support for, and expertise appropriate to the commemoration, to be appointed by the Secretary, taking into consideration the recommendations of Members of Congress.

(B) TIME OF APPOINTMENT.—Each appointment of an initial member of the Commission shall be made before the expiration of the 120-day period beginning on the date of enactment of this Act.

(C) TERM; VACANCIES.—

(i) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(ii) VACANCIES.—

(I) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(II) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(iii) CONTINUATION OF MEMBERSHIP.—If a member of the Commission was appointed to the Commission as Mayor of the city of St. Augustine or as an employee of the National Park Service or the State University System of Florida, and ceases to hold such position, that member may continue to serve on the Commission for not longer than the 30-day period beginning on the date on which that member ceases to hold the position.

(3) DUTIES.—The Commission shall—

(A) plan, develop, and carry out programs and activities appropriate for the commemoration;

(B) facilitate activities relating to the commemoration throughout the United States;

(C) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand understanding and appreciation of the significance of the founding and continuing history of St. Augustine;

(D) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration;

(E) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, St. Augustine;

(F) ensure that the commemoration provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs; and

(G) help ensure that the observances of the foundation of St. Augustine are inclusive and appropriately recognize the experiences and heritage of all individuals present when St. Augustine was founded.

(c) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission. Deadline.

(2) MEETINGS.—The Commission shall meet—

(A) at least 3 times each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of the voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(d) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS AND TECHNICAL ASSISTANCE.—The Commission may—

(A) provide grants in amounts not to exceed $20,000 per grant to communities and nonprofit organizations for use in developing programs to assist in the commemoration;

(B) provide grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of St. Augustine; and

(C) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation other than the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) DIRECTOR AND STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), nominate an executive director to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) DETAIL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State; and

(ii) reimburse the State for services of detailed personnel.

(6) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(7) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use such voluntary and uncompensated services as the Commission determines to be necessary.

(8) SUPPORT SERVICES.—

(A) IN GENERAL.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(B) REIMBURSEMENT.—Any reimbursement under this paragraph shall be credited to the appropriation, fund, or account used for paying the amounts reimbursed.

(9) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(10) NO EFFECT ON AUTHORITY.—Nothing in this subsection supersedes the authority of the State, the National Park Service, the city of St. Augustine, or any designee of those entities, with respect to the commemoration.

(f) PLANS; REPORTS.—

(1) STRATEGIC PLAN.—The Commission shall prepare a strategic plan for the activities of the Commission carried out under this section.

(2) FINAL REPORT.—Not later than September 30, 2015, the Commission shall complete and submit to Congress a final report that contains—

(A) a summary of the activities of the Commission;

(B) a final accounting of funds received and expended by the Commission; and

(C) the findings and recommendations of the Commission.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Commission to carry out this section $500,000 for each of fiscal years 2009 through 2015.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until December 31, 2015. Expiration date.

(h) TERMINATION OF COMMISSION.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2015.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all documents and materials of the Commission to the National Archives or another appropriate Federal entity.

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

16 USC 461 note.

SEC. 8001. SANGRE DE CRISTO NATIONAL HERITAGE AREA, COLORADO.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Sangre de Cristo National Heritage Area established by subsection (b)(1).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (d).

(4) MAP.—The term "map" means the map entitled "Proposed Sangre De Cristo National Heritage Area" and dated November 2005.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Colorado.

(b) SANGRE DE CRISTO NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) the counties of Alamosa, Conejos, and Costilla; and

(B) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision

of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(D) obtain money or services from any source including any that are provided under any other Federal law or program;

(E) contract for goods or services; and

(F) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.

(2) DUTIES.—The management entity shall—

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary; Management plan.

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan; Public information. Deadlines.

(E) for any year that Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made); Deadline. Reports.

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; Records.

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located in the core area described in subsection (b)(2); and

(II) any other property in the core area that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, or maintained because of the significance of the property;

(ii) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage

Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date that the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan. Deadline.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and Recommendations.

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision. Deadline.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to

carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8002. CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA, COLORADO. 16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Cache La Poudre River National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Poudre Heritage Alliance, the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (d)(1).

(4) MAP.—The term "map" means the map entitled "Cache La Poudre River National Heritage Area", numbered 960/80,003, and dated April, 2004.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Colorado.

(b) CACHE LA POUDRE RIVER NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the Cache La Poudre River National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the area depicted on the map.

(3) MAP.—The map shall be on file and available for public inspection in the appropriate offices of—

(A) the National Park Service; and

(B) the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The local coordinating entity for the Heritage Area shall be the Poudre Heritage Alliance, a nonprofit organization incorporated in the State.

(c) ADMINISTRATION.—

(1) AUTHORITIES.—To carry out the management plan, the Secretary, acting through the local coordinating entity, may use amounts made available under this section—

(A) to make grants to the State (including any political subdivision of the State), nonprofit organizations, and other individuals;

(B) to enter into cooperative agreements with, or provide technical assistance to, the State (including any political subdivision of the State), nonprofit organizations, and other interested parties;

(C) to hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resource protection, and heritage programming;

(D) to obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) to enter into contracts for goods or services; and

(F) to serve as a catalyst for any other activity that—

(i) furthers the purposes and goals of the Heritage Area; and

(ii) is consistent with the approved management plan.

(2) DUTIES.—The local coordinating entity shall—

Management plan.

(A) in accordance with subsection (d), prepare and submit to the Secretary a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values located in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, the natural, historical, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and

sites of interest, are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan; Public information. Deadlines.

(E) for any year for which Federal funds have been received under this section—

(i) submit an annual report to the Secretary that describes the activities, expenses, and income of the local coordinating entity (including grants to any other entities during the year that the report is made); Deadline. Reports.

(ii) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds; and Records.

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and Records.

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this section to acquire real property or any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area. Deadline.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of the resources located in the Heritage Area;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area;

(iv) a program of implementation for the management plan by the local coordinating entity that includes a description of—

(I) actions to facilitate ongoing collaboration among partners to promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the local coordinating entity shall be ineligible to receive additional funding under this section until the date on which the Secretary approves a management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, cultural, historic, scenic, educational, and recreational resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and Recommendations.

(iii) not later than 180 days after the date of receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision. Deadline.

(5) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines would make a substantial change to the management plan.

(B) USE OF FUNDS.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law (including regulations).

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including any regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any public or private property owner, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner—

(A) to permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law (including regulations), of any private property owner with respect to any individual injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area to identify the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

(j) CONFORMING AMENDMENT.—The Cache La Poudre River Corridor Act (16 U.S.C. 461 note; Public Law 104–323) is repealed.

SEC. 8003. SOUTH PARK NATIONAL HERITAGE AREA, COLORADO. 16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Board of Directors of the South Park National Heritage Area, comprised initially of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(2) HERITAGE AREA.—The term "Heritage Area" means the South Park National Heritage Area established by subsection (b)(1).

(3) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required by subsection (d).

(5) MAP.—The term "map" means the map entitled "South Park National Heritage Area Map (Proposed)", dated January 30, 2006.

(6) PARTNER.—The term "partner" means a Federal, State, or local governmental entity, organization, private industry, educational institution, or individual involved in the conservation, preservation, interpretation, development or promotion of heritage sites or resources of the Heritage Area.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(8) STATE.—The term "State" means the State of Colorado.

(9) TECHNICAL ASSISTANCE.—The term "technical assistance" means any guidance, advice, help, or aid, other than financial assistance, provided by the Secretary.

(b) SOUTH PARK NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established in the State the South Park National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall consist of the areas included in the map.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the National Park Service.

(4) MANAGEMENT ENTITY.—

(A) IN GENERAL.—The management entity for the Heritage Area shall be the Park County Tourism & Community Development Office, in conjunction with the South Park National Heritage Area Board of Directors.

(B) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

(c) ADMINISTRATION.—

(1) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made

available under this section to acquire real property or any interest in real property.

(2) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this section to—

(A) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;

(C) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, fundraising, heritage facility planning and development, and heritage tourism programming;

(D) obtain funds or services from any source, including funds or services that are provided under any other Federal law or program;

(E) enter into contracts for goods or services; and

(F) to facilitate the conduct of other projects and activities that further the Heritage Area and are consistent with the approved management plan.

(3) DUTIES.—The management entity shall—

Management plan.

(A) in accordance with subsection (d), prepare and submit a management plan for the Heritage Area to the Secretary;

(B) assist units of local government, local property owners and businesses, and nonprofit organizations in carrying out the approved management plan by—

(i) carrying out programs and projects that recognize, protect, enhance, and promote important resource values in the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(iii) developing economic, recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;

(vi) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area;

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area; and

(viii) planning and developing new heritage attractions, products and services;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan; Public information. Deadlines.

(E) for any year for which Federal funds have been received under this section—

(i) submit to the Secretary an annual report that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made); Deadline. Reports.

(ii) make available to the Secretary for audit all records relating to the expenditure of the Federal funds and any matching funds; and Records.

(iii) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and Records.

(F) encourage by appropriate means economic viability that is consistent with the Heritage Area.

(4) COST-SHARING REQUIREMENT.—The Federal share of the cost of any activity carried out using any assistance made available under this section shall be 50 percent.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity, with public participation, shall submit to the Secretary for approval a proposed management plan for the Heritage Area. Deadline.

(2) REQUIREMENTS.—The management plan shall—

(A) incorporate an integrated and cooperative approach for the protection, enhancement, interpretation, development, and promotion of the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(B) take into consideration State and local plans;

(C) include—

(i) an inventory of—

(I) the resources located within the areas included in the map; and

(II) any other eligible and participating property within the areas included in the map that—

(aa) is related to the themes of the Heritage Area; and

(bb) should be preserved, restored, managed, maintained, developed, or promoted because of the significance of the property;

(ii) comprehensive policies, strategies, and recommendations for conservation, funding, management, development, and promotion of the Heritage Area;

(iii) a description of actions that governments, private organizations, and individuals have agreed to take to manage protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area;

(iv) a program of implementation for the management plan by the management entity that includes a description of—

(I) actions to facilitate ongoing and effective collaboration among partners to promote plans for resource protection, enhancement, interpretation, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(v) the identification of sources of funding for carrying out the management plan;

(vi) an analysis of and recommendations for means by which Federal, State, and local programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this section; and

(vii) an interpretive plan for the Heritage Area; and

(D) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the historical, cultural, scenic, recreational, agricultural, and natural resources of the Heritage Area.

(3) DEADLINE.—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this section until the date on which the Secretary receives and approves the management plan.

(4) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) IN GENERAL.—Not later than 180 days after the date of receipt of the management plan under paragraph (1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, local businesses and industries, community organizations, recreational organizations, and tourism organizations;

(ii) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(iii) strategies contained in the management plan, if implemented, would adequately balance the voluntary protection, development, and interpretation of the natural, historical, cultural, scenic, recreational, and agricultural resources of the Heritage Area.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and Recommendations.

(iii) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision. Deadline.

(D) AMENDMENTS.—

(i) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines makes a substantial change to the management plan.

(ii) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this section to carry out any amendments to the management plan until the Secretary has approved the amendments.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the management entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

16 USC 461 note.

SEC. 8004. NORTHERN PLAINS NATIONAL HERITAGE AREA, NORTH DAKOTA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Northern Plains National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Northern Plains Heritage Foundation, the local coordinating entity for the Heritage Area designated by subsection (c)(1).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (d).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of North Dakota.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Northern Plains National Heritage Area in the State of North Dakota.

(2) BOUNDARIES.—The Heritage Area shall consist of—

(A) a core area of resources in Burleigh, McLean, Mercer, Morton, and Oliver Counties in the State; and

(B) any sites, buildings, and districts within the core area recommended by the management plan for inclusion in the Heritage Area.

(3) MAP.—A map of the Heritage Area shall be—

(A) included in the management plan; and

(B) on file and available for public inspection in the appropriate offices of the local coordinating entity and the National Park Service.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Northern Plains Heritage Foundation, a nonprofit corporation established under the laws of the State.

(2) DUTIES.—To further the purposes of the Heritage Area, the Northern Plains Heritage Foundation, as the local coordinating entity, shall—

(A) prepare a management plan for the Heritage Area, and submit the management plan to the Secretary, in accordance with this section; Management plan.

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying— Deadline. Reports.

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and Records.

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(3) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the Heritage Area, the local coordinating entity may use Federal funds made available under this section to—

(A) make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including other Federal programs;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized to be appropriated under this section to acquire any interest in real property.

(5) OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds from other sources for authorized purposes.

(d) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation of the Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the Heritage Area on the basis of the criteria established under subparagraph (B). Deadline.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural, and historic resource protection organizations, educational

institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(C) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

Review.

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(E) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(e) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide financial assistance and, on a reimbursable or nonreimbursable basis, technical assistance to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(4) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies or alters any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(f) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including access by Federal, State, or local agencies) to the property of the property owner; or

(B) modify public access to, or use of, the property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, tribal, or local agency;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(g) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of this section for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—

(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(i) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND. 16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Baltimore National Heritage Area, established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by subsection (b)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) MAP.—The term "map" means the map entitled "Baltimore National Heritage Area", numbered T10/80,000, and dated October 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Maryland.

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as described on the map:

(A) The area encompassing the Baltimore City Heritage Area certified by the Maryland Heritage Areas Authority in October 2001 as part of the Baltimore City Heritage Area Management Action Plan.

(B) The Mount Auburn Cemetery.

(C) The Cylburn Arboretum.

(D) The Middle Branch of the Patapsco River and surrounding shoreline, including—

(i) the Cruise Maryland Terminal;

(ii) new marina construction;

(iii) the National Aquarium Aquatic Life Center;

(iv) the Westport Redevelopment;

(v) the Gwynns Falls Trail;

(vi) the Baltimore Rowing Club; and

(vii) the Masonville Cove Environmental Center.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Baltimore Heritage Area Association.

(4) LOCAL COORDINATING ENTITY.—The Baltimore Heritage Area Association shall be the local coordinating entity for the Heritage Area.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

Public information. Deadlines.

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

Deadline. Reports.

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

Records.

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

Records.

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area. Deadline.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan. Review.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, cultural, and scenic resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8006. FREEDOM'S WAY NATIONAL HERITAGE AREA, MASSACHUSETTS AND NEW HAMPSHIRE. 16 USC 461 note.

(a) PURPOSES.—The purposes of this section are—

(1) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the States of Massachusetts and New Hampshire;

(2) to assist the entities described in paragraph (1) to preserve the special historic identity of the Heritage Area; and

(3) to manage, preserve, protect, and interpret the cultural, historic, and natural resources of the Heritage Area for the educational and inspirational benefit of future generations.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Freedom's Way National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term "map" means the map entitled "Freedom's Way National Heritage Area", numbered T04/80,000, and dated July 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire.

(2) BOUNDARIES.—

(A) IN GENERAL.—The boundaries of the Heritage Area shall be as generally depicted on the map.

(B) REVISION.—The boundaries of the Heritage Area may be revised if the revision is—

(i) proposed in the management plan;

(ii) approved by the Secretary in accordance with subsection (e)(4); and

(iii) placed on file in accordance with paragraph (3).

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

(4) LOCAL COORDINATING ENTITY.—The Freedom's Way Heritage Association, Inc., shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize and protect important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

(D) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan; Public information. Deadlines.

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying— Deadline. Reports.

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; Records.

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and Records.

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the States of Massachusetts and New Hampshire, political subdivisions of the States, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(4) USE OF FUNDS FOR NON-FEDERAL PROPERTY.—The local coordinating entity may use Federal funds made available under this section to assist non-Federal property that is—

(A) described in the management plan; or

(B) listed, or eligible for listing, on the National Register of Historic Places.

(e) MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) provide a framework for coordination of the plans considered under subparagraph (B) to present a unified historic preservation and interpretation plan;

(D) contain the contributions of residents, public agencies, and private organizations within the Heritage Area;

(E) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the natural, historic, scenic, and cultural resources of the Heritage Area;

(F) specify existing and potential sources of funding or economic development strategies to conserve, manage, and develop the Heritage Area;

(G) include an inventory of the natural, historic, and recreational resources of the Heritage Area, including a list of properties that—

(i) are related to the themes of the Heritage Area; and

(ii) should be conserved, restored, managed, developed, or maintained;

(H) recommend policies and strategies for resource management that—

(i) apply appropriate land and water management techniques;

(ii) include the development of intergovernmental and interagency agreements to protect the natural, historic, and cultural resources of the Heritage Area; and

(iii) support economic revitalization efforts;

(I) describe a program for implementation of the management plan, including—

(i) restoration and construction plans or goals;

(ii) a program of public involvement;

(iii) annual work plans; and

(iv) annual reports;

(J) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(K) include an interpretive plan for the Heritage Area; and

(L) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this section, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan. Deadline.

(B) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historic, and cultural resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(C) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(D) AMENDMENTS.—

Review.

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historic, and cultural resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the States of Massachusetts and New Hampshire to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(j) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

16 USC 461 note.

SEC. 8007. MISSISSIPPI HILLS NATIONAL HERITAGE AREA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Mississippi Hills National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for Heritage Area designated by subsection (b)(3)(A).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area required under subsection (c)(1)(A).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Mississippi.

(b) MISSISSIPPI HILLS NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Mississippi Hills National Heritage Area in the State.

(2) BOUNDARIES.—

(A) AFFECTED COUNTIES.—The Heritage Area shall consist of all, or portions of, as specified by the boundary description in subparagraph (B), Alcorn, Attala, Benton,

Calhoun, Carroll, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Holmes, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha Counties in the State.

(B) BOUNDARY DESCRIPTION.—The Heritage Area shall have the following boundary description:

(i) traveling counterclockwise, the Heritage Area shall be bounded to the west by U.S. Highway 51 from the Tennessee State line until it intersects Interstate 55 (at Geeslin Corner approximately ½ mile due north of Highway Interchange 208);

(ii) from this point, Interstate 55 shall be the western boundary until it intersects with Mississippi Highway 12 at Highway Interchange 156, the intersection of which shall be the southwest terminus of the Heritage Area;

(iii) from the southwest terminus, the boundary shall—

(I) extend east along Mississippi Highway 12 until it intersects U.S. Highway 51;

(II) follow Highway 51 south until it is intersected again by Highway 12;

(III) extend along Highway 12 into downtown Kosciusko where it intersects Mississippi Highway 35;

(IV) follow Highway 35 south until it is intersected by Mississippi Highway 14; and

(V) extend along Highway 14 until it reaches the Alabama State line, the intersection of which shall be the southeast terminus of the Heritage Area;

(iv) from the southeast terminus, the boundary of the Heritage Area shall follow the Mississippi-Alabama State line until it reaches the Mississippi-Tennessee State line, the intersection of which shall be the northeast terminus of the Heritage Area; and

(v) the boundary shall extend due west until it reaches U.S. Highway 51, the intersection of which shall be the northwest terminus of the Heritage Area.

(3) LOCAL COORDINATING ENTITY.—

Designation.

(A) IN GENERAL.—The local coordinating entity for the Heritage Area shall be the Mississippi Hills Heritage Area Alliance, a nonprofit organization registered by the State, with the cooperation and support of the University of Mississippi.

(B) BOARD OF DIRECTORS.—

(i) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors comprised of not more than 30 members.

(ii) COMPOSITION.—Members of the Board of Directors shall consist of—

(I) not more than 1 representative from each of the counties described in paragraph (2)(A); and

(II) any ex-officio members that may be appointed by the Board of Directors, as the Board of Directors determines to be necessary.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area;

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(ii) developing recreational opportunities in the Heritage Area;

(iii) increasing public awareness of, and appreciation for, natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area; and

(v) carrying out any other activity that the local coordinating entity determines to be consistent with this section;

Public information. Deadline.

(C) conduct meetings open to the public at least annually regarding the development and implementation of the management plan;

Deadline. Reports.

(D) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

Records.

(E) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

Records.

(F) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(G) ensure that each county included in the Heritage Area is appropriately represented on any oversight advisory committee established under this section to coordinate the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants and loans to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program; and

(E) contract for goods or services.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area. Deadline.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) provide recommendations for the preservation, conservation, enhancement, funding, management, interpretation, development, and promotion of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(B) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(C) include—

(i) an inventory of the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) an analysis of how Federal, State, tribal, and local programs may best be coordinated to promote and carry out this section;

(D) provide recommendations for educational and interpretive programs to provide information to the public on the resources of the Heritage Area; and

(E) involve residents of affected communities and tribal and local governments.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan. Deadline.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historical resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the natural, historical, cultural, archaeological, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) REVIEW; AMENDMENTS.—

(i) IN GENERAL.—After approval by the Secretary of the management plan, the Alliance shall periodically—

(I) review the management plan; and

Recommendations.

(II) submit to the Secretary, for review and approval by the Secretary, any recommendations for revisions to the management plan.

(ii) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(iii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be

appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant natural, historical, cultural, archaeological, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal

funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) EFFECT.—

(1) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(A) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(B) requires any property owner to—

(i) permit public access (including Federal, tribal, State, or local government access) to the property; or

(ii) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(C) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(D) conveys any land use or other regulatory authority to the local coordinating entity;

(E) authorizes or implies the reservation or appropriation of water or water rights;

(F) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(G) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(2) NO EFFECT ON INDIAN TRIBES.—Nothing in this section—

(A) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(B) diminishes the trust responsibilities or government-to-government obligations of the United States to any Indian tribe recognized by the Federal Government.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8008. MISSISSIPPI DELTA NATIONAL HERITAGE AREA. 16 USC 461 note.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the Board of Directors of the local coordinating entity.

(2) HERITAGE AREA.—The term "Heritage Area" means the Mississippi Delta National Heritage Area established by subsection (b)(1).

(3) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by subsection (b)(4)(A).

(4) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under subsection (d).

(5) MAP.—The term "map" means the map entitled "Mississippi Delta National Heritage Area", numbered T13/80,000, and dated April 2008.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Mississippi.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—There is established in the State the Mississippi Delta National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall include all counties in the State that contain land located in the alluvial floodplain of the Mississippi Delta, including Bolivar, Carroll, Coahoma, Desoto, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica, Warren, Washington, and Yazoo Counties in the State, as depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the office of the Director of the National Park Service.

(4) LOCAL COORDINATING ENTITY.—

(A) DESIGNATION.—The Mississippi Delta National Heritage Area Partnership shall be the local coordinating entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—

(I) IN GENERAL.—The local coordinating entity shall be governed by a Board of Directors composed of 15 members, of whom—

(aa) 1 member shall be appointed by Delta State University;

(bb) 1 member shall be appointed by Mississippi Valley State University;

(cc) 1 member shall be appointed by Alcorn State University;

(dd) 1 member shall be appointed by the Delta Foundation;

(ee) 1 member shall be appointed by the Smith Robertson Museum;

(ff) 1 member shall be appointed from the office of the Governor of the State;

(gg) 1 member shall be appointed by Delta Council;

(hh) 1 member shall be appointed from the Mississippi Arts Commission;

(ii) 1 member shall be appointed from the Mississippi Department of Archives and History;

(jj) 1 member shall be appointed from the Mississippi Humanities Council; and

(kk) up to 5 additional members shall be appointed for staggered 1- and 2-year terms by County boards in the Heritage Area.

(II) RESIDENCY REQUIREMENTS.—At least 7 members of the Board shall reside in the Heritage Area.

(ii) OFFICERS.—

(I) IN GENERAL.—At the initial meeting of the Board, the members of the Board shall appoint a Chairperson, Vice Chairperson, and Secretary/Treasurer.

(II) DUTIES.—

(aa) CHAIRPERSON.—The duties of the Chairperson shall include—

(AA) presiding over meetings of the Board;

(BB) executing documents of the Board; and

(CC) coordinating activities of the Heritage Area with Federal, State, local, and nongovernmental officials.

(bb) VICE CHAIRPERSON.—The Vice Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

(iii) MANAGEMENT AUTHORITY.—

(I) IN GENERAL.—The Board shall—

(aa) exercise all corporate powers of the local coordinating entity;

(bb) manage the activities and affairs of the local coordinating entity; and

(cc) subject to any limitations in the articles and bylaws of the local coordinating entity, this section, and any other applicable Federal or State law, establish the policies of the local coordinating entity. Policies.

(II) STAFF.—The Board shall have the authority to employ any services and staff that are determined to be necessary by a majority vote of the Board.

(iv) BYLAWS.—

(I) IN GENERAL.—The Board may amend or repeal the bylaws of the local coordinating entity at any meeting of the Board by a majority vote of the Board.

(II) NOTICE.—The Board shall provide notice of any meeting of the Board at which an amendment to the bylaws is to be considered that includes the text or a summary of the proposed amendment.

(v) MINUTES.—Not later than 60 days after a meeting of the Board, the Board shall distribute the minutes of the meeting among all Board members and the county supervisors in each county within the Heritage Area. Deadline.

(c) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

(A) prepare, and submit to the Secretary, in accordance with subsection (d), a management plan for the Heritage Area; Management plan.

(B) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(i) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Area;

(ii) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(iii) developing recreational and educational opportunities in the Heritage Area;

(iv) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Heritage Area;

(v) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with the themes of the Heritage Area;

(vi) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(vii) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(C) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;

Public information. Deadlines.

(D) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;

Deadline. Reports.

(E) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

Records.

(F) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds;

Records.

(G) require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for audit all records and other information pertaining to the expenditure of the funds; and

(H) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(d) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area. Deadline.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the region and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) take into consideration existing State, county, and local plans in the development and implementation of the management plan;

(C) include a description of actions and commitments that governments, private organizations, and citizens plan to take to protect, enhance, and interpret the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(D) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(E) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area relating to the stories and themes of the region that should be protected, enhanced, managed, or developed;

(F) recommend policies and strategies for resource management including, the development of intergovernmental and interagency agreements to protect the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(G) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, and interpretation; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, business, or individual;

(H) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section;

(I) include an interpretive plan for the Heritage Area; and

(J) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State and any tribal government in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, community residents, and recreational organizations;

(ii) the local coordinating entity has afforded adequate opportunity for public and governmental involvement (including through workshops and public meetings) in the preparation of the management plan;

(iii) the resource protection and interpretation strategies described in the management plan, if implemented, would adequately protect the cultural, historical, archaeological, natural, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal or tribal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan; and

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan.

(D) ACTION FOLLOWING DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of

the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized to be appropriated by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(e) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(C) PRIORITY.—In assisting the Heritage Area, the Secretary shall give priority to actions that assist in—

(i) conserving the significant cultural, historical, archaeological, natural, and recreational resources of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(D) PROHIBITION OF CERTAIN REQUIREMENTS.—The Secretary may not, as a condition of the provision of technical or financial assistance under this subsection, require any recipient of the assistance to impose or modify any land use restriction or zoning ordinance.

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (i), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for

purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area;

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property;

(8) restricts an Indian tribe from protecting cultural or religious sites on tribal land; or

(9) diminishes the trust responsibilities of government-to-government obligations of the United States of any federally recognized Indian tribe.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution—

(i) shall be from non-Federal sources; and

(ii) may be in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF FINANCIAL ASSISTANCE.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA. 16 USC 461 note.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve, support, conserve, and interpret the legacy of the region represented by the Heritage Area as described in the feasibility study prepared by the National Park Service;

(2) to promote heritage, cultural, and recreational tourism, and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key developments in the growth of the United States, including the Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the manner by which the distinctive geography of the region has shaped the development of the settlement, defense, transportation, commerce, and culture of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region to identify, preserve, interpret, and develop the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

(b) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Muscle Shoals National Heritage Area established by subsection (c)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Muscle Shoals Regional Center, the local coordinating entity for the Heritage Area designated by subsection (c)(4).

(3) MANAGEMENT PLAN.—The term "management plan" means the plan for the Heritage Area required under subsection (d)(1)(A).

(4) MAP.—The term "map" means the map entitled "Muscle Shoals National Heritage Area", numbered T08/80,000, and dated October 2007.

(5) STATE.—The term "State" means the State of Alabama.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the Muscle Shoals National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the following areas, as depicted on the map:

(A) The Counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan, Alabama.

(B) The Wilson Dam.

(C) The Handy Home.

(D) The birthplace of Helen Keller.

(3) AVAILABILITY MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and the local coordinating entity.

Designation.

(4) LOCAL COORDINATING ENTITY.—The Muscle Shoals Regional Center shall be the local coordinating entity for the Heritage Area.

(d) DUTIES AND AUTHORITIES OF LOCAL COORDINATING ENTITY.—

(1) DUTIES OF THE LOCAL COORDINATING ENTITY.—To further the purposes of the Heritage Area, the local coordinating entity shall—

Management plan.

(A) prepare, and submit to the Secretary, in accordance with subsection (e), a management plan for the Heritage Area;

Deadline. Reports.

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section specifying—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraged funds; and

(v) grants made to any other entities during the fiscal year;

Records.

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds

under this section, all information pertaining to the expenditure of the funds and any matching funds;

(D) encourage, by appropriate means, economic development that is consistent with the purposes of the Heritage Area; and

(E) serve as a catalyst for the implementation of projects and programs among diverse partners in the Heritage Area.

(2) AUTHORITIES.—The local coordinating entity may, subject to the prior approval of the Secretary, for the purposes of preparing and implementing the management plan, use Federal funds made available under this section to—

(A) make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(B) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(C) hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(E) contract for goods or services; and

(F) support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds received under this section to acquire any interest in real property.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to develop the management plan, the local coordinating entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area. Deadline.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that Federal, State, tribal, and local governments, private organizations, and citizens plan to take to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the stories and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, or developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation of the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, ways in which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities described in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the Heritage Area.

Deadline.

(3) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary by the date that is 3 years after the date on which funds are first made available to develop the management plan, the local coordinating entity shall not qualify for additional financial assistance under this section until the management plan is submitted to, and approved by, the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) REVIEW.—Not later than 180 days after the date on which the Secretary receives the management plan, the Secretary shall approve or disapprove the management plan.

(B) CONSULTATION REQUIRED.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving the management plan.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve the management plan, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including Federal, State, tribal, and local governments, natural and

historic resource protection organizations, educational institutions, businesses, community residents, recreational organizations, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and public meetings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under applicable laws or land use plans;

(v) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local aspects of the management plan;

(vi) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, tribal, and local governments, regional planning organizations, nonprofit organizations, and private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan. Review.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this

section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(f) DUTIES AND AUTHORITIES OF THE SECRETARY.—

(1) TECHNICAL AND FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance, on a reimbursable or nonreimbursable basis (as determined by the Secretary), to the local coordinating entity to develop and implement the management plan.

(B) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to provide technical or financial assistance under subparagraph (A).

(2) EVALUATION; REPORT.—

(A) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under subsection (j), the Secretary shall—

(i) conduct an evaluation of the accomplishments of the Heritage Area; and

(ii) prepare a report with recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area, in accordance with subparagraph (C).

(B) EVALUATION.—An evaluation conducted under subparagraph (A)(i) shall—

(i) assess the progress of the local coordinating entity with respect to—

(I) accomplishing the purposes of this section for the Heritage Area; and

(II) achieving the goals and objectives of the approved management plan for the Heritage Area;

(ii) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(iii) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(C) REPORT.—

(i) IN GENERAL.—Based on the evaluation conducted under subparagraph (A)(i), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(ii) REQUIRED ANALYSIS.—If the report prepared under this subparagraph recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(I) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(II) the appropriate time period necessary to achieve the recommended reduction or elimination.

(iii) SUBMISSION TO CONGRESS.—On completion of a report under this subparagraph, the Secretary shall submit the report to—

(I) the Committee on Energy and Natural Resources of the Senate; and

(II) the Committee on Natural Resources of the House of Representatives.

(g) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(2) CONSULTATION AND COORDINATION.—To the maximum extent practicable, the head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any laws (including regulations) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(h) PROPERTY OWNERS AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any owner of public or private property, including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to—

(A) permit public access (including Federal, tribal, State, or local government access) to the property; or

(B) modify any provisions of Federal, tribal, State, or local law with regard to public access or use of private land;

(3) alters any duly adopted land use regulations, approved land use plan, or any other regulatory authority of any Federal, State, or local agency, or tribal government;

(4) conveys any land use or other regulatory authority to the local coordinating entity;

(5) authorizes or implies the reservation or appropriation of water or water rights;

(6) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(7) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(3) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity under this section shall be not more than 50 percent.

(B) FORM.—The non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

(4) USE OF FEDERAL FUNDS FROM OTHER SOURCES.—Nothing in this section precludes the local coordinating entity from using Federal funds available under provisions of law other than this section for the purposes for which those funds were authorized.

(j) TERMINATION OF EFFECTIVENESS.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

16 USC 461 note.

SEC. 8010. KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA, ALASKA.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term "Heritage Area" means the Kenai Mountains-Turnagain Arm National Heritage Area established by subsection (b)(1).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the Kenai Mountains-Turnagain Arm Corridor Communities Association.

(3) MANAGEMENT PLAN.—The term "management plan" means the plan prepared by the local coordinating entity for the Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the Heritage Area, in accordance with this section.

(4) MAP.—The term "map" means the map entitled "Proposed Kenai Mountains-Turnagain Arm NHA" and dated August 7, 2007.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) DESIGNATION OF THE KENAI MOUNTAINS-TURNAGAIN ARM NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Kenai Mountains-Turnagain Arm National Heritage Area.

(2) BOUNDARIES.—The Heritage Area shall be comprised of the land in the Kenai Mountains and upper Turnagain Arm region, as generally depicted on the map.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in—

(A) the appropriate offices of the Forest Service, Chugach National Forest;

(B) the Alaska Regional Office of the National Park Service; and

(C) the office of the Alaska State Historic Preservation Officer.

(c) MANAGEMENT PLAN.—

(1) LOCAL COORDINATING ENTITY.—The local coordinating entity, in partnership with other interested parties, shall develop a management plan for the Heritage Area in accordance with this section.

(2) REQUIREMENTS.—The management plan for the Heritage Area shall—

(A) describe comprehensive policies, goals, strategies, and recommendations for use in—

(i) telling the story of the heritage of the area covered by the Heritage Area; and

(ii) encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the Heritage Area;

(B) include a description of actions and commitments that the Federal Government, State, tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(C) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the Heritage Area;

(D) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area relating to the national importance and themes of the Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(E) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(F) describe a program for implementation for the management plan, including—

(i) performance goals;

(ii) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(iii) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, tribal, or local government agency, organization, business, or individual;

(G) include an analysis of, and recommendations for, means by which Federal, State, tribal, and local programs may best be coordinated (including the role of the National Park Service, the Forest Service, and other Federal agencies associated with the Heritage Area) to further the purposes of this section; and

(H) include a business plan that—

(i) describes the role, operation, financing, and functions of the local coordinating entity and each of the major activities contained in the management plan; and

(ii) provides adequate assurances that the local coordinating entity has the partnerships and financial

and other resources necessary to implement the management plan for the Heritage Area.

(3) DEADLINE.—

(A) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(B) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with subparagraph (A), the local coordinating entity shall not qualify for any additional financial assistance under this section until such time as the management plan is submitted to and approved by the Secretary.

(4) APPROVAL OF MANAGEMENT PLAN.—

Deadline.

(A) REVIEW.—Not later than 180 days after receiving the management plan under paragraph (3), the Secretary shall review and approve or disapprove the management plan for a Heritage Area on the basis of the criteria established under subparagraph (C).

(B) CONSULTATION.—The Secretary shall consult with the Governor of the State in which the Heritage Area is located before approving a management plan for the Heritage Area.

(C) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for the Heritage Area, the Secretary shall consider whether—

(i) the local coordinating entity represents the diverse interests of the Heritage Area, including the Federal Government, State, tribal, and local governments, natural and historical resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(ii) the local coordinating entity—

(I) has afforded adequate opportunity for public and Federal, State, tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(II) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(iii) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area;

(iv) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(v) the local coordinating entity has demonstrated the financial capability, in partnership with other interested parties, to carry out the plan;

(vi) the Secretary has received adequate assurances from the appropriate State, tribal, and local officials whose support is needed to ensure the effective implementation of the State, tribal, and local elements of the management plan; and

(vii) the management plan demonstrates partnerships among the local coordinating entity, Federal Government, State, tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(D) DISAPPROVAL.—

(i) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(I) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(II) may make recommendations to the local coordinating entity for revisions to the management plan.

(ii) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(E) AMENDMENTS.—

(i) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan. Review.

(ii) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this section to implement an amendment to the management plan until the Secretary approves the amendment.

(F) AUTHORITIES.—The Secretary may—

(i) provide technical assistance under the authority of this section for the development and implementation of the management plan; and

(ii) enter into cooperative agreements with interested parties to carry out this section.

(d) EVALUATION; REPORT.—

(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area under this section, the Secretary shall—

(A) conduct an evaluation of the accomplishments of the Heritage Area; and

(B) prepare a report in accordance with paragraph (3).

(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

(A) assess the progress of the local coordinating entity with respect to—

(i) accomplishing the purposes of the authorizing legislation for the Heritage Area; and

(ii) achieving the goals and objectives of the approved management plan for the Heritage Area;

(B) analyze the Federal, State, tribal, local, and private investments in the Heritage Area to determine the impact of the investments; and

(C) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(3) REPORT.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(e) LOCAL COORDINATING ENTITY.—

(1) DUTIES.—To further the purposes of the Heritage Area, in addition to developing the management plan for the Heritage Area under subsection (c), the local coordinating entity shall—

(A) serve to facilitate and expedite the implementation of projects and programs among diverse partners in the Heritage Area;

Deadline. Reports.

(B) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this section, specifying—

(i) the specific performance goals and accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity;

(iii) the amounts and sources of matching funds;

(iv) the amounts leveraged with Federal funds and sources of the leveraging; and

(v) grants made to any other entities during the fiscal year;

Records.

(C) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this section, all information pertaining to the expenditure of the funds and any matching funds; and

(D) encourage economic viability and sustainability that is consistent with the purposes of the Heritage Area.

(2) AUTHORITIES.—For the purpose of preparing and implementing the approved management plan for the Heritage Area under subsection (c), the local coordinating entity may use Federal funds made available under this section—

(A) to make grants to political jurisdictions, nonprofit organizations, and other parties within the Heritage Area;

(B) to enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(C) to hire and compensate staff, including individuals with expertise in—

(i) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(ii) economic and community development; and

(iii) heritage planning;

(D) to obtain funds or services from any source, including other Federal programs;

(E) to enter into contracts for goods or services; and

(F) to support activities of partners and any other activities that further the purposes of the Heritage Area and are consistent with the approved management plan.

(3) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this section to acquire any interest in real property.

(f) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—Nothing in this section affects the authority of a Federal agency to provide technical or financial assistance under any other provision of law.

(2) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity, to the maximum extent practicable.

(3) OTHER FEDERAL AGENCIES.—Nothing in this section—

(A) modifies, alters, or amends any law (including a regulation) authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(B) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a Heritage Area; or

(C) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

(g) PRIVATE PROPERTY AND REGULATORY PROTECTIONS.—Nothing in this section—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of any State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to paragraph (2), there is authorized to be appropriated to carry out this section $1,000,000 for each fiscal year, to remain available until expended.

(2) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than a total of $10,000,000 may be made available to carry out this section.

(3) COST-SHARING.—

(A) IN GENERAL.—The Federal share of the total cost of any activity carried out under this section shall not exceed 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of any activity carried out under this section may be provided in the form of in-kind contributions of goods or services fairly valued.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle B—Studies

SEC. 8101. CHATTAHOOCHEE TRACE, ALABAMA AND GEORGIA.

(a) DEFINITIONS.—In this section:

(1) CORRIDOR.—The term "Corridor" means the Chattahoochee Trace National Heritage Corridor.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STUDY AREA.—The term "study area" means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with State historic preservation officers, State historical societies, State tourism offices, and other appropriate organizations or agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as the Chattahoochee Trace National Heritage Corridor.

(2) STUDY AREA.—The study area includes—

(A) the portion of the Apalachicola-Chattahoochee-Flint River Basin and surrounding areas, as generally depicted on the map entitled "Chattahoochee Trace National Heritage Corridor, Alabama/Georgia", numbered T05/80000, and dated July 2007; and

(B) any other areas in the State of Alabama or Georgia that—

(i) have heritage aspects that are similar to the areas depicted on the map described in subparagraph (A); and

(ii) are adjacent to, or in the vicinity of, those areas.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) represent distinctive aspects of the heritage of the United States;

(ii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iii) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding recreational and educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Corridor;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Corridor, including the Federal Government; and

(iii) have demonstrated support for the designation of the Corridor;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Corridor while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the 3rd fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 8102. NORTHERN NECK, VIRGINIA.

(a) DEFINITIONS.—In this section:

(1) PROPOSED HERITAGE AREA.—The term "proposed Heritage Area" means the proposed Northern Neck National Heritage Area.

(2) STATE.—The term "State" means the State of Virginia.

(3) STUDY AREA.—The term "study area" means the area that is comprised of—

(A) the area of land located between the Potomac and Rappahannock rivers of the eastern coastal region of the State;

(B) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties of the State; and

(C) any other area that—

(i) has heritage aspects that are similar to the heritage aspects of the areas described in subparagraph (A) or (B); and

(ii) is located adjacent to, or in the vicinity of, those areas.

(b) STUDY.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the Secretary, in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study to determine the suitability and feasibility of designating the study area as the Northern Neck National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historical, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;

(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;

(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;

(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;

(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;

(F) provides outstanding recreational or educational opportunities;

(G) contains resources and has traditional uses that have national importance;

(H) includes residents, business interests, nonprofit organizations, and appropriate Federal agencies and State and local governments that are involved in the planning of, and have demonstrated significant support for, the designation and management of the proposed Heritage Area;

(I) has a proposed local coordinating entity that is responsible for preparing and implementing the management plan developed for the proposed Heritage Area;

(J) with respect to the designation of the study area, has the support of the proposed local coordinating entity and appropriate Federal agencies and State and local governments, each of which has documented the commitment of the entity to work in partnership with each other entity to protect, enhance, interpret, fund, manage, and develop the resources located in the study area;

(K) through the proposed local coordinating entity, has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the proposed Heritage Area;

(L) has a proposal that is consistent with continued economic activity within the area; and

(M) has a conceptual boundary map that is supported by the public and appropriate Federal agencies.

(3) ADDITIONAL CONSULTATION REQUIREMENT.—In conducting the study under paragraph (1), the Secretary shall—

(A) consult with the managers of any Federal land located within the study area; and

(B) before making any determination with respect to the designation of the study area, secure the concurrence of each manager with respect to each finding of the study.

(c) DETERMINATION.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the State, shall review, comment on, and determine if the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(2) REPORT.—

(A) IN GENERAL.—Not later than 3 fiscal years after the date on which funds are first made available to carry out the study, the Secretary shall submit a report describing the findings, conclusions, and recommendations of the study to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Natural Resources of the House of Representatives.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The report shall contain—

(I) any comments that the Secretary has received from the Governor of the State relating to the designation of the study area as a national heritage area; and

(II) a finding as to whether the study area meets each requirement described in subsection (b)(2) for designation as a national heritage area.

(ii) DISAPPROVAL.—If the Secretary determines that the study area does not meet any requirement described in subsection (b)(2) for designation as a national heritage area, the Secretary shall include in the report a description of each reason for the determination.

Subtitle C—Amendments Relating to National Heritage Corridors

SEC. 8201. QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR.

(a) TERMINATION OF AUTHORITY.—Section 106(b) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking "September 30, 2009" and inserting "September 30, 2015".

(b) EVALUATION; REPORT.—Section 106 of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by adding at the end the following:

"(c) EVALUATION; REPORT.—

"(1) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Corridor, the Secretary shall—

"(A) conduct an evaluation of the accomplishments of the Corridor; and

"(B) prepare a report in accordance with paragraph (3).

"(2) EVALUATION.—An evaluation conducted under paragraph (1)(A) shall—

"(A) assess the progress of the management entity with respect to—

"(i) accomplishing the purposes of this title for the Corridor; and

"(ii) achieving the goals and objectives of the management plan for the Corridor;

"(B) analyze the Federal, State, local, and private investments in the Corridor to determine the leverage and impact of the investments; and

"(C) review the management structure, partnership relationships, and funding of the Corridor for purposes of identifying the critical components for sustainability of the Corridor.

"(3) REPORT.—

"(A) IN GENERAL.—Based on the evaluation conducted under paragraph (1)(A), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Corridor.

"(B) REQUIRED ANALYSIS.—If the report prepared under subparagraph (A) recommends that Federal funding for the Corridor be reauthorized, the report shall include an analysis of—

"(i) ways in which Federal funding for the Corridor may be reduced or eliminated; and

"(ii) the appropriate time period necessary to achieve the recommended reduction or elimination.

"(C) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

"(i) the Committee on Energy and Natural Resources of the Senate; and

"(ii) the Committee on Natural Resources of the House of Representatives.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 109(a) of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (16 U.S.C. 461 note; Public Law 103–449) is amended by striking "$10,000,000" and inserting "$15,000,000".

SEC. 8202. DELAWARE AND LEHIGH NATIONAL HERITAGE CORRIDOR.

The Delaware and Lehigh National Heritage Corridor Act of 1988 (16 U.S.C. 461 note; Public Law 100–692) is amended—

(1) in section 9—

(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—The Commission"; and

(B) by adding at the end the following:

Effective date.

"(b) CORPORATION AS LOCAL COORDINATING ENTITY.—Beginning on the date of enactment of the Omnibus Public Land Management Act of 2009, the Corporation shall be the local coordinating entity for the Corridor.

"(c) IMPLEMENTATION OF MANAGEMENT PLAN.—The Corporation shall assume the duties of the Commission for the implementation of the Plan.

"(d) USE OF FUNDS.—The Corporation may use Federal funds made available under this Act—

"(1) to make grants to, and enter into cooperative agreements with, the Federal Government, the Commonwealth, political subdivisions of the Commonwealth, nonprofit organizations, and individuals;

"(2) to hire, train, and compensate staff; and

"(3) to enter into contracts for goods and services.

"(e) RESTRICTION ON USE OF FUNDS.—The Corporation may not use Federal funds made available under this Act to acquire land or an interest in land.";

(2) in section 10—

(A) in the first sentence of subsection (c), by striking "shall assist the Commission" and inserting "shall, on the request of the Corporation, assist";

(B) in subsection (d)—

(i) by striking "Commission" each place it appears and inserting "Corporation";

(ii) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary"; and

(iii) by adding at the end the following:

"(2) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the Corporation and other public or private entities for the purpose of providing technical assistance and grants under paragraph (1).

"(3) PRIORITY.—In providing assistance to the Corporation under paragraph (1), the Secretary shall give priority to activities that assist in—

"(A) conserving the significant natural, historic, cultural, and scenic resources of the Corridor; and

"(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Corridor."; and

(C) by adding at the end the following:

"(e) TRANSITION MEMORANDUM OF UNDERSTANDING.—The Secretary shall enter into a memorandum of understanding with the Corporation to ensure—

"(1) appropriate transition of management of the Corridor from the Commission to the Corporation; and

"(2) coordination regarding the implementation of the Plan.";

(3) in section 11, in the matter preceding paragraph (1), by striking "directly affecting";

(4) in section 12—

(A) in subsection (a), by striking "Commission" each place it appears and inserting "Corporation";

(B) in subsection (c)(1), by striking "2007" and inserting "2012"; and

(C) by adding at the end the following:

"(d) TERMINATION OF ASSISTANCE.—The authority of the Secretary to provide financial assistance under this Act terminates on the date that is 5 years after the date of enactment of this subsection."; and

(5) in section 14—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

Definition.

"(4) the term 'Corporation' means the Delaware & Lehigh National Heritage Corridor, Incorporated, an organization described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;".

SEC. 8203. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

The Erie Canalway National Heritage Corridor Act (16 U.S.C. 461 note; Public Law 106–554) is amended—

(1) in section 804—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking "27" and inserting "at least 21 members, but not more than 27";

(ii) in paragraph (2), by striking "Environment" and inserting "Environmental"; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A), by striking "19";

(II) by striking subparagraph (A);

(III) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(IV) in subparagraph (B) (as redesignated by subclause (III)), by striking the second sentence; and

(V) by inserting after subparagraph (B) (as redesignated by subclause (III)) the following:

"(C) The remaining members shall be—

"(i) appointed by the Secretary, based on recommendations from each member of the House of Representatives, the district of which encompasses the Corridor; and

"(ii) persons that are residents of, or employed within, the applicable congressional districts.";

(B) in subsection (f), by striking "Fourteen members of the Commission" and inserting "A majority of the serving Commissioners";

(C) in subsection (g), by striking "14 of its members" and inserting "a majority of the serving Commissioners";

(D) in subsection (h), by striking paragraph (4) and inserting the following:

"(4)(A) to appoint any staff that may be necessary to carry out the duties of the Commission, subject to the provisions of title 5, United States Code, relating to appointments in the competitive service; and

"(B) to fix the compensation of the staff, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates;"; and

(E) in subsection (j), by striking "10 years" and inserting "15 years";

(2) in section 807—

(A) in subsection (e), by striking "with regard to the preparation and approval of the Canalway Plan"; and

(B) by adding at the end the following:

"(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations

in the Corridor (including the Commission) any operational assistance that is appropriate to assist with the implementation of the Canalway Plan.''; and

(3) in section 810(a)(1), in the first sentence, by striking ''any fiscal year'' and inserting ''any fiscal year, to remain available until expended''.

SEC. 8204. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 3(b)(2) of Public Law 99–647 (16 U.S.C. 461 note; 100 Stat. 3626, 120 Stat. 1857) is amended—

(1) by striking ''shall be the the'' and inserting ''shall be the''; and

(2) by striking ''Directors from Massachusetts and Rhode Island;'' and inserting ''Directors from Massachusetts and Rhode Island, ex officio, or their delegates;''.

Subtitle D—Effect of Title

SEC. 8301. EFFECT ON ACCESS FOR RECREATIONAL ACTIVITIES.

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

TITLE IX—BUREAU OF RECLAMATION AUTHORIZATIONS

Subtitle A—Feasibility Studies

SEC. 9001. SNAKE, BOISE, AND PAYETTE RIVER SYSTEMS, IDAHO.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and are considered appropriate for further study by the Bureau of Reclamation Boise Payette water storage assessment report issued during 2006.

(b) BUREAU OF RECLAMATION.—A study conducted under this section shall comply with Bureau of Reclamation policy standards and guidelines for studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $3,000,000.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 9002. SIERRA VISTA SUBWATERSHED, ARIZONA.

(a) DEFINITIONS.—In this section:

(1) APPRAISAL REPORT.—The term ''appraisal report'' means the appraisal report concerning the augmentation alternatives for the Sierra Vista Subwatershed in the State of Arizona, dated June 2007 and prepared by the Bureau of Reclamation.

(2) PRINCIPLES AND GUIDELINES.—The term ''principles and guidelines'' means the report entitled ''Economic and Environmental Principles and Guidelines for Water and Related Land

Resources Implementation Studies" issued on March 10, 1983, by the Water Resources Council established under title I of the Water Resources Planning Act (42 U.S.C. 1962a et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) SIERRA VISTA SUBWATERSHED FEASIBILITY STUDY.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the reclamation laws and the principles and guidelines, the Secretary, acting through the Commissioner of Reclamation, may complete a feasibility study of alternatives to augment the water supplies within the Sierra Vista Subwatershed in the State of Arizona that are identified as appropriate for further study in the appraisal report.

(B) INCLUSIONS.—In evaluating the feasibility of alternatives under subparagraph (A), the Secretary shall—

(i) include—

(I) any required environmental reviews;

(II) the construction costs and projected operations, maintenance, and replacement costs for each alternative; and

(III) the economic feasibility of each alternative;

(ii) take into consideration the ability of Federal, tribal, State, and local government sources and private sources to fund capital construction costs and annual operation, maintenance, energy, and replacement costs;

(iii) establish the basis for—

(I) any cost-sharing allocations; and

(II) anticipated repayment, if any, of Federal contributions; and

(iv) perform a cost-benefit analysis.

(2) COST SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total costs of the study under paragraph (1) shall not exceed 45 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under subparagraph (A) may be in the form of any in-kind service that the Secretary determines would contribute substantially toward the conduct and completion of the study under paragraph (1).

Deadline.

(3) STATEMENT OF CONGRESSIONAL INTENT RELATING TO COMPLETION OF STUDY.—It is the intent of Congress that the Secretary complete the study under paragraph (1) by a date that is not later than 30 months after the date of enactment of this Act.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $1,260,000.

(c) WATER RIGHTS.—Nothing in this section affects—

(1) any valid or vested water right in existence on the date of enactment of this Act; or

(2) any application for water rights pending before the date of enactment of this Act.

SEC. 9003. SAN DIEGO INTERTIE, CALIFORNIA.

(a) FEASIBILITY STUDY, PROJECT DEVELOPMENT, COST SHARE.—

(1) IN GENERAL.—The Secretary of the Interior (hereinafter referred to as "Secretary"), in consultation and cooperation with the City of San Diego and the Sweetwater Authority, is authorized to undertake a study to determine the feasibility of constructing a four reservoir intertie system to improve water storage opportunities, water supply reliability, and water yield of the existing non-Federal water storage system. The feasibility study shall document the Secretary's engineering, environmental, and economic investigation of the proposed reservoir and intertie project taking into consideration the range of potential solutions and the circumstances and needs of the area to be served by the proposed reservoir and intertie project, the potential benefits to the people of that service area, and improved operations of the proposed reservoir and intertie system. The Secretary shall indicate in the feasibility report required under paragraph (4) whether the proposed reservoir and intertie project is recommended for construction.

(2) FEDERAL COST SHARE.—The Federal share of the costs of the feasibility study shall not exceed 50 percent of the total study costs. The Secretary may accept as part of the non-Federal cost share, any contribution of such in-kind services by the City of San Diego and the Sweetwater Authority that the Secretary determines will contribute toward the conduct and completion of the study.

(3) COOPERATION.—The Secretary shall consult and cooperate with appropriate State, regional, and local authorities in implementing this subsection.

(4) FEASIBILITY REPORT.—The Secretary shall submit to Congress a feasibility report for the project the Secretary recommends, and to seek, as the Secretary deems appropriate, specific authority to develop and construct any recommended project. This report shall include—

(A) good faith letters of intent by the City of San Diego and the Sweetwater Authority and its non-Federal partners to indicate that they have committed to share the allocated costs as determined by the Secretary; and

(B) a schedule identifying the annual operation, maintenance, and replacement costs that should be allocated to the City of San Diego and the Sweetwater Authority, as well as the current and expected financial capability to pay operation, maintenance, and replacement costs.

(b) FEDERAL RECLAMATION PROJECTS.—Nothing in this section shall supersede or amend the provisions of Federal Reclamation laws or laws associated with any project or any portion of any project constructed under any authority of Federal Reclamation laws.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $3,000,000 for the Federal cost share of the study authorized in subsection (a).

(d) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

Subtitle B—Project Authorizations

SEC. 9101. TUMALO IRRIGATION DISTRICT WATER CONSERVATION PROJECT, OREGON.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Tumalo Irrigation District, Oregon.

(2) PROJECT.—The term "Project" means the Tumalo Irrigation District Water Conservation Project authorized under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION TO PLAN, DESIGN AND CONSTRUCT THE TUMALO WATER CONSERVATION PROJECT.—

(1) AUTHORIZATION.—The Secretary, in cooperation with the District—

(A) may participate in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; and

(B) for purposes of planning and designing the Project, shall take into account any appropriate studies and reports prepared by the District.

(2) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the total cost of the Project shall be 25 percent, which shall be nonreimbursable to the United States.

(B) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary shall credit toward the non-Federal share of the Project any amounts that the District provides toward the design, planning, and construction before the date of enactment of this Act.

(3) TITLE.—The District shall hold title to any facilities constructed under this section.

(4) OPERATION AND MAINTENANCE COSTS.—The District shall pay the operation and maintenance costs of the Project.

(5) EFFECT.—Any assistance provided under this section shall not be considered to be a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Federal share of the cost of the Project $4,000,000.

(d) TERMINATION OF AUTHORITY.—The authority of the Secretary to carry out this section shall expire on the date that is 10 years after the date of enactment of this Act.

SEC. 9102. MADERA WATER SUPPLY ENHANCEMENT PROJECT, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Madera Irrigation District, Madera, California.

(2) PROJECT.—The term "Project" means the Madera Water Supply Enhancement Project, a groundwater bank on the 13,646-acre Madera Ranch in Madera, California, owned, operated, maintained, and managed by the District that will plan,

design, and construct recharge, recovery, and delivery systems able to store up to 250,000 acre-feet of water and recover up to 55,000 acre-feet of water per year, as substantially described in the California Environmental Quality Act, Final Environmental Impact Report for the Madera Irrigation District Water Supply Enhancement Project, September 2005.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TOTAL COST.—The term "total cost" means all reasonable costs, such as the planning, design, permitting, and construction of the Project and the acquisition costs of lands used or acquired by the District for the Project.

(b) PROJECT FEASIBILITY.—

(1) PROJECT FEASIBLE.—Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, the Project is feasible and no further studies or actions regarding feasibility are necessary.

(2) APPLICABILITY OF OTHER LAWS.—The Secretary shall implement the authority provided in this section in accordance with all applicable Federal laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (7 U.S.C. 136; 16 U.S.C. 460 et seq.).

(c) COOPERATIVE AGREEMENT.—All final planning and design and the construction of the Project authorized by this section shall be undertaken in accordance with a cooperative agreement between the Secretary and the District for the Project. Such cooperative agreement shall set forth in a manner acceptable to the Secretary and the District the responsibilities of the District for participating, which shall include—

(1) engineering and design;

(2) construction; and

(3) the administration of contracts pertaining to any of the foregoing.

(d) AUTHORIZATION FOR THE MADERA WATER SUPPLY AND ENHANCEMENT PROJECT.—

(1) AUTHORIZATION OF CONSTRUCTION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, is authorized to enter into a cooperative agreement through the Bureau of Reclamation with the District for the support of the final design and construction of the Project. Contracts.

(2) TOTAL COST.—The total cost of the Project for the purposes of determining the Federal cost share shall not exceed $90,000,000.

(3) COST SHARE.—The Federal share of the capital costs of the Project shall be provided on a nonreimbursable basis and shall not exceed 25 percent of the total cost. Capital, planning, design, permitting, construction, and land acquisition costs incurred by the District prior to the date of the enactment of this Act shall be considered a portion of the non-Federal cost share.

(4) CREDIT FOR NON-FEDERAL WORK.—The District shall receive credit toward the non-Federal share of the cost of the Project for—

(A) in-kind services that the Secretary determines would contribute substantially toward the completion of the project;

(B) reasonable costs incurred by the District as a result of participation in the planning, design, permitting, and construction of the Project; and

(C) the acquisition costs of lands used or acquired by the District for the Project.

(5) LIMITATION.—The Secretary shall not provide funds for the operation or maintenance of the Project authorized by this subsection. The operation, ownership, and maintenance of the Project shall be the sole responsibility of the District.

(6) PLANS AND ANALYSES CONSISTENT WITH FEDERAL LAW.—Before obligating funds for design or construction under this subsection, the Secretary shall work cooperatively with the District to use, to the extent possible, plans, designs, and engineering and environmental analyses that have already been prepared by the District for the Project. The Secretary shall ensure that such information as is used is consistent with applicable Federal laws and regulations.

(7) TITLE; RESPONSIBILITY; LIABILITY.—Nothing in this subsection or the assistance provided under this subsection shall be construed to transfer title, responsibility, or liability related to the Project to the United States.

(8) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary to carry out this subsection $22,500,000 or 25 percent of the total cost of the Project, whichever is less.

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 9103. EASTERN NEW MEXICO RURAL WATER SYSTEM PROJECT, NEW MEXICO.

(a) DEFINITIONS.—In this section:

(1) AUTHORITY.—The term "Authority" means the Eastern New Mexico Rural Water Authority, an entity formed under State law for the purposes of planning, financing, developing, and operating the System.

(2) ENGINEERING REPORT.—The term "engineering report" means the report entitled "Eastern New Mexico Rural Water System Preliminary Engineering Report" and dated October 2006.

(3) PLAN.—The term "plan" means the operation, maintenance, and replacement plan required by subsection (c)(2).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of New Mexico.

(6) SYSTEM.—

(A) IN GENERAL.—The term "System" means the Eastern New Mexico Rural Water System, a water delivery project designed to deliver approximately 16,500 acre-feet of water per year from the Ute Reservoir to the cities of Clovis, Elida, Grady, Melrose, Portales, and Texico and other locations in Curry, Roosevelt, and Quay Counties in the State.

(B) INCLUSIONS.—The term "System" includes the major components and associated infrastructure identified as the "Best Technical Alternative" in the engineering report.

(7) UTE RESERVOIR.—The term "Ute Reservoir" means the impoundment of water created in 1962 by the construction of the Ute Dam on the Canadian River, located approximately 32 miles upstream of the border between New Mexico and Texas.

(b) EASTERN NEW MEXICO RURAL WATER SYSTEM.—

(1) FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—The Secretary may provide financial and technical assistance to the Authority to assist in planning, designing, conducting related preconstruction activities for, and constructing the System.

(B) USE.—

(i) IN GENERAL.—Any financial assistance provided under subparagraph (A) shall be obligated and expended only in accordance with a cooperative agreement entered into under subsection (d)(1)(B).

(ii) LIMITATIONS.—Financial assistance provided under clause (i) shall not be used—

(I) for any activity that is inconsistent with constructing the System; or

(II) to plan or construct facilities used to supply irrigation water for irrigated agricultural purposes.

(2) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The Federal share of the total cost of any activity or construction carried out using amounts made available under this section shall be not more than 75 percent of the total cost of the System.

(B) SYSTEM DEVELOPMENT COSTS.—For purposes of subparagraph (A), the total cost of the System shall include any costs incurred by the Authority or the State on or after October 1, 2003, for the development of the System.

(3) LIMITATION.—No amounts made available under this section may be used for the construction of the System until—

(A) a plan is developed under subsection (c)(2); and

(B) the Secretary and the Authority have complied with any requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) applicable to the System.

(4) TITLE TO PROJECT WORKS.—Title to the infrastructure of the System shall be held by the Authority or as may otherwise be specified under State law.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Authority shall be responsible for the annual operation, maintenance, and replacement costs associated with the System.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT PLAN.—The Authority, in consultation with the Secretary, shall develop an operation, maintenance, and replacement plan that establishes the rates and fees for beneficiaries of the System in the amount necessary to ensure that the System is properly maintained and capable of delivering approximately 16,500 acre-feet of water per year.

(d) ADMINISTRATIVE PROVISIONS.—

(1) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into any contract, grant, cooperative agreement, or other agreement that is necessary to carry out this section.

(B) COOPERATIVE AGREEMENT FOR PROVISION OF FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The Secretary shall enter into a cooperative agreement with the Authority to provide financial assistance and any other assistance requested by the Authority for planning, design, related preconstruction activities, and construction of the System.

(ii) REQUIREMENTS.—The cooperative agreement entered into under clause (i) shall, at a minimum, specify the responsibilities of the Secretary and the Authority with respect to—

(I) ensuring that the cost-share requirements established by subsection (b)(2) are met;

(II) completing the planning and final design of the System;

(III) any environmental and cultural resource compliance activities required for the System; and

(IV) the construction of the System.

(2) TECHNICAL ASSISTANCE.—At the request of the Authority, the Secretary may provide to the Authority any technical assistance that is necessary to assist the Authority in planning, designing, constructing, and operating the System.

Consultation.

(3) BIOLOGICAL ASSESSMENT.—The Secretary shall consult with the New Mexico Interstate Stream Commission and the Authority in preparing any biological assessment under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that may be required for planning and constructing the System.

(4) EFFECT.—Nothing in this section—

(A) affects or preempts—

(i) State water law; or

(ii) an interstate compact relating to the allocation of water; or

(B) confers on any non-Federal entity the ability to exercise any Federal rights to—

(i) the water of a stream; or

(ii) any groundwater resource.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In accordance with the adjustment carried out under paragraph (2), there is authorized to be appropriated to the Secretary to carry out this section an amount not greater than $327,000,000.

(2) ADJUSTMENT.—The amount made available under paragraph (1) shall be adjusted to reflect changes in construction costs occurring after January 1, 2007, as indicated by engineering cost indices applicable to the types of construction necessary to carry out this section.

(3) NONREIMBURSABLE AMOUNTS.—Amounts made available to the Authority in accordance with the cost-sharing requirement under subsection (b)(2) shall be nonreimbursable and nonreturnable to the United States.

(4) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds appropriated pursuant to this section shall be retained for use in future fiscal years consistent with this section.

SEC. 9104. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1649. RANCHO CALIFORNIA WATER DISTRICT PROJECT, CALIFORNIA. 43 USC 390h–32.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Rancho California Water District, California, may participate in the design, planning, and construction of permanent facilities for water recycling, demineralization, and desalination, and distribution of non-potable water supplies in Southern Riverside County, California.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project or $20,000,000, whichever is less.

"(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the project described in subsection (a).".

(b) CLERICAL AMENDMENT.—The table of items in section 2 of Public Law 102–575 is amended by inserting after the last item the following:

"Sec. 1649. Rancho California Water District Project, California.".

SEC. 9105. JACKSON GULCH REHABILITATION PROJECT, COLORADO.

(a) DEFINITIONS.—In this section:

(1) ASSESSMENT.—The term "assessment" means the engineering document that is—

(A) entitled "Jackson Gulch Inlet Canal Project, Jackson Gulch Outlet Canal Project, Jackson Gulch Operations Facilities Project: Condition Assessment and Recommendations for Rehabilitation";

(B) dated February 2004; and

(C) on file with the Bureau of Reclamation.

(2) DISTRICT.—The term "District" means the Mancos Water Conservancy District established under the Water Conservancy Act (Colo. Rev. Stat. 37–45–101 et seq.).

(3) PROJECT.—The term "Project" means the Jackson Gulch rehabilitation project, a program for the rehabilitation of the Jackson Gulch Canal system and other infrastructure in the State, as described in the assessment.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) STATE.—The term "State" means the State of Colorado.

(b) AUTHORIZATION OF JACKSON GULCH REHABILITATION PROJECT.—

(1) IN GENERAL.—Subject to the reimbursement requirement described in paragraph (3), the Secretary shall pay the Federal share of the total cost of carrying out the Project. Payments.

(2) USE OF EXISTING INFORMATION.—In preparing any studies relating to the Project, the Secretary shall, to the maximum extent practicable, use existing studies, including engineering and resource information provided by, or at the direction of—

(A) Federal, State, or local agencies; and

(B) the District.

(3) REIMBURSEMENT REQUIREMENT.—

(A) AMOUNT.—The Secretary shall recover from the District as reimbursable expenses the lesser of—

(i) the amount equal to 35 percent of the cost of the Project; or

(ii) $2,900,000.

(B) MANNER.—The Secretary shall recover reimbursable expenses under subparagraph (A)—

(i) in a manner agreed to by the Secretary and the District;

(ii) over a period of 15 years; and

(iii) with no interest.

(C) CREDIT.—In determining the exact amount of reimbursable expenses to be recovered from the District, the Secretary shall credit the District for any amounts it paid before the date of enactment of this Act for engineering work and improvements directly associated with the Project.

(4) PROHIBITION ON OPERATION AND MAINTENANCE COSTS.—The District shall be responsible for the operation and maintenance of any facility constructed or rehabilitated under this section.

(5) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed under this section.

(6) EFFECT.—An activity provided Federal funding under this section shall not be considered a supplemental or additional benefit under—

(A) the reclamation laws; or

(B) the Act of August 11, 1939 (16 U.S.C. 590y et seq.).

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the total cost of carrying out the Project $8,250,000.

SEC. 9106. RIO GRANDE PUEBLOS, NEW MEXICO.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) drought, population increases, and environmental needs are exacerbating water supply issues across the western United States, including the Rio Grande Basin in New Mexico;

(B) a report developed by the Bureau of Reclamation and the Bureau of Indian Affairs in 2000 identified a serious need for the rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos;

(C) inspection of existing irrigation infrastructure of the Rio Grande Pueblos shows that many key facilities,

such as diversion structures and main conveyance ditches, are unsafe and barely, if at all, operable;

(D) the benefits of rehabilitating and repairing irrigation infrastructure of the Rio Grande Pueblos include—

(i) water conservation;

(ii) extending available water supplies;

(iii) increased agricultural productivity;

(iv) economic benefits;

(v) safer facilities; and

(vi) the preservation of the culture of Indian Pueblos in the State;

(E) certain Indian Pueblos in the Rio Grande Basin receive water from facilities operated or owned by the Bureau of Reclamation; and

(F) rehabilitation and repair of irrigation infrastructure of the Rio Grande Pueblos would improve—

(i) overall water management by the Bureau of Reclamation; and

(ii) the ability of the Bureau of Reclamation to help address potential water supply conflicts in the Rio Grande Basin.

(2) PURPOSE.—The purpose of this section is to direct the Secretary—

(A) to assess the condition of the irrigation infrastructure of the Rio Grande Pueblos;

(B) to establish priorities for the rehabilitation of irrigation infrastructure of the Rio Grande Pueblos in accordance with specified criteria; and

(C) to implement projects to rehabilitate and improve the irrigation infrastructure of the Rio Grande Pueblos.

(b) DEFINITIONS.—In this section:

(1) 2004 AGREEMENT.—The term "2004 Agreement" means the agreement entitled "Agreement By and Between the United States of America and the Middle Rio Grande Conservancy District, Providing for the Payment of Operation and Maintenance Charges on Newly Reclaimed Pueblo Indian Lands in the Middle Rio Grande Valley, New Mexico" and executed in September 2004 (including any successor agreements and amendments to the agreement).

(2) DESIGNATED ENGINEER.—The term "designated engineer" means a Federal employee designated under the Act of February 14, 1927 (69 Stat. 1098, chapter 138) to represent the United States in any action involving the maintenance, rehabilitation, or preservation of the condition of any irrigation structure or facility on land located in the Six Middle Rio Grande Pueblos.

(3) DISTRICT.—The term "District" means the Middle Rio Grande Conservancy District, a political subdivision of the State established in 1925.

(4) PUEBLO IRRIGATION INFRASTRUCTURE.—The term "Pueblo irrigation infrastructure" means any diversion structure, conveyance facility, or drainage facility that is—

(A) in existence as of the date of enactment of this Act; and

(B) located on land of a Rio Grande Pueblo that is associated with—

(i) the delivery of water for the irrigation of agricultural land; or

(ii) the carriage of irrigation return flows and excess water from the land that is served.

(5) RIO GRANDE BASIN.—The term "Rio Grande Basin" means the headwaters of the Rio Chama and the Rio Grande Rivers (including any tributaries) from the State line between Colorado and New Mexico downstream to the elevation corresponding with the spillway crest of Elephant Butte Dam at 4,457.3 feet mean sea level.

(6) RIO GRANDE PUEBLO.—The term "Rio Grande Pueblo" means any of the 18 Pueblos that—

(A) occupy land in the Rio Grande Basin; and

(B) are included on the list of federally recognized Indian tribes published by the Secretary in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) SIX MIDDLE RIO GRANDE PUEBLOS.—The term "Six Middle Rio Grande Pueblos" means each of the Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia, and Isleta.

(9) SPECIAL PROJECT.—The term "special project" has the meaning given the term in the 2004 Agreement.

(10) STATE.—The term "State" means the State of New Mexico.

(c) IRRIGATION INFRASTRUCTURE STUDY.—

(1) STUDY.—

Effective date.

(A) IN GENERAL.—On the date of enactment of this Act, the Secretary, in accordance with subparagraph (B), and in consultation with the Rio Grande Pueblos, shall—

(i) conduct a study of Pueblo irrigation infrastructure; and

(ii) based on the results of the study, develop a list of projects (including a cost estimate for each project), that are recommended to be implemented over a 10-year period to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure.

Notification.

(B) REQUIRED CONSENT.—In carrying out subparagraph (A), the Secretary shall only include each individual Rio Grande Pueblo that notifies the Secretary that the Pueblo consents to participate in—

(i) the conduct of the study under subparagraph (A)(i); and

(ii) the development of the list of projects under subparagraph (A)(ii) with respect to the Pueblo.

(2) PRIORITY.—

(A) CONSIDERATION OF FACTORS.—

(i) IN GENERAL.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall—

(I) consider each of the factors described in subparagraph (B); and

(II) prioritize the projects recommended for implementation based on—

(aa) a review of each of the factors; and

(bb) a consideration of the projected benefits of the project on completion of the project.

(ii) ELIGIBILITY OF PROJECTS.—A project is eligible to be considered and prioritized by the Secretary if the project addresses at least 1 factor described in subparagraph (B).

(B) FACTORS.—The factors referred to in subparagraph (A) are—

(i)(I) the extent of disrepair of the Pueblo irrigation infrastructure; and

(II) the effect of the disrepair on the ability of the applicable Rio Grande Pueblo to irrigate agricultural land using Pueblo irrigation infrastructure;

(ii) whether, and the extent that, the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would provide an opportunity to conserve water;

(iii)(I) the economic and cultural impacts that the Pueblo irrigation infrastructure that is in disrepair has on the applicable Rio Grande Pueblo; and

(II) the economic and cultural benefits that the repair, rehabilitation, or reconstruction of the Pueblo irrigation infrastructure would have on the applicable Rio Grande Pueblo;

(iv) the opportunity to address water supply or environmental conflicts in the applicable river basin if the Pueblo irrigation infrastructure is repaired, rehabilitated, or reconstructed; and

(v) the overall benefits of the project to efficient water operations on the land of the applicable Rio Grande Pueblo.

(3) CONSULTATION.—In developing the list of projects under paragraph (1)(A)(ii), the Secretary shall consult with the Director of the Bureau of Indian Affairs (including the designated engineer with respect to each proposed project that affects the Six Middle Rio Grande Pueblos), the Chief of the Natural Resources Conservation Service, and the Chief of Engineers to evaluate the extent to which programs under the jurisdiction of the respective agencies may be used—

(A) to assist in evaluating projects to repair, rehabilitate, or reconstruct Pueblo irrigation infrastructure; and

(B) to implement—

(i) a project recommended for implementation under paragraph (1)(A)(ii); or

(ii) any other related project (including on-farm improvements) that may be appropriately coordinated with the repair, rehabilitation, or reconstruction of Pueblo irrigation infrastructure to improve the efficient use of water in the Rio Grande Basin.

(4) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that includes—

(A) the list of projects recommended for implementation under paragraph (1)(A)(ii); and

(B) any findings of the Secretary with respect to—

(i) the study conducted under paragraph (1)(A)(i);

(ii) the consideration of the factors under paragraph (2)(B); and

(iii) the consultations under paragraph (3).

Deadline.

(5) PERIODIC REVIEW.—Not later than 4 years after the date on which the Secretary submits the report under paragraph (4) and every 4 years thereafter, the Secretary, in consultation with each Rio Grande Pueblo, shall—

(A) review the report submitted under paragraph (4); and

(B) update the list of projects described in paragraph (4)(A) in accordance with each factor described in paragraph (2)(B), as the Secretary determines to be appropriate.

(d) IRRIGATION INFRASTRUCTURE GRANTS.—

(1) IN GENERAL.—The Secretary may provide grants to, and enter into contracts or other agreements with, the Rio Grande Pueblos to plan, design, construct, or otherwise implement projects to repair, rehabilitate, reconstruct, or replace Pueblo irrigation infrastructure that are recommended for implementation under subsection (c)(1)(A)(ii)—

(A) to increase water use efficiency and agricultural productivity for the benefit of a Rio Grande Pueblo;

(B) to conserve water; or

(C) to otherwise enhance water management or help avert water supply conflicts in the Rio Grande Basin.

(2) LIMITATION.—Assistance provided under paragraph (1) shall not be used for—

(A) the repair, rehabilitation, or reconstruction of any major impoundment structure; or

(B) any on-farm improvements.

(3) CONSULTATION.—In carrying out a project under paragraph (1), the Secretary shall—

(A) consult with, and obtain the approval of, the applicable Rio Grande Pueblo;

(B) consult with the Director of the Bureau of Indian Affairs; and

(C) as appropriate, coordinate the project with any work being conducted under the irrigation operations and maintenance program of the Bureau of Indian Affairs.

(4) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total cost of carrying out a project under paragraph (1) shall be not more than 75 percent.

Waiver authority.

(ii) EXCEPTION.—The Secretary may waive or limit the non-Federal share required under clause (i) if the Secretary determines, based on a demonstration of financial hardship by the Rio Grande Pueblo, that the Rio Grande Pueblo is unable to contribute the required non-Federal share.

(B) DISTRICT CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the District a partial or total contribution toward the non-Federal share required for a project carried out under paragraph (1) on land located in any of the

Six Middle Rio Grande Pueblos if the Secretary determines that the project is a special project.

(ii) LIMITATION.—Nothing in clause (i) requires the District to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(C) STATE CONTRIBUTIONS.—

(i) IN GENERAL.—The Secretary may accept from the State a partial or total contribution toward the non-Federal share for a project carried out under paragraph (1).

(ii) LIMITATION.—Nothing in clause (i) requires the State to contribute to the non-Federal share of the cost of a project carried out under paragraph (1).

(D) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A)(i) may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under paragraph (1).

(5) OPERATION AND MAINTENANCE.—The Secretary may not use any amount made available under subsection (g)(2) to carry out the operation or maintenance of any project carried out under paragraph (1).

(e) EFFECT ON EXISTING AUTHORITY AND RESPONSIBILITIES.—Nothing in this section—

(1) affects any existing project-specific funding authority; or

(2) limits or absolves the United States from any responsibility to any Rio Grande Pueblo (including any responsibility arising from a trust relationship or from any Federal law (including regulations), Executive order, or agreement between the Federal Government and any Rio Grande Pueblo).

(f) EFFECT ON PUEBLO WATER RIGHTS OR STATE WATER LAW.—

(1) PUEBLO WATER RIGHTS.—Nothing in this section (including the implementation of any project carried out in accordance with this section) affects the right of any Pueblo to receive, divert, store, or claim a right to water, including the priority of right and the quantity of water associated with the water right under Federal or State law.

(2) STATE WATER LAW.—Nothing in this section preempts or affects—

(A) State water law; or

(B) an interstate compact governing water.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STUDY.—There is authorized to be appropriated to carry out subsection (c) $4,000,000.

(2) PROJECTS.—There is authorized to be appropriated to carry out subsection (d) $6,000,000 for each of fiscal years 2010 through 2019.

SEC. 9107. UPPER COLORADO RIVER ENDANGERED FISH PROGRAMS.

(a) DEFINITIONS.—Section 2 of Public Law 106–392 (114 Stat. 1602) is amended—

(1) in paragraph (5), by inserting ", rehabilitation, and repair" after "and replacement"; and

(2) in paragraph (6), by inserting "those for protection of critical habitat, those for preventing entrainment of fish in water diversions," after "instream flows,".

(b) AUTHORIZATION TO FUND RECOVERY PROGRAMS.—Section 3 of Public Law 106–392 (114 Stat. 1603; 120 Stat. 290) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "$61,000,000" and inserting "$88,000,000";

(B) in paragraph (2), by striking "2010" and inserting "2023"; and

(C) in paragraph (3), by striking "2010" and inserting "2023";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "$126,000,000" and inserting "$209,000,000";

(B) in paragraph (1)—

(i) by striking "$108,000,000" and inserting "$179,000,000"; and

(ii) by striking "2010" and inserting "2023"; and

(C) in paragraph (2)—

(i) by striking "$18,000,000" and inserting "$30,000,000"; and

(ii) by striking "2010" and inserting "2023"; and

(3) in subsection (c)(4), by striking "$31,000,000" and inserting "$87,000,000".

SEC. 9108. SANTA MARGARITA RIVER, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term "Project" means the impoundment, recharge, treatment, and other facilities the construction, operation, watershed management, and maintenance of which is authorized under subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION FOR CONSTRUCTION OF SANTA MARGARITA RIVER PROJECT.—

(1) AUTHORIZATION.—The Secretary, acting pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), to the extent that law is not inconsistent with this section, may construct, operate, and maintain the Project substantially in accordance with the final feasibility report and environmental reviews for the Project and this section.

(2) CONDITIONS.—The Secretary may construct the Project only after the Secretary determines that the following conditions have occurred:

Contracts.

(A)(i) The District and the Secretary of the Navy have entered into contracts under subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(ii) As an alternative to a repayment contract with the Secretary of the Navy described in clause (i), the Secretary may allow the Secretary of the Navy to satisfy all or a portion of the repayment obligation for construction of the Project on the payment of the share of the Secretary of the Navy prior to the initiation of construction, subject to a final cost allocation as described in subsection (c).

Permits.

(B) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted the permits to the Bureau of Reclamation for the benefit of the Secretary of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this section, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(C)(i) The District has agreed—

(I) to not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to the District under this section; and

(II) to share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in subsection (d)(2).

(ii) The agreement and waiver under clause (i) and the changes in points of diversion and storage under subparagraph (B)—

(I) shall become effective and binding only when the Project has been completed and put into operation; and

(II) may be varied by agreement between the District and the Secretary of the Navy.

(D) The Secretary has determined that the Project has completed applicable economic, environmental, and engineering feasibility studies.

(c) COSTS.—

(1) IN GENERAL.—As determined by a final cost allocation after completion of the construction of the Project, the Secretary of the Navy shall be responsible to pay upfront or repay to the Secretary only that portion of the construction, operation, and maintenance costs of the Project that the Secretary and the Secretary of the Navy determine reflects the extent to which the Department of the Navy benefits from the Project.

(2) OTHER CONTRACTS.—Notwithstanding paragraph (1), the Secretary may enter into a contract with the Secretary of the Navy for the impoundment, storage, treatment, and carriage of prior rights water for domestic, municipal, fish and wildlife, industrial, and other beneficial purposes using Project facilities.

(d) OPERATION; YIELD ALLOTMENT; DELIVERY.—

(1) OPERATION.—The Secretary, the District, or a third party (consistent with subsection (f)) may operate the Project, subject to a memorandum of agreement between the Secretary, the Secretary of the Navy, and the District and under regulations satisfactory to the Secretary of the Navy with respect to the share of the Project of the Department of the Navy.

(2) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Secretary of the Navy and the District shall participate in the Project yield on the basis of equal priority and in accordance with the following ratio:

(A) 60 percent of the yield of the Project is allotted to the Secretary of the Navy.

(B) 40 percent of the yield of the Project is allotted to the District.

(3) CONTRACTS FOR DELIVERY OF EXCESS WATER.—

(A) EXCESS WATER AVAILABLE TO OTHER PERSONS.—If the Secretary of the Navy certifies to the official agreed on to administer the Project that the Department of the Navy does not have immediate need for any portion of the 60 percent of the yield of the Project allotted to the Secretary of the Navy under paragraph (2), the official may enter into temporary contracts for the sale and delivery of the excess water.

(B) FIRST RIGHT FOR EXCESS WATER.—The first right to excess water made available under subparagraph (A) shall be given the District, if otherwise consistent with the laws of the State of California.

Notice.

(C) CONDITION OF CONTRACTS.—Each contract entered into under subparagraph (A) for the sale and delivery of excess water shall include a condition that the Secretary of the Navy has the right to demand the water, without charge and without obligation on the part of the United States, after 30 days notice.

(D) MODIFICATION OF RIGHTS AND OBLIGATIONS.—The rights and obligations of the United States and the District regarding the ratio, amounts, definition of Project yield, and payment for excess water may be modified by an agreement between the parties.

(4) CONSIDERATION.—

(A) DEPOSIT OF FUNDS.—

(i) IN GENERAL.—Amounts paid to the United States under a contract entered into under paragraph (3) shall be—

(I) deposited in the special account established for the Department of the Navy under section 2667(e)(1) of title 10, United States Code; and

(II) shall be available for the purposes specified in section 2667(e)(1)(C) of that title.

(ii) EXCEPTION.—Section 2667(e)(1)(D) of title 10, United States Code, shall not apply to amounts deposited in the special account pursuant to this paragraph.

(B) IN-KIND CONSIDERATION.—In lieu of monetary consideration under subparagraph (A), or in addition to monetary consideration, the Secretary of the Navy may accept in-kind consideration in a form and quantity that is acceptable to the Secretary of the Navy, including—

(i) maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Department of the Navy;

(ii) construction of new facilities for the Department of the Navy;

(iii) provision of facilities for use by the Department of the Navy;

(iv) facilities operation support for the Department of the Navy; and

(v) provision of such other services as the Secretary of the Navy considers appropriate.

(C) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities the construction of which is accepted as in-kind consideration under this paragraph.

(D) CONGRESSIONAL NOTIFICATION.—If the in-kind consideration proposed to be provided under a contract to be entered into under paragraph (3) has a value in excess of $500,000, the contract may not be entered into until the earlier of—

Reports.

(i) the end of the 30-day period beginning on the date on which the Secretary of the Navy submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the contract and the form and quantity of the in-kind consideration; or

(ii) the end of the 14-day period beginning on the date on which a copy of the report referred to in clause (i) is provided in an electronic medium pursuant to section 480 of title 10, United States Code.

(e) REPAYMENT OBLIGATION OF THE DISTRICT.—

(1) DETERMINATION.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the general repayment obligation of the District shall be determined by the Secretary consistent with subsections (c)(2) and (e) of section 9 of the Reclamation Project Act of 1939 (43 U.S.C. 485h) to repay to the United States equitable and appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project.

(B) GROUNDWATER.—For purposes of calculating interest and determining the time when the repayment obligation of the District to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(C) CONTRACTS FOR DELIVERY OF EXCESS WATER.—There shall be no repayment obligation under this subsection for water delivered to the District under a contract described in subsection (d)(3).

(2) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

(f) TRANSFER OF CARE, OPERATION, AND MAINTENANCE.—

(1) IN GENERAL.—The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions that are—

(A) satisfactory to the Secretary and the District; and

(B) with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory to the Secretary, the District, and the Secretary of the Navy.

(2) EQUITABLE CREDIT.—

(A) IN GENERAL.—In the event of a transfer under paragraph (1), the District shall be entitled to an equitable credit for the costs associated with the proportionate share of the Secretary of the operation and maintenance of the Project.

(B) APPLICATION.—The amount of costs described in subparagraph (A) shall be applied against the indebtedness of the District to the United States.

(g) SCOPE OF SECTION.—

Applicability.

(1) IN GENERAL.—Except as otherwise provided in this section, for the purpose of this section, the laws of the State of California shall apply to the rights of the United States pertaining to the use of water under this section.

(2) LIMITATIONS.—Nothing in this section—

(A) provides a grant or a relinquishment by the United States of any rights to the use of water that the United States acquired according to the laws of the State of California, either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(B) creates any legal obligation to store any water in the Project, to the use of which the United States has those rights;

(C) requires the division under this section of water to which the United States has those rights; or

(D) constitutes a recognition of, or an admission by the United States that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California.

(h) LIMITATIONS ON OPERATION AND ADMINISTRATION.—Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of the acquisition of the land comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way that will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

(i) REPORTS TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act and periodically thereafter, the Secretary and the Secretary of the Navy shall each submit to the appropriate committees of Congress reports that describe whether the conditions specified in subsection (b)(2) have been met and if so, the manner in which the conditions were met.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $60,000,000, as adjusted to reflect the engineering costs indices for the construction cost of the Project; and

(2) such sums as are necessary to operate and maintain the Project.

(k) SUNSET.—The authority of the Secretary to complete construction of the Project shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 9109. ELSINORE VALLEY MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9104(a)) is amended by adding at the end the following:

"SEC. 1650. ELSINORE VALLEY MUNICIPAL WATER DISTRICT PROJECTS, CALIFORNIA. 43 USC 390h–33.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Elsinore Valley Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish recycled water distribution and wastewater treatment and reclamation facilities that will be used to treat wastewater and provide recycled water in the Elsinore Valley Municipal Water District, California.

"(b) COST SHARING.—The Federal share of the cost of each project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary under this section shall not be used for operation or maintenance of the projects described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,500,000.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9104(b)) is amended by inserting after the item relating to section 1649 the following:

"Sec. 1650. Elsinore Valley Municipal Water District Projects, California.".

SEC. 9110. NORTH BAY WATER REUSE AUTHORITY.

(a) PROJECT AUTHORIZATION.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9109(a)) is amended by adding at the end the following:

"SEC. 1651. NORTH BAY WATER REUSE PROGRAM. 43 USC 390h–34.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a member agency of the North Bay Water Reuse Authority of the State located in the North San Pablo Bay watershed in—

"(A) Marin County;

"(B) Napa County;

"(C) Solano County; or

"(D) Sonoma County.

"(2) WATER RECLAMATION AND REUSE PROJECT.—The term 'water reclamation and reuse project' means a project carried out by the Secretary and an eligible entity in the North San Pablo Bay watershed relating to—

"(A) water quality improvement;
"(B) wastewater treatment;
"(C) water reclamation and reuse;
"(D) groundwater recharge and protection;
"(E) surface water augmentation; or
"(F) other related improvements.

"(3) STATE.—The term 'State' means the State of California.

"(b) NORTH BAY WATER REUSE PROGRAM.—

"(1) IN GENERAL.—Contingent upon a finding of feasibility, the Secretary, acting through a cooperative agreement with the State or a subdivision of the State, is authorized to enter into cooperative agreements with eligible entities for the planning, design, and construction of water reclamation and reuse facilities and recycled water conveyance and distribution systems.

"(2) COORDINATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Secretary and the eligible entity shall, to the maximum extent practicable, use the design work and environmental evaluations initiated by—

"(A) non-Federal entities; and

"(B) the Corps of Engineers in the San Pablo Bay Watershed of the State.

"(3) PHASED PROJECT.—A cooperative agreement described in paragraph (1) shall require that the North Bay Water Reuse Program carried out under this section shall consist of 2 phases as follows:

"(A) FIRST PHASE.—During the first phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the main treatment and main conveyance systems.

"(B) SECOND PHASE.—During the second phase, the Secretary and an eligible entity shall complete the planning, design, and construction of the sub-regional distribution systems.

"(4) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of the first phase of the project authorized by this section shall not exceed 25 percent of the total cost of the first phase of the project.

"(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the completion of the water reclamation and reuse project, including—

"(i) reasonable costs incurred by the eligible entity relating to the planning, design, and construction of the water reclamation and reuse project; and

"(ii) the acquisition costs of land acquired for the project that is—

"(I) used for planning, design, and construction of the water reclamation and reuse project facilities; and

"(II) owned by an eligible entity and directly related to the project.

"(C) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

"(5) EFFECT.—Nothing in this section—
"(A) affects or preempts—
"(i) State water law; or
"(ii) an interstate compact relating to the allocation of water; or
"(B) confers on any non-Federal entity the ability to exercise any Federal right to—
"(i) the water of a stream; or
"(ii) any groundwater resource.
"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Federal share of the total cost of the first phase of the project authorized by this section $25,000,000, to remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9109(b)) is amended by inserting after the item relating to section 1650 the following:

"Sec. 1651. North Bay water reuse program.".

SEC. 9111. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT, CALIFORNIA.

(a) PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.—
(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9110(a)) is amended by adding at the end the following:

"SEC. 1652. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT. 43 USC 390h–35.

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by section 9110(b)) is amended by inserting after the last item the following:

"1652. Prado Basin Natural Treatment System Project.".

(b) LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.—
(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by subsection (a)(1)) is amended by adding at the end the following:

43 USC 390h–36.

"SEC. 1653. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) $26,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.".

(2) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102–575 (43 U.S.C. prec. 371) (as amended by subsection (a)(2)) is amended by inserting after the last item the following:

"1653. Lower Chino dairy area desalination demonstration and reclamation project.".

(c) ORANGE COUNTY REGIONAL WATER RECLAMATION PROJECT.—Section 1624 of the Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h–12j) is amended—

(1) in the section heading, by striking the words "**PHASE 1 OF THE**"; and

(2) in subsection (a), by striking "phase 1 of".

SEC. 9112. BUNKER HILL GROUNDWATER BASIN, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) DISTRICT.—The term "District" means the Western Municipal Water District, Riverside County, California.

(2) PROJECT.—

(A) IN GENERAL.—The term "Project" means the Riverside-Corona Feeder Project.

(B) INCLUSIONS.—The term "Project" includes—

(i) 20 groundwater wells;

(ii) groundwater treatment facilities;

(iii) water storage and pumping facilities; and

(iv) 28 miles of pipeline in San Bernardino and Riverside Counties in the State of California.

(C) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) PLANNING, DESIGN, AND CONSTRUCTION OF RIVERSIDE-CORONA FEEDER.—

(1) IN GENERAL.—The Secretary, in cooperation with the District, may participate in the planning, design, and construction of the Project.

(2) AGREEMENTS AND REGULATIONS.—The Secretary may enter into such agreements and promulgate such regulations as are necessary to carry out this subsection.

(3) FEDERAL SHARE.—

(A) PLANNING, DESIGN, CONSTRUCTION.—The Federal share of the cost to plan, design, and construct the Project shall not exceed the lesser of—

(i) an amount equal to 25 percent of the total cost of the Project; and

(ii) $26,000,000.

(B) STUDIES.—The Federal share of the cost to complete the necessary planning studies associated with the Project—

(i) shall not exceed an amount equal to 50 percent of the total cost of the studies; and

(ii) shall be included as part of the limitation described in subparagraph (A).

(4) IN-KIND SERVICES.—The non-Federal share of the cost of the Project may be provided in cash or in kind.

(5) LIMITATION.—Funds provided by the Secretary under this subsection shall not be used for operation or maintenance of the Project.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection the lesser of—

(A) an amount equal to 25 percent of the total cost of the Project; and

(B) $26,000,000.

SEC. 9113. GREAT PROJECT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (title XVI of Public Law 102–575; 43 U.S.C. 390h et seq.) (as amended by section 9111(b)(1)) is amended by adding at the end the following:

"SEC. 1654. OXNARD, CALIFORNIA, WATER RECLAMATION, REUSE, AND TREATMENT PROJECT. 43 USC 390h–37.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Oxnard, California, may participate in the design, planning, and construction of Phase I permanent facilities for the GREAT project to reclaim, reuse, and treat impaired water in the area of Oxnard, California.

"(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the following:

"(1) The operations and maintenance of the project described in subsection (a).

"(2) The construction, operations, and maintenance of the visitor's center related to the project described in subsection (a).

"(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act

of 1992 (as amended by section 9111(b)(2)) is amended by inserting after the last item the following:

"Sec. 1654. Oxnard, California, water reclamation, reuse, and treatment project.".

SEC. 9114. YUCAIPA VALLEY WATER DISTRICT, CALIFORNIA.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) (as amended by section 9113(a)) is amended by adding at the end the following:

43 USC 390h–38.

"SEC. 1655. YUCAIPA VALLEY REGIONAL WATER SUPPLY RENEWAL PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the Yucaipa Valley Water District, may participate in the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal within the Santa Ana Watershed as described in the report submitted under section 1606.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

43 USC 390h–39.

"SEC. 1656. CITY OF CORONA WATER UTILITY, CALIFORNIA, WATER RECYCLING AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Corona Water Utility, California, is authorized to participate in the design, planning, and construction of, and land acquisition for, a project to reclaim and reuse wastewater, including degraded groundwaters, within and outside of the service area of the City of Corona Water Utility, California.

"(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.".

(b) CONFORMING AMENDMENTS.—The table of sections in section 2 of Public Law 102–575 (as amended by section 9114(b)) is amended by inserting after the last item the following:

"Sec. 1655. Yucaipa Valley Regional Water Supply Renewal Project.
"Sec. 1656. City of Corona Water Utility, California, water recycling and reuse project.".

SEC. 9115. ARKANSAS VALLEY CONDUIT, COLORADO.

43 USC 616.

(a) COST SHARE.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after "cost thereof," the following: "or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities,".

(b) RATES.—Section 2(b) of Public Law 87–590 (76 Stat. 390) is amended— 43 USC 616a.

(1) by striking "(b) Rates" and inserting the following: "(b) RATES.—

"(1) IN GENERAL.—Rates"; and

(2) by adding at the end the following:

"(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

"(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

"(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

"(3) ARKANSAS VALLEY CONDUIT.—

"(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

"(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended— 43 USC 616f.

(1) by striking "SEC. 7. There is hereby" and inserting the following:

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is"; and

(2) by adding at the end the following:

"(b) ARKANSAS VALLEY CONDUIT.—

"(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

"(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.".

Subtitle C—Title Transfers and Clarifications

Oklahoma.

SEC. 9201. TRANSFER OF MCGEE CREEK PIPELINE AND FACILITIES.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means the agreement numbered 06–AG–60–2115 and entitled "Agreement Between the United States of America and McGee Creek Authority for the Purpose of Defining Responsibilities Related to and Implementing the Title Transfer of Certain Facilities at the McGee Creek Project, Oklahoma".

(2) AUTHORITY.—The term "Authority" means the McGee Creek Authority located in Oklahoma City, Oklahoma.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) CONVEYANCE OF MCGEE CREEK PROJECT PIPELINE AND ASSOCIATED FACILITIES.—

(1) AUTHORITY TO CONVEY.—

(A) IN GENERAL.—In accordance with all applicable laws and consistent with any terms and conditions provided in the Agreement, the Secretary may convey to the Authority all right, title, and interest of the United States in and to the pipeline and any associated facilities described in the Agreement, including—

(i) the pumping plant;

(ii) the raw water pipeline from the McGee Creek pumping plant to the rate of flow control station at Lake Atoka;

(iii) the surge tank;

(iv) the regulating tank;

(v) the McGee Creek operation and maintenance complex, maintenance shop, and pole barn; and

(vi) any other appurtenances, easements, and fee title land associated with the facilities described in clauses (i) through (v), in accordance with the Agreement.

(B) EXCLUSION OF MINERAL ESTATE FROM CONVEYANCE.—

(i) IN GENERAL.—The mineral estate shall be excluded from the conveyance of any land or facilities under subparagraph (A).

(ii) MANAGEMENT.—Any mineral interests retained by the United States under this section shall be managed—

(I) consistent with Federal law; and

(II) in a manner that would not interfere with the purposes for which the McGee Creek Project was authorized.

(C) COMPLIANCE WITH AGREEMENT; APPLICABLE LAW.—

(i) AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(ii) APPLICABLE LAW.—Before any conveyance under subparagraph (A), the Secretary shall complete any actions required under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(III) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(IV) any other applicable laws.

(2) OPERATION OF TRANSFERRED FACILITIES.—

(A) IN GENERAL.—On the conveyance of the land and facilities under paragraph (1)(A), the Authority shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of any transferred facilities.

(B) OPERATION AND MAINTENANCE COSTS.—

(i) IN GENERAL.—After the conveyance of the land and facilities under paragraph (1)(A) and consistent with the Agreement, the Authority shall be responsible for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities.

(ii) LIMITATION ON FUNDING.—The Authority shall not be eligible to receive any Federal funding to assist in the operation, replacement, maintenance, enhancement, and betterment of the transferred land and facilities, except for funding that would be available to any comparable entity that is not subject to reclamation laws.

(3) RELEASE FROM LIABILITY.—

(A) IN GENERAL.—Effective beginning on the date of the conveyance of the land and facilities under paragraph (1)(A), the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to any land or facilities conveyed, except for damages caused by acts of negligence committed by the United States (including any employee or agent of the United States) before the date of the conveyance. Effective date.

(B) NO ADDITIONAL LIABILITY.—Nothing in this paragraph adds to any liability that the United States may have under chapter 171 of title 28, United States Code.

(4) CONTRACTUAL OBLIGATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), any rights and obligations under the contract numbered 0–07–50–X0822 and dated October 11, 1979, between the Authority and the United States for the construction, operation, and maintenance of the McGee Creek Project, shall remain in full force and effect.

(B) AMENDMENTS.—With the consent of the Authority, the Secretary may amend the contract described in subparagraph (A) to reflect the conveyance of the land and facilities under paragraph (1)(A).

(5) APPLICABILITY OF THE RECLAMATION LAWS.—Notwithstanding the conveyance of the land and facilities under paragraph (1)(A), the reclamation laws shall continue to apply to any project water provided to the Authority.

SEC. 9202. ALBUQUERQUE BIOLOGICAL PARK, NEW MEXICO, TITLE CLARIFICATION.

(a) PURPOSE.—The purpose of this section is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, or the BioPark Parcels to the City, thereby removing a potential cloud on the City's title to these lands.

(b) DEFINITIONS.—In this section:

(1) CITY.—The term "City" means the City of Albuquerque, New Mexico.

(2) BIOPARK PARCELS.—The term "BioPark Parcels" means a certain area of land containing 19.16 acres, more or less, situated within the Town of Albuquerque Grant, in Projected Section 13, Township 10 North, Range 2 East, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, comprised of the following platted tracts and lot, and MRGCD tracts:

(A) Tracts A and B, Albuquerque Biological Park, as the same are shown and designated on the Plat of Tracts A & B, Albuquerque Biological Park, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on February 11, 1994 in Book 94C, Page 44; containing 17.9051 acres, more or less.

(B) Lot B–1, Roger Cox Addition, as the same is shown and designated on the Plat of Lots B–1 and B–2 Roger Cox Addition, recorded in the Office of the County Clerk of Bernalillo County, New Mexico on October 3, 1985 in Book C28, Page 99; containing 0.6289 acres, more or less.

(C) Tract 361 of MRGCD Map 38, bounded on the north by Tract A, Albuquerque Biological Park, on the east by the westerly right-of-way of Central Avenue, on the south by Tract 332B MRGCD Map 38, and on the west by Tract B, Albuquerque Biological Park; containing 0.30 acres, more or less.

(D) Tract 332B of MRGCD Map 38; bounded on the north by Tract 361, MRGCD Map 38, on the west by Tract 32A–1–A, MRGCD Map 38, and on the south and east by the westerly right-of-way of Central Avenue; containing 0.25 acres, more or less.

(E) Tract 331A–1A of MRGCD Map 38, bounded on the west by Tract B, Albuquerque Biological Park, on the east by Tract 332B, MRGCD Map 38, and on the south by the westerly right-of-way of Central Avenue and Tract A, Albuquerque Biological Park; containing 0.08 acres, more or less.

(3) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(4) MIDDLE RIO GRANDE PROJECT.—The term "Middle Rio Grande Project" means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80–858; 62

Stat. 1175) and the Flood Control Act of 1950 (Public Law 81–516; 64 Stat. 170).

(5) SAN GABRIEL PARK.—The term "San Gabriel Park" means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(6) TINGLEY BEACH.—The term "Tingley Beach" means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, and secs. 18 and 19, T10N, R3E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(c) CLARIFICATION OF PROPERTY INTEREST.—

(1) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach, San Gabriel Park, and the BioPark Parcels to the City.

(2) TIMING.—The Secretary shall carry out the action in paragraph (1) as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(3) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park, Tingley Beach, and the BioPark Parcels.

(d) OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.—

(1) IN GENERAL.—Except as expressly provided in subsection (c), nothing in this section shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(2) ONGOING LITIGATION.—Nothing contained in this section shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, 99–CV–01320–JAP–RHS, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

SEC. 9203. GOLETA WATER DISTRICT WATER DISTRIBUTION SYSTEM, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term "Agreement" means Agreement No. 07–LC–20–9387 between the United States and the District, entitled "Agreement Between the United States and the Goleta Water District to Transfer Title of the Federally Owned Distribution System to the Goleta Water District".

(2) DISTRICT.—The term "District" means the Goleta Water District, located in Santa Barbara County, California.

(3) GOLETA WATER DISTRIBUTION SYSTEM.—The term "Goleta Water Distribution System" means the facilities constructed by the United States to enable the District to convey

water to its water users, and associated lands, as described in Appendix A of the Agreement.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) CONVEYANCE OF THE GOLETA WATER DISTRIBUTION SYSTEM.—The Secretary is authorized to convey to the District all right, title, and interest of the United States in and to the Goleta Water Distribution System of the Cachuma Project, California, subject to valid existing rights and consistent with the terms and conditions set forth in the Agreement.

Effective date.

(c) LIABILITY.—Effective upon the date of the conveyance authorized by subsection (b), the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the lands, buildings, or facilities conveyed under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents prior to the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(d) BENEFITS.—After conveyance of the Goleta Water Distribution System under this section—

(1) such distribution system shall not be considered to be a part of a Federal reclamation project; and

(2) the District shall not be eligible to receive any benefits with respect to any facility comprising the Goleta Water Distribution System, except benefits that would be available to a similarly situated entity with respect to property that is not part of a Federal reclamation project.

(e) COMPLIANCE WITH OTHER LAWS.—

(1) COMPLIANCE WITH ENVIRONMENTAL AND HISTORIC PRESERVATION LAWS.—Prior to any conveyance under this section, the Secretary shall complete all actions required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and all other applicable laws.

(2) COMPLIANCE BY THE DISTRICT.—Upon the conveyance of the Goleta Water Distribution System under this section, the District shall comply with all applicable Federal, State, and local laws and regulations in its operation of the facilities that are transferred.

(3) APPLICABLE AUTHORITY.—All provisions of Federal reclamation law (the Act of June 17, 1902 (43 U.S.C. 371 et seq.) and Acts supplemental to and amendatory of that Act) shall continue to be applicable to project water provided to the District.

(f) REPORT.—If, 12 months after the date of the enactment of this Act, the Secretary has not completed the conveyance required under subsection (b), the Secretary shall complete a report that states the reason the conveyance has not been completed and the date by which the conveyance shall be completed. The Secretary shall submit a report required under this subsection to Congress not later than 14 months after the date of the enactment of this Act.

Subtitle D—San Gabriel Basin Restoration Fund

SEC. 9301. RESTORATION FUND.

Section 110 of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–222), as enacted into law by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (Public Law 106–554, as amended by Public Law 107–66), is further amended—

(1) in subsection (a)(3)(B), by inserting after clause (iii) the following:

"(iv) NON-FEDERAL MATCH.—After $85,000,000 has cumulatively been appropriated under subsection (d)(1), the remainder of Federal funds appropriated under subsection (d) shall be subject to the following matching requirement:

"(I) SAN GABRIEL BASIN WATER QUALITY AUTHORITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the Authority under this Act.

"(II) CENTRAL BASIN MUNICIPAL WATER DISTRICT.—The Central Basin Municipal Water District shall be responsible for providing a 35 percent non-Federal match for Federal funds made available to the District under this Act.";

(2) in subsection (a), by adding at the end the following:

"(4) INTEREST ON FUNDS IN RESTORATION FUND.—No amounts appropriated above the cumulative amount of $85,000,000 to the Restoration Fund under subsection (d)(1) shall be invested by the Secretary of the Treasury in interest-bearing securities of the United States."; and

(3) by amending subsection (d) to read as follows:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $146,200,000. Such funds shall remain available until expended.

"(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $21,200,000 shall be made available to carry out the Central Basin Water Quality Project.".

Subtitle E—Lower Colorado River Multi-Species Conservation Program

SEC. 9401. DEFINITIONS.

In this subtitle:

(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term "Lower Colorado River Multi-Species Conservation Program" or "LCR MSCP" means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.

(2) LOWER COLORADO RIVER.—The term "Lower Colorado River" means the segment of the Colorado River within the

planning area as provided in section 2(B) of the Implementing Agreement, a Program Document.

(3) PROGRAM DOCUMENTS.—The term "Program Documents" means the Habitat Conservation Plan, Biological Assessment and Biological and Conference Opinion, Environmental Impact Statement/Environmental Impact Report, Funding and Management Agreement, Implementing Agreement, and Section 10(a)(1)(B) Permit issued and, as applicable, executed in connection with the LCR MSCP, and any amendments or successor documents that are developed consistent with existing agreements and applicable law.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means each of the States of Arizona, California, and Nevada.

SEC. 9402. IMPLEMENTATION AND WATER ACCOUNTING.

(a) IMPLEMENTATION.—The Secretary is authorized to manage and implement the LCR MSCP in accordance with the Program Documents.

(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance in accordance with the Program Documents.

SEC. 9403. ENFORCEABILITY OF PROGRAM DOCUMENTS.

(a) IN GENERAL.—Due to the unique conditions of the Colorado River, any party to the Funding and Management Agreement or the Implementing Agreement, and any permittee under the Section 10(a)(1)(B) Permit, may commence a civil action in United States district court to adjudicate, confirm, validate or decree the rights and obligations of the parties under those Program Documents.

(b) JURISDICTION.—The district court shall have jurisdiction over such actions and may issue such orders, judgments, and decrees as are consistent with the court's exercise of jurisdiction under this section.

(c) UNITED STATES AS DEFENDANT.—

(1) IN GENERAL.—The United States or any agency of the United States may be named as a defendant in such actions.

Waiver.

(2) SOVEREIGN IMMUNITY.—Subject to paragraph (3), the sovereign immunity of the United States is waived for purposes of actions commenced pursuant to this section.

(3) NONWAIVER FOR CERTAIN CLAIMS.—Nothing in this section waives the sovereign immunity of the United States to claims for money damages, monetary compensation, the provision of indemnity, or any claim seeking money from the United States.

(d) RIGHTS UNDER FEDERAL AND STATE LAW.—

(1) IN GENERAL.—Except as specifically provided in this section, nothing in this section limits any rights or obligations of any party under Federal or State law.

(2) APPLICABILITY TO LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—This section—

(A) shall apply only to the Lower Colorado River Multi-Species Conservation Program; and

(B) shall not affect the terms of, or rights or obligations under, any other conservation plan created pursuant to any Federal or State law.

(e) VENUE.—Any suit pursuant to this section may be brought in any United States district court in the State in which any non-Federal party to the suit is situated.

SEC. 9404. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary such sums as may be necessary to meet the obligations of the Secretary under the Program Documents, to remain available until expended.

(b) NON-REIMBURSABLE AND NON-RETURNABLE.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be non-reimbursable and non-returnable.

Subtitle F—Secure Water

SEC. 9501. FINDINGS. 42 USC 10361.

Congress finds that—

(1) adequate and safe supplies of water are fundamental to the health, economy, security, and ecology of the United States;

(2) systematic data-gathering with respect to, and research and development of, the water resources of the United States will help ensure the continued existence of sufficient quantities of water to support—

(A) increasing populations;

(B) economic growth;

(C) irrigated agriculture;

(D) energy production; and

(E) the protection of aquatic ecosystems;

(3) global climate change poses a significant challenge to the protection and use of the water resources of the United States due to an increased uncertainty with respect to the timing, form, and geographical distribution of precipitation, which may have a substantial effect on the supplies of water for agricultural, hydroelectric power, industrial, domestic supply, and environmental needs;

(4) although States bear the primary responsibility and authority for managing the water resources of the United States, the Federal Government should support the States, as well as regional, local, and tribal governments, by carrying out—

(A) nationwide data collection and monitoring activities;

(B) relevant research; and

(C) activities to increase the efficiency of the use of water in the United States;

(5) Federal agencies that conduct water management and related activities have a responsibility—

(A) to take a lead role in assessing risks to the water resources of the United States (including risks posed by global climate change); and

(B) to develop strategies—

(i) to mitigate the potential impacts of each risk described in subparagraph (A); and

(ii) to help ensure that the long-term water resources management of the United States is sustainable and will ensure sustainable quantities of water;

(6) it is critical to continue and expand research and monitoring efforts—

(A) to improve the understanding of the variability of the water cycle; and

(B) to provide basic information necessary—

(i) to manage and efficiently use the water resources of the United States; and

(ii) to identify new supplies of water that are capable of being reclaimed; and

(7) the study of water use is vital—

(A) to the understanding of the impacts of human activity on water and ecological resources; and

(B) to the assessment of whether available surface and groundwater supplies will be available to meet the future needs of the United States.

42 USC 10362.

SEC. 9502. DEFINITIONS.

In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) ADVISORY COMMITTEE.—The term "Advisory Committee" means the National Advisory Committee on Water Information established—

(A) under the Office of Management and Budget Circular 92–01; and

(B) to coordinate water data collection activities.

(3) ASSESSMENT PROGRAM.—The term "assessment program" means the water availability and use assessment program established by the Secretary under section 9508(a).

(4) CLIMATE DIVISION.—The term "climate division" means 1 of the 359 divisions in the United States that represents 2 or more regions located within a State that are as climatically homogeneous as possible, as determined by the Administrator.

(5) COMMISSIONER.—The term "Commissioner" means the Commissioner of Reclamation.

(6) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(7) ELIGIBLE APPLICANT.—The term "eligible applicant" means any State, Indian tribe, irrigation district, water district, or other organization with water or power delivery authority.

(8) FEDERAL POWER MARKETING ADMINISTRATION.—The term "Federal Power Marketing Administration" means—

(A) the Bonneville Power Administration;

(B) the Southeastern Power Administration;

(C) the Southwestern Power Administration; and

(D) the Western Area Power Administration.

(9) HYDROLOGIC ACCOUNTING UNIT.—The term "hydrologic accounting unit" means 1 of the 352 river basin hydrologic accounting units used by the United States Geological Survey.

(10) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(11) MAJOR AQUIFER SYSTEM.—The term "major aquifer system" means a groundwater system that is—

(A) identified as a significant groundwater system by the Director; and

(B) included in the Groundwater Atlas of the United States, published by the United States Geological Survey.

(12) MAJOR RECLAMATION RIVER BASIN.—

(A) IN GENERAL.—The term "major reclamation river basin" means each major river system (including tributaries)—

(i) that is located in a service area of the Bureau of Reclamation; and

(ii) at which is located a federally authorized project of the Bureau of Reclamation.

(B) INCLUSIONS.—The term "major reclamation river basin" includes—

(i) the Colorado River;
(ii) the Columbia River;
(iii) the Klamath River;
(iv) the Missouri River;
(v) the Rio Grande;
(vi) the Sacramento River;
(vii) the San Joaquin River; and
(viii) the Truckee River.

(13) NON-FEDERAL PARTICIPANT.—The term "non-Federal participant" means—

(A) a State, regional, or local authority;

(B) an Indian tribe or tribal organization; or

(C) any other qualifying entity, such as a water conservation district, water conservancy district, or rural water district or association, or a nongovernmental organization.

(14) PANEL.—The term "panel" means the climate change and water intragovernmental panel established by the Secretary under section 9506(a).

(15) PROGRAM.—The term "program" means the regional integrated sciences and assessments program—

(A) established by the Administrator; and

(B) that is comprised of 8 regional programs that use advances in integrated climate sciences to assist decision-making processes.

(16) SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "Secretary" means the Secretary of the Interior.

(B) EXCEPTIONS.—The term "Secretary" means—

(i) in the case of sections 9503, 9504, and 9509, the Secretary of the Interior (acting through the Commissioner); and

(ii) in the case of sections 9507 and 9508, the Secretary of the Interior (acting through the Director).

(17) SERVICE AREA.—The term "service area" means any area that encompasses a watershed that contains a federally authorized reclamation project that is located in any State or area described in the first section of the Act of June 17, 1902 (43 U.S.C. 391).

42 USC 10363.

SEC. 9503. RECLAMATION CLIMATE CHANGE AND WATER PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a climate change adaptation program—

(1) to coordinate with the Administrator and other appropriate agencies to assess each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in a service area; and

(2) to ensure, to the maximum extent possible, that strategies are developed at watershed and aquifer system scales to address potential water shortages, conflicts, and other impacts to water users located at, and the environment of, each service area.

(b) REQUIRED ELEMENTS.—In carrying out the program described in subsection (a), the Secretary shall—

(1) coordinate with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary has access to the best available scientific information with respect to presently observed and projected future impacts of global climate change on water resources;

Assessment.

(2) assess specific risks to the water supply of each major reclamation river basin, including any risk relating to—

(A) a change in snowpack;

(B) changes in the timing and quantity of runoff;

(C) changes in groundwater recharge and discharge; and

(D) any increase in—

(i) the demand for water as a result of increasing temperatures; and

(ii) the rate of reservoir evaporation;

Analysis.

(3) with respect to each major reclamation river basin, analyze the extent to which changes in the water supply of the United States will impact—

(A) the ability of the Secretary to deliver water to the contractors of the Secretary;

(B) hydroelectric power generation facilities;

(C) recreation at reclamation facilities;

(D) fish and wildlife habitat;

(E) applicable species listed as an endangered, threatened, or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(F) water quality issues (including salinity levels of each major reclamation river basin);

(G) flow and water dependent ecological resiliency; and

(H) flood control management;

Strategies.

(4) in consultation with appropriate non-Federal participants, consider and develop appropriate strategies to mitigate each impact of water supply changes analyzed by the Secretary under paragraph (3), including strategies relating to—

(A) the modification of any reservoir storage or operating guideline in existence as of the date of enactment of this Act;

(B) the development of new water management, operating, or habitat restoration plans;

(C) water conservation;

(D) improved hydrologic models and other decision support systems; and

(E) groundwater and surface water storage needs; and

(5) in consultation with the Director, the Administrator, the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service), and applicable State water resource agencies, develop a monitoring plan to acquire and maintain water resources data— Monitoring plan.

(A) to strengthen the understanding of water supply trends; and

(B) to assist in each assessment and analysis conducted by the Secretary under paragraphs (2) and (3).

(c) REPORTING.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to the quantity of water resources located in each major reclamation river basin;

(2) the impact of global climate change with respect to the operations of the Secretary in each major reclamation river basin;

(3) each mitigation and adaptation strategy considered and implemented by the Secretary to address each effect of global climate change described in paragraph (1);

(4) each coordination activity conducted by the Secretary with—

(A) the Director;

(B) the Administrator;

(C) the Secretary of Agriculture (acting through the Chief of the Natural Resources Conservation Service); or

(D) any appropriate State water resource agency; and

(5) the implementation by the Secretary of the monitoring plan developed under subsection (b)(5).

(d) FEASIBILITY STUDIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in cooperation with any non-Federal participant, may conduct 1 or more studies to determine the feasibility and impact on ecological resiliency of implementing each mitigation and adaptation strategy described in subsection (c)(3), including the construction of any water supply, water management, environmental, or habitat enhancement water infrastructure that the Secretary determines to be necessary to address the effects of global climate change on water resources located in each major reclamation river basin.

(2) COST SHARING.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the cost of a study described in paragraph (1) shall not exceed 50 percent of the cost of the study.

(ii) EXCEPTION RELATING TO FINANCIAL HARDSHIP.—The Secretary may increase the Federal share of the cost of a study described in paragraph (1) to exceed 50 percent of the cost of the study if the Secretary determines that, due to a financial hardship, the non-Federal participant of the study is unable to

contribute an amount equal to 50 percent of the cost of the study.

(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of a study described in paragraph (1) may be provided in the form of any in-kind services that substantially contribute toward the completion of the study, as determined by the Secretary.

(e) NO EFFECT ON EXISTING AUTHORITY.—Nothing in this section amends or otherwise affects any existing authority under reclamation laws that govern the operation of any Federal reclamation project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

42 USC 10364.

SEC. 9504. WATER MANAGEMENT IMPROVEMENT.

(a) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide any grant to, or enter into an agreement with, any eligible applicant to assist the eligible applicant in planning, designing, or constructing any improvement—

(A) to conserve water;

(B) to increase water use efficiency;

(C) to facilitate water markets;

(D) to enhance water management, including increasing the use of renewable energy in the management and delivery of water;

(E) to accelerate the adoption and use of advanced water treatment technologies to increase water supply;

(F) to prevent the decline of species that the United States Fish and Wildlife Service and National Marine Fisheries Service have proposed for listing under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (or candidate species that are being considered by those agencies for such listing but are not yet the subject of a proposed rule);

(G) to accelerate the recovery of threatened species, endangered species, and designated critical habitats that are adversely affected by Federal reclamation projects or are subject to a recovery plan or conservation plan under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) under which the Commissioner of Reclamation has implementation responsibilities; or

(H) to carry out any other activity—

(i) to address any climate-related impact to the water supply of the United States that increases ecological resiliency to the impacts of climate change; or

(ii) to prevent any water-related crisis or conflict at any watershed that has a nexus to a Federal reclamation project located in a service area.

(2) APPLICATION.—To be eligible to receive a grant, or enter into an agreement with the Secretary under paragraph (1), an eligible applicant shall—

(A) be located within the States and areas referred to in the first section of the Act of June 17, 1902 (43 U.S.C. 391); and

(B) submit to the Secretary an application that includes a proposal of the improvement or activity to be planned, designed, constructed, or implemented by the eligible applicant.

(3) REQUIREMENTS OF GRANTS AND COOPERATIVE AGREEMENTS.—

(A) COMPLIANCE WITH REQUIREMENTS.—Each grant and agreement entered into by the Secretary with any eligible applicant under paragraph (1) shall be in compliance with each requirement described in subparagraphs (B) through (F).

(B) AGRICULTURAL OPERATIONS.—In carrying out paragraph (1), the Secretary shall not provide a grant, or enter into an agreement, for an improvement to conserve irrigation water unless the eligible applicant agrees not—

(i) to use any associated water savings to increase the total irrigated acreage of the eligible applicant; or

(ii) to otherwise increase the consumptive use of water in the operation of the eligible applicant, as determined pursuant to the law of the State in which the operation of the eligible applicant is located.

(C) NONREIMBURSABLE FUNDS.—Any funds provided by the Secretary to an eligible applicant through a grant or agreement under paragraph (1) shall be nonreimbursable.

(D) TITLE TO IMPROVEMENTS.—If an infrastructure improvement to a federally owned facility is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1), the Federal Government shall continue to hold title to the facility and improvements to the facility.

(E) COST SHARING.—

(i) FEDERAL SHARE.—The Federal share of the cost of any infrastructure improvement or activity that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall not exceed 50 percent of the cost of the infrastructure improvement or activity.

(ii) CALCULATION OF NON-FEDERAL SHARE.—In calculating the non-Federal share of the cost of an infrastructure improvement or activity proposed by an eligible applicant through an application submitted by the eligible applicant under paragraph (2), the Secretary shall—

(I) consider the value of any in-kind services that substantially contributes toward the completion of the improvement or activity, as determined by the Secretary; and

(II) not consider any other amount that the eligible applicant receives from a Federal agency.

(iii) MAXIMUM AMOUNT.—The amount provided to an eligible applicant through a grant or other agreement under paragraph (1) shall be not more than $5,000,000.

(iv) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the cost of operating and maintaining any infrastructure improvement that is the subject of a grant or other agreement entered into between the Secretary and an eligible applicant under paragraph (1) shall be 100 percent.

(F) LIABILITY.—

(i) IN GENERAL.—Except as provided under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), the United States shall not be liable for monetary damages of any kind for any injury arising out of an act, omission, or occurrence that arises in relation to any facility created or improved under this section, the title of which is not held by the United States.

(ii) TORT CLAIMS ACT.—Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(b) RESEARCH AGREEMENTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary may enter into 1 or more agreements with any university, nonprofit research institution, or organization with water or power delivery authority to fund any research activity that is designed—

(A) to conserve water resources;

(B) to increase the efficiency of the use of water resources; or

(C) to enhance the management of water resources, including increasing the use of renewable energy in the management and delivery of water.

(2) TERMS AND CONDITIONS OF SECRETARY.—

(A) IN GENERAL.—An agreement entered into between the Secretary and any university, institution, or organization described in paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate.

(B) AVAILABILITY.—The agreements under this subsection shall be available to all Reclamation projects and programs that may benefit from project-specific or programmatic cooperative research and development.

(c) MUTUAL BENEFIT.—Grants or other agreements made under this section may be for the mutual benefit of the United States and the entity that is provided the grant or enters into the cooperative agreement.

(d) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000, to remain available until expended.

42 USC 10365.

SEC. 9505. HYDROELECTRIC POWER ASSESSMENT.

(a) DUTY OF SECRETARY OF ENERGY.—The Secretary of Energy, in consultation with the Administrator of each Federal Power Marketing Administration, shall assess each effect of, and risk resulting from, global climate change with respect to water supplies that

are required for the generation of hydroelectric power at each Federal water project that is applicable to a Federal Power Marketing Administration.

(b) ACCESS TO APPROPRIATE DATA.— Consultation.

(1) IN GENERAL.—In carrying out each assessment under subsection (a), the Secretary of Energy shall consult with the United States Geological Survey, the National Oceanic and Atmospheric Administration, the program, and each appropriate State water resource agency, to ensure that the Secretary of Energy has access to the best available scientific information with respect to presently observed impacts and projected future impacts of global climate change on water supplies that are used to produce hydroelectric power.

(2) ACCESS TO DATA FOR CERTAIN ASSESSMENTS.—In carrying out each assessment under subsection (a), with respect to the Bonneville Power Administration and the Western Area Power Administration, the Secretary of Energy shall consult with the Commissioner to access data and other information that—

(A) is collected by the Commissioner; and

(B) the Secretary of Energy determines to be necessary for the conduct of the assessment.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary of Energy shall submit to the appropriate committees of Congress a report that describes—

(1) each effect of, and risk resulting from, global climate change with respect to—

(A) water supplies used for hydroelectric power generation; and

(B) power supplies marketed by each Federal Power Marketing Administration, pursuant to—

(i) long-term power contracts;

(ii) contingent capacity contracts; and

(iii) short-term sales; and

(2) each recommendation of the Administrator of each Federal Power Marketing Administration relating to any change in any operation or contracting practice of each Federal Power Marketing Administration to address each effect and risk described in paragraph (1), including the use of purchased power to meet long-term commitments of each Federal Power Marketing Administration.

(d) AUTHORITY.—The Secretary of Energy may enter into contracts, grants, or other agreements with appropriate entities to carry out this section.

(e) COSTS.—

(1) NONREIMBURSABLE.—Any costs incurred by the Secretary of Energy in carrying out this section shall be nonreimbursable.

(2) PMA COSTS.—Each Federal Power Marketing Administration shall incur costs in carrying out this section only to the extent that appropriated funds are provided by the Secretary of Energy for that purpose.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2023, to remain available until expended.

42 USC 10366.

SEC. 9506. CLIMATE CHANGE AND WATER INTRAGOVERNMENTAL PANEL.

(a) ESTABLISHMENT.—The Secretary and the Administrator shall establish and lead a climate change and water intragovernmental panel—

(1) to review the current scientific understanding of each impact of global climate change on the quantity and quality of freshwater resources of the United States; and

(2) to develop any strategy that the panel determines to be necessary to improve observational capabilities, expand data acquisition, or take other actions—

(A) to increase the reliability and accuracy of modeling and prediction systems to benefit water managers at the Federal, State, and local levels; and

(B) to increase the understanding of the impacts of climate change on aquatic ecosystems.

(b) MEMBERSHIP.—The panel shall be comprised of—

(1) the Secretary;

(2) the Director;

(3) the Administrator;

(4) the Secretary of Agriculture (acting through the Under Secretary for Natural Resources and Environment);

(5) the Commissioner;

(6) the Secretary of the Army, acting through the Chief of Engineers;

(7) the Administrator of the Environmental Protection Agency; and

(8) the Secretary of Energy.

Consultation.

(c) REVIEW ELEMENTS.—In conducting the review and developing the strategy under subsection (a), the panel shall consult with State water resource agencies, the Advisory Committee, drinking water utilities, water research organizations, and relevant water user, environmental, and other nongovernmental organizations—

(1) to assess the extent to which the conduct of measures of streamflow, groundwater levels, soil moisture, evapotranspiration rates, evaporation rates, snowpack levels, precipitation amounts, flood risk, and glacier mass is necessary to improve the understanding of the Federal Government and the States with respect to each impact of global climate change on water resources;

(2) to identify data gaps in current water monitoring networks that must be addressed to improve the capability of the Federal Government and the States to measure, analyze, and predict changes to the quality and quantity of water resources, including flood risks, that are directly or indirectly affected by global climate change;

Procedures.
Standards.

(3) to establish data management and communication protocols and standards to increase the quality and efficiency by which each Federal agency acquires and reports relevant data;

(4) to consider options for the establishment of a data portal to enhance access to water resource data—

(A) relating to each nationally significant freshwater watershed and aquifer located in the United States; and

(B) that is collected by each Federal agency and any other public or private entity for each nationally significant

freshwater watershed and aquifer located in the United States;

(5) to facilitate the development of hydrologic and other models to integrate data that reflects groundwater and surface water interactions; and

(6) to apply the hydrologic and other models developed under paragraph (5) to water resource management problems identified by the panel, including the need to maintain or improve ecological resiliency at watershed and aquifer system scales.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that describes the review conducted, and the strategy developed, by the panel under subsection (a).

(e) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—

(1) AUTHORITY OF SECRETARY.—The Secretary, in consultation with the panel and the Advisory Committee, may provide grants to, or enter into any contract, cooperative agreement, interagency agreement, or other transaction with, an appropriate entity to carry out any demonstration, research, or methodology development project that the Secretary determines to be necessary to assist in the implementation of the strategy developed by the panel under subsection (a)(2).

(2) REQUIREMENTS.—

(A) MAXIMUM AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of any demonstration, research, or methodology development project that is the subject of any grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and an appropriate entity under paragraph (1) shall not exceed $1,000,000.

(B) REPORT.—An appropriate entity that receives funds from a grant, contract, cooperative agreement, interagency agreement, or other transaction entered into between the Secretary and the appropriate entity under paragraph (1) shall submit to the Secretary a report describing the results of the demonstration, research, or methodology development project conducted by the appropriate entity.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a) through (d) $2,000,000 for each of fiscal years 2009 through 2011, to remain available until expended.

(2) DEMONSTRATION, RESEARCH, AND METHODOLOGY DEVELOPMENT PROJECTS.—There is authorized to be appropriated to carry out subsection (e) $10,000,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

SEC. 9507. WATER DATA ENHANCEMENT BY UNITED STATES GEOLOGICAL SURVEY. 42 USC 10367.

(a) NATIONAL STREAMFLOW INFORMATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in consultation with the Advisory Committee and the Panel and consistent with this section, shall proceed with implementation of the national

streamflow information program, as reviewed by the National Research Council in 2004.

(2) REQUIREMENTS.—In conducting the national streamflow information program, the Secretary shall—

(A) measure streamflow and related environmental variables in nationally significant watersheds—

(i) in a reliable and continuous manner; and

(ii) to develop a comprehensive source of information on which public and private decisions relating to the management of water resources may be based;

(B) provide for a better understanding of hydrologic extremes (including floods and droughts) through the conduct of intensive data collection activities during and following hydrologic extremes;

Base network.

(C) establish a base network that provides resources that are necessary for—

(i) the monitoring of long-term changes in streamflow; and

(ii) the conduct of assessments to determine the extent to which each long-term change monitored under clause (i) is related to global climate change;

(D) integrate the national streamflow information program with data collection activities of Federal agencies and appropriate State water resource agencies (including the National Integrated Drought Information System)—

(i) to enhance the comprehensive understanding of water availability;

(ii) to improve flood-hazard assessments;

(iii) to identify any data gap with respect to water resources; and

(iv) to improve hydrologic forecasting; and

(E) incorporate principles of adaptive management in the conduct of periodic reviews of information collected under the national streamflow information program to assess whether the objectives of the national streamflow information program are being adequately addressed.

(3) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure streamflow in a more cost-efficient manner.

(4) NETWORK ENHANCEMENT.—

Deadline.

(A) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, in accordance with subparagraph (B), the Secretary shall—

(i) increase the number of streamgages funded by the national streamflow information program to a quantity of not less than 4,700 sites; and

(ii) ensure all streamgages are flood-hardened and equipped with water-quality sensors and modernized telemetry.

(B) REQUIREMENTS OF SITES.—Each site described in subparagraph (A) shall conform with the National Streamflow Information Program plan as reviewed by the National Research Council.

(5) FEDERAL SHARE.—The Federal share of the national streamgaging network established pursuant to this subsection shall be 100 percent of the cost of carrying out the national streamgaging network.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there are authorized to be appropriated such sums as are necessary to operate the national streamflow information program for the period of fiscal years 2009 through 2023, to remain available until expended.

(B) NETWORK ENHANCEMENT FUNDING.—There is authorized to be appropriated to carry out the network enhancements described in paragraph (4) $10,000,000 for each of fiscal years 2009 through 2019, to remain available until expended.

(b) NATIONAL GROUNDWATER RESOURCES MONITORING.—

(1) IN GENERAL.—The Secretary shall develop a systematic groundwater monitoring program for each major aquifer system located in the United States.

(2) PROGRAM ELEMENTS.—In developing the monitoring program described in paragraph (1), the Secretary shall—

(A) establish appropriate criteria for monitoring wells to ensure the acquisition of long-term, high-quality data sets, including, to the maximum extent possible, the inclusion of real-time instrumentation and reporting; Criteria.

(B) in coordination with the Advisory Committee and State and local water resource agencies—

(i) assess the current scope of groundwater monitoring based on the access availability and capability of each monitoring well in existence as of the date of enactment of this Act; and Assessment.

(ii) develop and carry out a monitoring plan that maximizes coverage for each major aquifer system that is located in the United States; and Monitoring plan.

(C) prior to initiating any specific monitoring activities within a State after the date of enactment of this Act, consult and coordinate with the applicable State water resource agency with jurisdiction over the aquifer that is the subject of the monitoring activities, and comply with all applicable laws (including regulations) of the State. Consultation.

(3) PROGRAM OBJECTIVES.—In carrying out the monitoring program described in paragraph (1), the Secretary shall—

(A) provide data that is necessary for the improvement of understanding with respect to surface water and groundwater interactions;

(B) by expanding the network of monitoring wells to reach each climate division, support the groundwater climate response network to improve the understanding of the effects of global climate change on groundwater recharge and availability; and

(C) support the objectives of the assessment program.

(4) IMPROVED METHODOLOGIES.—The Secretary shall—

(A) improve methodologies relating to the analysis and delivery of data; and

(B) investigate, develop, and implement new methodologies and technologies to estimate or measure groundwater recharge, discharge, and storage in a more cost-efficient manner.

(5) FEDERAL SHARE.—The Federal share of the monitoring program described in paragraph (1) may be 100 percent of the cost of carrying out the monitoring program.

(6) PRIORITY.—In selecting monitoring activities consistent with the monitoring program described in paragraph (1), the Secretary shall give priority to those activities for which a State or local governmental entity agrees to provide for a substantial share of the cost of establishing or operating a monitoring well or other measuring device to carry out a monitoring activity.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for the period of fiscal years 2009 through 2023, to remain available until expended.

(c) BRACKISH GROUNDWATER ASSESSMENT.—

(1) STUDY.—The Secretary, in consultation with State and local water resource agencies, shall conduct a study of available data and other relevant information—

(A) to identify significant brackish groundwater resources located in the United States; and

(B) to consolidate any available data relating to each groundwater resource identified under subparagraph (A).

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that includes—

(A) a description of each—

(i) significant brackish aquifer that is located in the United States (including 1 or more maps of each significant brackish aquifer that is located in the United States);

(ii) data gap that is required to be addressed to fully characterize each brackish aquifer described in clause (i); and

(iii) current use of brackish groundwater that is supplied by each brackish aquifer described in clause (i); and

(B) a summary of the information available as of the date of enactment of this Act with respect to each brackish aquifer described in subparagraph (A)(i) (including the known level of total dissolved solids in each brackish aquifer).

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2009 through 2011, to remain available until expended.

(d) IMPROVED WATER ESTIMATION, MEASUREMENT, AND MONITORING TECHNOLOGIES.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants on a nonreimbursable basis to appropriate entities with expertise in water resource data acquisition and reporting, including Federal agencies, the Water Resources Research Institutes and other academic institutions, and private entities, to—

(A) investigate, develop, and implement new methodologies and technologies to estimate or measure water resources data in a cost-efficient manner; and

(B) improve methodologies relating to the analysis and delivery of data.

(2) PRIORITY.—In providing grants to appropriate entities under paragraph (1), the Secretary shall give priority to appropriate entities that propose the development of new methods and technologies for—

(A) predicting and measuring streamflows;

(B) estimating changes in the storage of groundwater;

(C) improving data standards and methods of analysis (including the validation of data entered into geographic information system databases);

(D) measuring precipitation and potential evapotranspiration; and

(E) water withdrawals, return flows, and consumptive use.

(3) PARTNERSHIPS.—In recognition of the value of collaboration to foster innovation and enhance research and development efforts, the Secretary shall encourage partnerships, including public-private partnerships, between and among Federal agencies, academic institutions, and private entities to promote the objectives described in paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2009 through 2019.

SEC. 9508. NATIONAL WATER AVAILABILITY AND USE ASSESSMENT PROGRAM. 42 USC 10368.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Advisory Committee and State and local water resource agencies, shall establish a national assessment program to be known as the "national water availability and use assessment program"—

(1) to provide a more accurate assessment of the status of the water resources of the United States;

(2) to assist in the determination of the quantity of water that is available for beneficial uses;

(3) to assist in the determination of the quality of the water resources of the United States;

(4) to identify long-term trends in water availability;

(5) to use each long-term trend described in paragraph (4) to provide a more accurate assessment of the change in the availability of water in the United States; and

(6) to develop the basis for an improved ability to forecast the availability of water for future economic, energy production, and environmental uses.

(b) PROGRAM ELEMENTS.—

(1) WATER USE.—In carrying out the assessment program, the Secretary shall conduct any appropriate activity to carry out an ongoing assessment of water use in hydrologic accounting units and major aquifer systems located in the United States, including—

(A) the maintenance of a comprehensive national water use inventory to enhance the level of understanding with respect to the effects of spatial and temporal patterns of

water use on the availability and sustainable use of water resources;

(B) the incorporation of water use science principles, with an emphasis on applied research and statistical estimation techniques in the assessment of water use;

(C) the integration of any dataset maintained by any other Federal or State agency into the dataset maintained by the Secretary; and

(D) a focus on the scientific integration of any data relating to water use, water flow, or water quality to generate relevant information relating to the impact of human activity on water and ecological resources.

Assessment.

(2) WATER AVAILABILITY.—In carrying out the assessment program, the Secretary shall conduct an ongoing assessment of water availability by—

(A) developing and evaluating nationally consistent indicators that reflect each status and trend relating to the availability of water resources in the United States, including—

(i) surface water indicators, such as streamflow and surface water storage measures (including lakes, reservoirs, perennial snowfields, and glaciers);

(ii) groundwater indicators, including groundwater level measurements and changes in groundwater levels due to—

(I) natural recharge;

(II) withdrawals;

(III) saltwater intrusion;

(IV) mine dewatering;

(V) land drainage;

(VI) artificial recharge; and

(VII) other relevant factors, as determined by the Secretary; and

(iii) impaired surface water and groundwater supplies that are known, accessible, and used to meet ongoing water demands;

(B) maintaining a national database of water availability data that—

(i) is comprised of maps, reports, and other forms of interpreted data;

(ii) provides electronic access to the archived data of the national database; and

(iii) provides for real-time data collection; and

(C) developing and applying predictive modeling tools that integrate groundwater, surface water, and ecological systems.

(c) GRANT PROGRAM.—

(1) AUTHORITY OF SECRETARY.—The Secretary may provide grants to State water resource agencies to assist State water resource agencies in—

(A) developing water use and availability datasets that are integrated with each appropriate dataset developed or maintained by the Secretary; or

(B) integrating any water use or water availability dataset of the State water resource agency into each appropriate dataset developed or maintained by the Secretary.

(2) CRITERIA.—To be eligible to receive a grant under paragraph (1), a State water resource agency shall demonstrate to the Secretary that the water use and availability dataset proposed to be established or integrated by the State water resource agency—

(A) is in compliance with each quality and conformity standard established by the Secretary to ensure that the data will be capable of integration with any national dataset; and

(B) will enhance the ability of the officials of the State or the State water resource agency to carry out each water management and regulatory responsibility of the officials of the State in accordance with each applicable law of the State.

(3) MAXIMUM AMOUNT.—The amount of a grant provided to a State water resource agency under paragraph (1) shall be an amount not more than $250,000.

(d) REPORT.—Not later than December 31, 2012, and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that provides a detailed assessment of—

(1) the current availability of water resources in the United States, including—

(A) historic trends and annual updates of river basin inflows and outflows;

(B) surface water storage;

(C) groundwater reserves; and

(D) estimates of undeveloped potential resources (including saline and brackish water and wastewater);

(2) significant trends affecting water availability, including each documented or projected impact to the availability of water as a result of global climate change;

(3) the withdrawal and use of surface water and groundwater by various sectors, including—

(A) the agricultural sector;

(B) municipalities;

(C) the industrial sector;

(D) thermoelectric power generators; and

(E) hydroelectric power generators;

(4) significant trends relating to each water use sector, including significant changes in water use due to the development of new energy supplies;

(5) significant water use conflicts or shortages that have occurred or are occurring; and

(6) each factor that has caused, or is causing, a conflict or shortage described in paragraph (5).

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out subsections (a), (b), and (d) $20,000,000 for each of fiscal years 2009 through 2023, to remain available until expended.

(2) GRANT PROGRAM.—There is authorized to be appropriated to carry out subsection (c) $12,500,000 for the period of fiscal years 2009 through 2013, to remain available until expended.

42 USC 10369.

SEC. 9509. RESEARCH AGREEMENT AUTHORITY.

The Secretary may enter into contracts, grants, or cooperative agreements, for periods not to exceed 5 years, to carry out research within the Bureau of Reclamation.

42 USC 10370.

SEC. 9510. EFFECT.

(a) IN GENERAL.—Nothing in this subtitle supersedes or limits any existing authority provided, or responsibility conferred, by any provision of law.

(b) EFFECT ON STATE WATER LAW.—

(1) IN GENERAL.—Nothing in this subtitle preempts or affects any—

(A) State water law; or

(B) interstate compact governing water.

(2) COMPLIANCE REQUIRED.—The Secretary shall comply with applicable State water laws in carrying out this subtitle.

Subtitle G—Aging Infrastructure

43 USC 510.

SEC. 9601 DEFINITIONS.

In this subtitle:

(1) INSPECTION.—The term "inspection" means an inspection of a project facility carried out by the Secretary—

(A) to assess and determine the general condition of the project facility; and

(B) to estimate the value of property, and the size of the population, that would be at risk if the project facility fails, is breached, or otherwise allows flooding to occur.

(2) PROJECT FACILITY.—The term "project facility" means any part or incidental feature of a project, excluding high- and significant-hazard dams, constructed under the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

(3) RESERVED WORKS.—The term "reserved works" mean any project facility at which the Secretary carries out the operation and maintenance of the project facility.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(5) TRANSFERRED WORKS.—The term "transferred works" means a project facility, the operation and maintenance of which is carried out by a non-Federal entity, under the provisions of a formal operation and maintenance transfer contract.

(6) TRANSFERRED WORKS OPERATING ENTITY.—The term "transferred works operating entity" means the organization which is contractually responsible for operation and maintenance of transferred works.

(7) EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—The term "extraordinary operation and maintenance work" means major, nonrecurring maintenance to Reclamation-owned or operated facilities, or facility components, that is—

(A) intended to ensure the continued safe, dependable, and reliable delivery of authorized project benefits; and

(B) greater than 10 percent of the contractor's or the transferred works operating entity's annual operation and maintenance budget for the facility, or greater than $100,000.

SEC. 9602. GUIDELINES AND INSPECTION OF PROJECT FACILITIES AND TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES. 43 USC 510a.

(a) GUIDELINES AND INSPECTIONS.— Deadlines.

(1) DEVELOPMENT OF GUIDELINES.—Not later than 1 year after the date of enactment of this Act, the Secretary in consultation with transferred works operating entities shall develop, consistent with existing transfer contracts, specific inspection guidelines for project facilities which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such project facilities were to fail.

(2) CONDUCT OF INSPECTIONS.—Not later than 3 years after the date of enactment of this Act, the Secretary shall conduct inspections of those project facilities, which are in proximity to urbanized areas and which could pose a risk to public safety or property damage if such facilities were to fail, using such specific inspection guidelines and criteria developed pursuant to paragraph (1). In selecting project facilities to inspect, the Secretary shall take into account the potential magnitude of public safety and economic damage posed by each project facility.

(3) TREATMENT OF COSTS.—The costs incurred by the Secretary in conducting these inspections shall be nonreimbursable.

(b) USE OF INSPECTION DATA.—The Secretary shall use the data collected through the conduct of the inspections under subsection (a)(2) to—

(1) provide recommendations to the transferred works operating entities for improvement of operation and maintenance processes, operating procedures including operation guidelines consistent with existing transfer contracts, and structural modifications to those transferred works; Recommendations.

(2) determine an appropriate inspection frequency for such nondam project facilities which shall not exceed 6 years; and Determination.

(3) provide, upon request of transferred work operating entities, local governments, or State agencies, information regarding potential hazards posed by existing or proposed residential, commercial, industrial or public-use development adjacent to project facilities.

(c) TECHNICAL ASSISTANCE TO TRANSFERRED WORKS OPERATING ENTITIES.—

(1) AUTHORITY OF SECRETARY TO PROVIDE TECHNICAL ASSISTANCE.—The Secretary is authorized, at the request of a transferred works operating entity in proximity to an urbanized area, to provide technical assistance to accomplish the following, if consistent with existing transfer contracts:

(A) Development of documented operating procedures for a project facility.

(B) Development of documented emergency notification and response procedures for a project facility.

(C) Development of facility inspection criteria for a project facility.

(D) Development of a training program on operation and maintenance requirements and practices for a project facility for a transferred works operating entity's workforce.

(E) Development of a public outreach plan on the operation and risks associated with a project facility.

(F) Development of any other plans or documentation which, in the judgment of the Secretary, will contribute to public safety and the sage operation of a project facility.

(2) COSTS.—The Secretary is authorized to provide, on a non-reimbursable basis, up to 50 percent of the cost of such technical assistance, with the balance of such costs being advanced by the transferred works operating entity or other non-Federal source. The non-Federal 50 percent minimum cost share for such technical assistance may be in the form of in-lieu contributions of resources by the transferred works operating entity or other non-Federal source.

43 USC 510b.

SEC. 9603. EXTRAORDINARY OPERATION AND MAINTENANCE WORK PERFORMED BY THE SECRETARY.

(a) IN GENERAL.—The Secretary or the transferred works operating entity may carry out, in accordance with subsection (b) and consistent with existing transfer contracts, any extraordinary operation and maintenance work on a project facility that the Secretary determines to be reasonably required to preserve the structural safety of the project facility.

(b) REIMBURSEMENT OF COSTS ARISING FROM EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) TREATMENT OF COSTS.—For reserved works, costs incurred by the Secretary in conducting extraordinary operation and maintenance work will be allocated to the authorized reimbursable purposes of the project and shall be repaid within 50 years, with interest, from the year in which work undertaken pursuant to this subtitle is substantially complete.

(2) AUTHORITY OF SECRETARY.—For transferred works, the Secretary is authorized to advance the costs incurred by the transferred works operating entity in conducting extraordinary operation and maintenance work and negotiate appropriate 50-year repayment contracts with project beneficiaries providing for the return of reimbursable costs, with interest, under this subsection: Provided, however, That no contract entered into pursuant to this subtitle shall be deemed to be a new or amended contract for the purposes of section 203(a) of the Reclamation Reform Act of 1982 (43 U.S.C. 390cc(a)).

Contracts.

(3) DETERMINATION OF INTEREST RATE.—The interest rate used for computing interest on work in progress and interest on the unpaid balance of the reimbursable costs of extraordinary operation and maintenance work authorized by this subtitle shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which extraordinary operation and maintenance work is commenced, on the basis of average market yields on outstanding marketable obligations of the United States with the remaining periods of maturity comparable to the applicable reimbursement period of the project, adjusted to the nearest ⅛ of 1 percent on the unamortized balance of any portion of the loan.

(c) EMERGENCY EXTRAORDINARY OPERATION AND MAINTENANCE WORK.—

(1) IN GENERAL.—The Secretary or the transferred works operating entity shall carry out any emergency extraordinary operation and maintenance work on a project facility that the Secretary determines to be necessary to minimize the risk of imminent harm to public health or safety, or property.

(2) REIMBURSEMENT.—The Secretary may advance funds for emergency extraordinary operation and maintenance work and shall seek reimbursement from the transferred works operating entity or benefitting entity upon receiving a written assurance from the governing body of such entity that it will negotiate a contract pursuant to section 9603 for repayment of costs incurred by the Secretary in undertaking such work.

(3) FUNDING.—If the Secretary determines that a project facility inspected and maintained pursuant to the guidelines and criteria set forth in section 9602(a) requires extraordinary operation and maintenance pursuant to paragraph (1), the Secretary may provide Federal funds on a nonreimbursable basis sufficient to cover 35 percent of the cost of the extraordinary operation and maintenance allocable to the transferred works operating entity, which is needed to minimize the risk of imminent harm. The remaining share of the Federal funds advanced by the Secretary for such work shall be repaid under subsection (b).

SEC. 9604. RELATIONSHIP TO TWENTY-FIRST CENTURY WATER WORKS ACT. 43 USC 510c.

Nothing in this subtitle shall preclude a transferred works operating entity from applying and receiving a loan-guarantee pursuant to the Twenty-First Century Water Works Act (43 U.S.C. 2401 et seq.).

SEC. 9605. AUTHORIZATION OF APPROPRIATIONS. 43 USC 510d.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

TITLE X—WATER SETTLEMENTS

Subtitle A—San Joaquin River Restoration Settlement

California.

PART I—SAN JOAQUIN RIVER RESTORATION SETTLEMENT ACT

San Joaquin River Restoration Settlement Act.

SEC. 10001. SHORT TITLE.

This part may be cited as the "San Joaquin River Restoration Settlement Act".

SEC. 10002. PURPOSE.

The purpose of this part is to authorize implementation of the Settlement.

SEC. 10003. DEFINITIONS.

In this part:

(1) The terms "Friant Division long-term contractors", "Interim Flows", "Restoration Flows", "Recovered Water

Account", "Restoration Goal", and "Water Management Goal" have the meanings given the terms in the Settlement.

(2) The term "Secretary" means the Secretary of the Interior.

(3) The term "Settlement" means the Stipulation of Settlement dated September 13, 2006, in the litigation entitled Natural Resources Defense Council, et al. v. Kirk Rodgers, et al., United States District Court, Eastern District of California, No. CIV. S–88–1658–LKK/GGH.

SEC. 10004. IMPLEMENTATION OF SETTLEMENT.

(a) IN GENERAL.—The Secretary of the Interior is hereby authorized and directed to implement the terms and conditions of the Settlement in cooperation with the State of California, including the following measures as these measures are prescribed in the Settlement:

Memorandum.

(1) Design and construct channel and structural improvements as described in paragraph 11 of the Settlement, provided, however, that the Secretary shall not make or fund any such improvements to facilities or property of the State of California without the approval of the State of California and the State's agreement in 1 or more memoranda of understanding to participate where appropriate.

(2) Modify Friant Dam operations so as to provide Restoration Flows and Interim Flows.

(3) Acquire water, water rights, or options to acquire water as described in paragraph 13 of the Settlement, provided, however, such acquisitions shall only be made from willing sellers and not through eminent domain.

(4) Implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement, subject to—

(A) applicable provisions of California water law;

(B) the Secretary's use of Central Valley Project facilities to make Project water (other than water released from Friant Dam pursuant to the Settlement) and water acquired through transfers available to existing south-of-Delta Central Valley Project contractors; and

(C) the Secretary's performance of the Agreement of November 24, 1986, between the United States of America and the Department of Water Resources of the State of California for the coordinated operation of the Central Valley Project and the State Water Project as authorized by Congress in section 2(d) of the Act of August 26, 1937 (50 Stat. 850, 100 Stat. 3051), including any agreement to resolve conflicts arising from said Agreement.

(5) Develop and implement the Recovered Water Account as specified in paragraph 16(b) of the Settlement, including the pricing and payment crediting provisions described in paragraph 16(b)(3) of the Settlement, provided that all other provisions of Federal reclamation law shall remain applicable.

(b) AGREEMENTS.—

(1) AGREEMENTS WITH THE STATE.—In order to facilitate or expedite implementation of the Settlement, the Secretary

is authorized and directed to enter into appropriate agreements, including cost-sharing agreements, with the State of California.

(2) OTHER AGREEMENTS.—The Secretary is authorized to enter into contracts, memoranda of understanding, financial assistance agreements, cost sharing agreements, and other appropriate agreements with State, tribal, and local governmental agencies, and with private parties, including agreements related to construction, improvement, and operation and maintenance of facilities, subject to any terms and conditions that the Secretary deems necessary to achieve the purposes of the Settlement.

(c) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—The Secretary is authorized to accept and expend non-Federal funds in order to facilitate implementation of the Settlement.

(d) MITIGATION OF IMPACTS.—Prior to the implementation of decisions or agreements to construct, improve, operate, or maintain facilities that the Secretary determines are needed to implement the Settlement, the Secretary shall identify—

(1) the impacts associated with such actions; and

(2) the measures which shall be implemented to mitigate impacts on adjacent and downstream water users and landowners.

(e) DESIGN AND ENGINEERING STUDIES.—The Secretary is authorized to conduct any design or engineering studies that are necessary to implement the Settlement.

(f) EFFECT ON CONTRACT WATER ALLOCATIONS.—Except as otherwise provided in this section, the implementation of the Settlement and the reintroduction of California Central Valley Spring Run Chinook salmon pursuant to the Settlement and section 10011, shall not result in the involuntary reduction in contract water allocations to Central Valley Project long-term contractors, other than Friant Division long-term contractors.

(g) EFFECT ON EXISTING WATER CONTRACTS.—Except as provided in the Settlement and this part, nothing in this part shall modify or amend the rights and obligations of the parties to any existing water service, repayment, purchase, or exchange contract.

(h) INTERIM FLOWS.—

(1) STUDY REQUIRED.—Prior to releasing any Interim Flows under the Settlement, the Secretary shall prepare an analysis in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including at a minimum— Analysis.

(A) an analysis of channel conveyance capacities and potential for levee or groundwater seepage;

(B) a description of the associated seepage monitoring program;

(C) an evaluation of—

(i) possible impacts associated with the release of Interim Flows; and

(ii) mitigation measures for those impacts that are determined to be significant;

(D) a description of the associated flow monitoring program; and

(E) an analysis of the likely Federal costs, if any, of any fish screens, fish bypass facilities, fish salvage facilities, and related operations on the San Joaquin River south of the confluence with the Merced River required under

the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) as a result of the Interim Flows.

(2) CONDITIONS FOR RELEASE.—The Secretary is authorized to release Interim Flows to the extent that such flows would not—

(A) impede or delay completion of the measures specified in Paragraph 11(a) of the Settlement; or

(B) exceed existing downstream channel capacities.

(3) SEEPAGE IMPACTS.—The Secretary shall reduce Interim Flows to the extent necessary to address any material adverse impacts to third parties from groundwater seepage caused by such flows that the Secretary identifies based on the monitoring program of the Secretary.

Evaluation.

(4) TEMPORARY FISH BARRIER PROGRAM.—The Secretary, in consultation with the California Department of Fish and Game, shall evaluate the effectiveness of the Hills Ferry barrier in preventing the unintended upstream migration of anadromous fish in the San Joaquin River and any false migratory pathways. If that evaluation determines that any such migration past the barrier is caused by the introduction of the Interim Flows and that the presence of such fish will result in the imposition of additional regulatory actions against third parties, the Secretary is authorized to assist the Department of Fish and Game in making improvements to the barrier. From funding made available in accordance with section 10009, if third parties along the San Joaquin River south of its confluence with the Merced River are required to install fish screens or fish bypass facilities due to the release of Interim Flows in order to comply with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Secretary shall bear the costs of the installation of such screens or facilities if such costs would be borne by the Federal Government under section 10009(a)(3), except to the extent that such costs are already or are further willingly borne by the State of California or by the third parties.

(i) FUNDING AVAILABILITY.—

Deadline.

(1) IN GENERAL.—Funds shall be collected in the San Joaquin River Restoration Fund through October 1, 2019, and thereafter, with substantial amounts available through October 1, 2019, pursuant to section 10009 for implementation of the Settlement and parts I and III, including—

(A) $88,000,000, to be available without further appropriation pursuant to section 10009(c)(2);

(B) additional amounts authorized to be appropriated, including the charges required under section 10007 and an estimated $20,000,000 from the CVP Restoration Fund pursuant to section 10009(b)(2); and

(C) an aggregate commitment of at least $200,000,000 by the State of California.

(2) ADDITIONAL AMOUNTS.—Substantial additional amounts from the San Joaquin River Restoration Fund shall become available without further appropriation after October 1, 2019, pursuant to section 10009(c)(2).

(3) EFFECT OF SUBSECTION.—Nothing in this subsection limits the availability of funds authorized for appropriation pursuant to section 10009(b) or 10203(c).

(j) SAN JOAQUIN RIVER EXCHANGE CONTRACT.—Subject to section 10006(b), nothing in this part shall modify or amend the rights and obligations under the Purchase Contract between Miller and Lux and the United States and the Second Amended Exchange Contract between the United States, Department of the Interior, Bureau of Reclamation and Central California Irrigation District, San Luis Canal Company, Firebaugh Canal Water District and Columbia Canal Company.

SEC. 10005. ACQUISITION AND DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

(a) TITLE TO FACILITIES.—Unless acquired pursuant to subsection (b), title to any facility or facilities, stream channel, levees, or other real property modified or improved in the course of implementing the Settlement authorized by this part, and title to any modifications or improvements of such facility or facilities, stream channel, levees, or other real property—

(1) shall remain in the owner of the property; and

(2) shall not be transferred to the United States on account of such modifications or improvements.

(b) ACQUISITION OF PROPERTY.—

(1) IN GENERAL.—The Secretary is authorized to acquire through purchase from willing sellers any property, interests in property, or options to acquire real property needed to implement the Settlement authorized by this part.

(2) APPLICABLE LAW.—The Secretary is authorized, but not required, to exercise all of the authorities provided in section 2 of the Act of August 26, 1937 (50 Stat. 844, chapter 832), to carry out the measures authorized in this section and section 10004.

(c) DISPOSAL OF PROPERTY.—

(1) IN GENERAL.—Upon the Secretary's determination that retention of title to property or interests in property acquired pursuant to this part is no longer needed to be held by the United States for the furtherance of the Settlement, the Secretary is authorized to dispose of such property or interest in property on such terms and conditions as the Secretary deems appropriate and in the best interest of the United States, including possible transfer of such property to the State of California.

Determination.

(2) RIGHT OF FIRST REFUSAL.—In the event the Secretary determines that property acquired pursuant to this part through the exercise of its eminent domain authority is no longer necessary for implementation of the Settlement, the Secretary shall provide a right of first refusal to the property owner from whom the property was initially acquired, or his or her successor in interest, on the same terms and conditions as the property is being offered to other parties.

(3) DISPOSITION OF PROCEEDS.—Proceeds from the disposal by sale or transfer of any such property or interests in such property shall be deposited in the fund established by section 10009(c).

(d) GROUNDWATER BANK.—Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity.

SEC. 10006. COMPLIANCE WITH APPLICABLE LAW.

(a) APPLICABLE LAW.—

(1) IN GENERAL.—In undertaking the measures authorized by this part, the Secretary and the Secretary of Commerce shall comply with all applicable Federal and State laws, rules, and regulations, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as necessary.

(2) ENVIRONMENTAL REVIEWS.—The Secretary and the Secretary of Commerce are authorized and directed to initiate and expeditiously complete applicable environmental reviews and consultations as may be necessary to effectuate the purposes of the Settlement.

(b) EFFECT ON STATE LAW.—Nothing in this part shall preempt State law or modify any existing obligation of the United States under Federal reclamation law to operate the Central Valley Project in conformity with State law.

(c) USE OF FUNDS FOR ENVIRONMENTAL REVIEWS.—

(1) DEFINITION OF ENVIRONMENTAL REVIEW.—For purposes of this subsection, the term "environmental review" includes any consultation and planning necessary to comply with subsection (a).

Determination.

(2) PARTICIPATION IN ENVIRONMENTAL REVIEW PROCESS.—In undertaking the measures authorized by section 10004, and for which environmental review is required, the Secretary may provide funds made available under this part to affected Federal agencies, State agencies, local agencies, and Indian tribes if the Secretary determines that such funds are necessary to allow the Federal agencies, State agencies, local agencies, or Indian tribes to effectively participate in the environmental review process.

(3) LIMITATION.—Funds may be provided under paragraph (2) only to support activities that directly contribute to the implementation of the terms and conditions of the Settlement.

(d) NONREIMBURSABLE FUNDS.—The United States' share of the costs of implementing this part shall be nonreimbursable under Federal reclamation law, provided that nothing in this subsection shall limit or be construed to limit the use of the funds assessed and collected pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727), for implementation of the Settlement, nor shall it be construed to limit or modify existing or future Central Valley Project ratesetting policies.

SEC. 10007. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.

Congress hereby finds and declares that the Settlement satisfies and discharges all of the obligations of the Secretary contained in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), provided, however, that—

Assessment. Collections.

(1) the Secretary shall continue to assess and collect the charges provided in section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721), as provided in the Settlement; and

(2) those assessments and collections shall continue to be counted toward the requirements of the Secretary contained in section 3407(c)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4726).

SEC. 10008. NO PRIVATE RIGHT OF ACTION.

(a) IN GENERAL.—Nothing in this part confers upon any person or entity not a party to the Settlement a private right of action or claim for relief to interpret or enforce the provisions of this part or the Settlement.

(b) APPLICABLE LAW.—This section shall not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 10009. APPROPRIATIONS; SETTLEMENT FUND.

(a) IMPLEMENTATION COSTS.—

(1) IN GENERAL.—The costs of implementing the Settlement shall be covered by payments or in-kind contributions made by Friant Division contractors and other non-Federal parties, including the funds provided in subparagraphs (A) through (D) of subsection (c)(1), estimated to total $440,000,000, of which the non-Federal payments are estimated to total $200,000,000 (at October 2006 price levels) and the amount from repaid Central Valley Project capital obligations is estimated to total $240,000,000, the additional Federal appropriation of $250,000,000 authorized pursuant to subsection (b)(1), and such additional funds authorized pursuant to subsection (b)(2); provided however, that the costs of implementing the provisions of section 10004(a)(1) shall be shared by the State of California pursuant to the terms of a memorandum of understanding executed by the State of California and the Parties to the Settlement on September 13, 2006, which includes at least $110,000,000 of State funds.

(2) ADDITIONAL AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into 1 or more agreements to fund or implement improvements on a project-by-project basis with the State of California.

(B) REQUIREMENTS.—Any agreements entered into under subparagraph (A) shall provide for recognition of either monetary or in-kind contributions toward the State of California's share of the cost of implementing the provisions of section 10004(a)(1).

(3) LIMITATION.—Except as provided in the Settlement, to the extent that costs incurred solely to implement this Settlement would not otherwise have been incurred by any entity or public or local agency or subdivision of the State of California, such costs shall not be borne by any such entity, agency, or subdivision of the State of California, unless such costs are incurred on a voluntary basis.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to the funding provided in subsection (c), there are also authorized to be appropriated not to exceed $250,000,000 (at October 2006 price levels) to implement this part and the Settlement, to be available until expended; provided however, that the Secretary is authorized to spend such additional appropriations only in amounts equal to the amount of funds deposited in the San Joaquin River

Restoration Fund (not including payments under subsection (c)(1)(B) and proceeds under subsection (c)(1)(C)), the amount of in-kind contributions, and other non-Federal payments actually committed to the implementation of this part or the Settlement.

(2) USE OF THE CENTRAL VALLEY PROJECT RESTORATION FUND.—The Secretary is authorized to use monies from the Central Valley Project Restoration Fund created under section 3407 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4727) for purposes of this part in an amount not to exceed $2,000,000 (October 2006 price levels) in any fiscal year.

(c) FUND.—

(1) IN GENERAL.—There is hereby established within the Treasury of the United States a fund, to be known as the San Joaquin River Restoration Fund, into which the following funds shall be deposited and used solely for the purpose of implementing the Settlement except as otherwise provided in subsections (a) and (b) of section 10203:

(A) All payments received pursuant to section 3406(c)(1) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721).

(B) The construction cost component (not otherwise needed to cover operation and maintenance costs) of payments made by Friant Division, Hidden Unit, and Buchanan Unit long-term contractors pursuant to long-term water service contracts or pursuant to repayment contracts, including repayment contracts executed pursuant to section 10010. The construction cost repayment obligation assigned such contractors under such contracts shall be reduced by the amount paid pursuant to this paragraph and the appropriate share of the existing Federal investment in the Central Valley Project to be recovered by the Secretary pursuant to Public Law 99–546 (100 Stat. 3050) shall be reduced by an equivalent sum.

(C) Proceeds from the sale of water pursuant to the Settlement, or from the sale of property or interests in property as provided in section 10005.

(D) Any non-Federal funds, including State cost-sharing funds, contributed to the United States for implementation of the Settlement, which the Secretary may expend without further appropriation for the purposes for which contributed.

(2) AVAILABILITY.—All funds deposited into the Fund pursuant to subparagraphs (A), (B), and (C) of paragraph (1) are authorized for appropriation to implement the Settlement and this part, in addition to the authorization provided in subsections (a) and (b) of section 10203, except that $88,000,000 of such funds are available for expenditure without further appropriation; provided that after October 1, 2019, all funds in the Fund shall be available for expenditure without further appropriation.

Effective date.

(d) LIMITATION ON CONTRIBUTIONS.—Payments made by long-term contractors who receive water from the Friant Division and Hidden and Buchanan Units of the Central Valley Project pursuant to sections 3406(c)(1) and 3407(d)(2) of the Reclamation Projects

Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4721, 4727) and payments made pursuant to paragraph 16(b)(3) of the Settlement and subsection (c)(1)(B) shall be the limitation of such entities' direct financial contribution to the Settlement, subject to the terms and conditions of paragraph 21 of the Settlement.

(e) NO ADDITIONAL EXPENDITURES REQUIRED.—Nothing in this part shall be construed to require a Federal official to expend Federal funds not appropriated by Congress, or to seek the appropriation of additional funds by Congress, for the implementation of the Settlement.

(f) REACH 4B.—

(1) STUDY.—

(A) IN GENERAL.—In accordance with the Settlement and the memorandum of understanding executed pursuant to paragraph 6 of the Settlement, the Secretary shall conduct a study that specifies—

(i) the costs of undertaking any work required under paragraph 11(a)(3) of the Settlement to increase the capacity of reach 4B prior to reinitiation of Restoration Flows;

(ii) the impacts associated with reinitiation of such flows; and

(iii) measures that shall be implemented to mitigate impacts.

(B) DEADLINE.—The study under subparagraph (A) shall be completed prior to restoration of any flows other than Interim Flows.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall file a report with Congress not later than 90 days after issuing a determination, as required by the Settlement, on whether to expand channel conveyance capacity to 4500 cubic feet per second in reach 4B of the San Joaquin River, or use an alternative route for pulse flows, that—

(i) explains whether the Secretary has decided to expand Reach 4B capacity to 4500 cubic feet per second; and

(ii) addresses the following matters:

(I) The basis for the Secretary's determination, whether set out in environmental review documents or otherwise, as to whether the expansion of Reach 4B would be the preferable means to achieve the Restoration Goal as provided in the Settlement, including how different factors were assessed such as comparative biological and habitat benefits, comparative costs, relative availability of State cost-sharing funds, and the comparative benefits and impacts on water temperature, water supply, private property, and local and downstream flood control.

(II) The Secretary's final cost estimate for expanding Reach 4B capacity to 4500 cubic feet per second, or any alternative route selected, as well as the alternative cost estimates provided by the State, by the Restoration Administrator, and by the other parties to the Settlement.

(III) The Secretary's plan for funding the costs of expanding Reach 4B or any alternative route selected, whether by existing Federal funds provided under this subtitle, by non-Federal funds, by future Federal appropriations, or some combination of such sources.

(B) DETERMINATION REQUIRED.—The Secretary shall, to the extent feasible, make the determination in subparagraph (A) prior to undertaking any substantial construction work to increase capacity in reach 4B.

(3) COSTS.—If the Secretary's estimated Federal cost for expanding reach 4B in paragraph (2), in light of the Secretary's funding plan set out in that paragraph, would exceed the remaining Federal funding authorized by this part (including all funds reallocated, all funds dedicated, and all new funds authorized by this part and separate from all commitments of State and other non-Federal funds and in-kind commitments), then before the Secretary commences actual construction work in reach 4B (other than planning, design, feasibility, or other preliminary measures) to expand capacity to 4500 cubic feet per second to implement this Settlement, Congress must have increased the applicable authorization ceiling provided by this part in an amount at least sufficient to cover the higher estimated Federal costs.

SEC. 10010. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.

Deadlines.

(a) CONVERSION OF CONTRACTS.—

(1) The Secretary is authorized and directed to convert, prior to December 31, 2010, all existing long-term contracts with the following Friant Division, Hidden Unit, and Buchanan Unit contractors, entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions: Arvin-Edison Water Storage District; Delano-Earlimart Irrigation District; Exeter Irrigation District; Fresno Irrigation District; Ivanhoe Irrigation District; Lindmore Irrigation District; Lindsay-Strathmore Irrigation District; Lower Tule River Irrigation District; Orange Cove Irrigation District; Porterville Irrigation District; Saucelito Irrigation District; Shafter-Wasco Irrigation District; Southern San Joaquin Municipal Utility District; Stone Corral Irrigation District; Tea Pot Dome Water District; Terra Bella Irrigation District; Tulare Irrigation District; Madera Irrigation District; and Chowchilla Water District. Upon request of the contractor, the Secretary is authorized to convert, prior to December 31, 2010, other existing long-term contracts with Friant Division contractors entered under subsection (e) of section 9 of the Act of August 4, 1939 (53 Stat. 1196), to contracts under subsection (d) of section 9 of said Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(2) Upon request of the contractor, the Secretary is further authorized to convert, prior to December 31, 2010, any existing Friant Division long-term contract entered under subsection (c)(2) of section 9 of the Act of August 4, 1939 (53 Stat. 1194), to a contract under subsection (c)(1) of section 9 of said Act, under mutually agreeable terms and conditions.

(3) All such contracts entered into pursuant to paragraph (1) shall—

(A) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the Central Valley Project Schedule of Irrigation Capital Rates by Contractor 2007 Irrigation Water Rates, dated January 25, 2007, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2011, or if made in approximately equal annual installments, no later than January 31, 2014; such amount to be discounted by ½ the Treasury Rate. An estimate of the remaining amount of construction costs as of January 31, 2011, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2010; Cost estimate.

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context;

(C) provide that power revenues will not be available to aid in repayment of construction costs allocated to irrigation under the contract; and

(D) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(4) All such contracts entered into pursuant to paragraph (2) shall—

(A) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in such schedule, and properly assignable for ultimate return by the contractor, no later than January 31, 2014. An estimate of the remaining amount of construction costs as of January 31, 2014, as adjusted, shall be provided by the Secretary to each contractor no later than June 30, 2013; Cost estimate.

(B) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the schedule referenced in subparagraph (A), and properly assignable to such contractor, shall be repaid in not more than 5 years after notification of the allocation if such amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than $5,000,000. If such amount is $5,000,000 or greater, such cost shall be repaid

as provided by applicable Reclamation law, provided that the reference to the amount of $5,000,000 shall not be a precedent in any other context; and

(C) conform to the Settlement and this part and shall continue so long as the contractor pays applicable charges, consistent with subsection (c)(2) and applicable law.

(b) FINAL ADJUSTMENT.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary upon completion of the construction of the Central Valley Project. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are greater than what has been paid by the contractor, the contractor shall be obligated to pay the remaining allocated costs. The term of such additional repayment contract shall be no less than 1 year and no more than 10 years, however, mutually agreeable provisions regarding the rate of repayment of such amount may be developed by the parties. In the event that the final cost allocation indicates that the costs properly assignable to the contractor are less than what the contractor has paid, the Secretary is authorized and directed to credit such overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Notwithstanding any repayment obligation under subsection (a)(3)(B) or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in subsection (a)(3)(A), the provisions of section 213(a) and (b) of the Reclamation Reform Act of 1982 (96 Stat. 1269) shall apply to lands in such district.

Waiver. Payments.

(2) Notwithstanding any repayment obligation under paragraph (3)(B) or (4)(B) of subsection (a), or subsection (b), upon a contractor's compliance with and discharge of the obligation of repayment of the construction costs as provided in paragraphs (3)(A) and (4)(A) of subsection (a), the Secretary shall waive the pricing provisions of section 3405(d) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) for such contractor, provided that such contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to such repayment contracts pursuant to the then-current rate-setting policy and applicable law.

(3) Provisions of the Settlement applying to Friant Division, Hidden Unit, and Buchanan Unit long-term water service contracts shall also apply to contracts executed pursuant to this section.

(d) REDUCTION OF CHARGE FOR THOSE CONTRACTS CONVERTED PURSUANT TO SUBSECTION (A)(1).—

(1) At the time all payments by the contractor required by subsection (a)(3)(A) have been completed, the Secretary shall reduce the charge mandated in section 10007(1) of this part, from 2020 through 2039, to offset the financing costs as defined in section 10010(d)(3). The reduction shall be calculated at the time all payments by the contractor required by subsection (a)(3)(A) have been completed. The calculation shall remain fixed from 2020 through 2039 and shall be based upon anticipated average annual water deliveries, as mutually agreed upon by the Secretary and the contractor, for the period from

2020 through 2039, and the amounts of such reductions shall be discounted using the Treasury Rate; provided, that such charge shall not be reduced to less than $4.00 per acre foot of project water delivered; provided further, that such reduction shall be implemented annually unless the Secretary determines, based on the availability of other monies, that the charges mandated in section 10007(1) are otherwise needed to cover ongoing federal costs of the Settlement, including any federal operation and maintenance costs of facilities that the Secretary determines are needed to implement the Settlement. If the Secretary determines that such charges are necessary to cover such ongoing federal costs, the Secretary shall, instead of making the reduction in such charges, reduce the contractor's operation and maintenance obligation by an equivalent amount, and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-federal operating entity.

Deadline. Determination.

(2) If the calculated reduction in paragraph (1), taking into consideration the minimum amount required, does not result in the contractor offsetting its financing costs, the Secretary is authorized and directed to reduce, after October 1, 2019, any outstanding or future obligations of the contractor to the Bureau of Reclamation, other than the charge assessed and collected under section 3407(d) of Public law 102–575, by the amount of such deficiency, with such amount indexed to 2020 using the Treasury Rate and such amount shall not be recovered by the United States from any Central Valley Project contractor, provided nothing herein shall affect the obligation of the contractor to make payments pursuant to a transfer agreement with a non-Federal operating entity.

Effective date.

(3) Financing costs, for the purposes of this subsection, shall be computed as the difference of the net present value of the construction cost identified in subsection (a)(3)(A) using the full Treasury Rate as compared to using one half of the Treasury Rate and applying those rates against a calculated average annual capital repayment through 2030.

(4) Effective in 2040, the charge shall revert to the amount called for in section 10007(1) of this part.

Effective date.

(5) For purposes of this section, "Treasury Rate" shall be defined as the 20 year Constant Maturity Treasury (CMT) rate published by the United States Department of the Treasury as of October 1, 2010.

Effective date.

(e) SATISFACTION OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Upon the first release of Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement, any short- or long-term agreement, to which 1 or more long-term Friant Division, Hidden Unit, or Buchanan Unit contractor that converts its contract pursuant to subsection (a) is a party, providing for the transfer or exchange of water not released as Interim Flows or Restoration Flows shall be deemed to satisfy the provisions of subsection 3405(a)(1)(A) and (I) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) without the further concurrence of the Secretary as to compliance with said subsections if the contractor provides, not later than 90

Deadlines. Notice.

days before commencement of any such transfer or exchange for a period in excess of 1 year, and not later than 30 days before commencement of any proposed transfer or exchange with duration of less than 1 year, written notice to the Secretary stating how the proposed transfer or exchange is intended to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement. The Secretary shall promptly make such notice publicly available.

Public information.

(2) DETERMINATION OF REDUCTIONS TO WATER DELIVERIES.—Water transferred or exchanged under an agreement that meets the terms of this subsection shall not be counted as a replacement or an offset for purposes of determining reductions to water deliveries to any Friant Division long-term contractor except as provided in paragraph 16(b) of the Settlement. The Secretary shall, at least annually, make publicly available a compilation of the number of transfer or exchange agreements exercising the provisions of this subsection to reduce, avoid, or mitigate impacts to water deliveries caused by the Interim Flows or Restoration Flows or to facilitate the Water Management Goal, as well as the volume of water transferred or exchanged under such agreements.

Deadline. Public information.

(3) STATE LAW.—Nothing in this subsection alters State law or permit conditions, including any applicable geographical restrictions on the place of use of water transferred or exchanged pursuant to this subsection.

(f) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—Implementation of the provisions of this section shall not alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project, or shift any costs that would otherwise have been properly assignable to the Friant contractors absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other such contractors.

(g) STATUTORY INTERPRETATION.—Nothing in this part shall be construed to affect the right of any Friant Division, Hidden Unit, or Buchanan Unit long-term contractor to use a particular type of financing to make the payments required in paragraph (3)(A) or (4)(A) of subsection (a).

SEC. 10011. CALIFORNIA CENTRAL VALLEY SPRING RUN CHINOOK SALMON.

(a) FINDING.—Congress finds that the implementation of the Settlement to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the California Central Valley Spring Run Chinook salmon is a unique and unprecedented circumstance that requires clear expressions of Congressional intent regarding how the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) are utilized to achieve the goals of restoration of the San Joaquin River and the successful reintroduction of California Central Valley Spring Run Chinook salmon.

(b) REINTRODUCTION IN THE SAN JOAQUIN RIVER.—California Central Valley Spring Run Chinook salmon shall be reintroduced in the San Joaquin River below Friant Dam pursuant to section

10(j) of the Endangered Species Act of 1973 (16 U.S.C. 1539(j)) and the Settlement, provided that the Secretary of Commerce finds that a permit for the reintroduction of California Central Valley Spring Run Chinook salmon may be issued pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(A)).

(c) FINAL RULE.—

(1) DEFINITION OF THIRD PARTY.—For the purpose of this subsection, the term "third party" means persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project.

(2) ISSUANCE.—The Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction.

(3) REQUIRED COMPONENTS.—The rule issued under paragraph (2) shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction.

(4) APPLICABLE LAW.—Nothing in this section—

(A) diminishes the statutory or regulatory protections provided in the Endangered Species Act of 1973 for any species listed pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) other than the reintroduced population of California Central Valley Spring Run Chinook salmon, including protections pursuant to existing biological opinions or new biological opinions issued by the Secretary or Secretary of Commerce; or

(B) precludes the Secretary or Secretary of Commerce from imposing protections under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) for other species listed pursuant to section 4 of that Act (16 U.S.C. 1533) because those protections provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2024, the Secretary of Commerce shall report to Congress on the progress made on the reintroduction set forth in this section and the Secretary's plans for future implementation of this section.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the major challenges, if any, to successful reintroduction;

(B) an evaluation of the effect, if any, of the reintroduction on the existing population of California Central Valley Spring Run Chinook salmon existing on the Sacramento River or its tributaries; and

(C) an assessment regarding the future of the reintroduction.

(e) FERC PROJECTS.—

(1) IN GENERAL.—With regard to California Central Valley Spring Run Chinook salmon reintroduced pursuant to the

Settlement, the Secretary of Commerce shall exercise its authority under section 18 of the Federal Power Act (16 U.S.C. 811) by reserving its right to file prescriptions in proceedings for projects licensed by the Federal Energy Regulatory Commission on the Calaveras, Stanislaus, Tuolumne, Merced, and San Joaquin rivers and otherwise consistent with subsection (c) until after the expiration of the term of the Settlement, December 31, 2025, or the expiration of the designation made pursuant to subsection (b), whichever ends first.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall preclude the Secretary of Commerce from imposing prescriptions pursuant to section 18 of the Federal Power Act (16 U.S.C. 811) solely for other anadromous fish species because those prescriptions provide incidental benefits to such reintroduced California Central Valley Spring Run Chinook salmon.

(f) EFFECT OF SECTION.—Nothing in this section is intended or shall be construed—

(1) to modify the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.); or

(2) to establish a precedent with respect to any other application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or the Federal Power Act (16 U.S.C. 791a et seq.).

PART II—STUDY TO DEVELOP WATER PLAN; REPORT

SEC. 10101. STUDY TO DEVELOP WATER PLAN; REPORT.

(a) PLAN.—

(1) GRANT.—To the extent that funds are made available in advance for this purpose, the Secretary of the Interior, acting through the Bureau of Reclamation, shall provide direct financial assistance to the California Water Institute, located at California State University, Fresno, California, to conduct a study regarding the coordination and integration of subregional integrated regional water management plans into a unified Integrated Regional Water Management Plan for the subject counties in the hydrologic basins that would address issues related to—

(A) water quality;

(B) water supply (both surface, ground water banking, and brackish water desalination);

(C) water conveyance;

(D) water reliability;

(E) water conservation and efficient use (by distribution systems and by end users);

(F) flood control;

(G) water resource-related environmental enhancement; and

(H) population growth.

(2) STUDY AREA.—The study area referred to in paragraph (1) is the proposed study area of the San Joaquin River Hydrologic Region and Tulare Lake Hydrologic Region, as defined by California Department of Water Resources Bulletin 160–05, volume 3, chapters 7 and 8, including Kern, Tulare, Kings,

Fresno, Madera, Merced, Stanislaus, and San Joaquin counties in California.

(b) USE OF PLAN.—The Integrated Regional Water Management Plan developed for the 2 hydrologic basins under subsection (a) shall serve as a guide for the counties in the study area described in subsection (a)(2) to use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner.

(c) REPORT.—The Secretary shall ensure that a report containing the results of the Integrated Regional Water Management Plan for the hydrologic regions is submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives not later than 24 months after financial assistance is made available to the California Water Institute under subsection (a)(1).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 to remain available until expended.

PART III—FRIANT DIVISION IMPROVEMENTS

SEC. 10201. FEDERAL FACILITY IMPROVEMENTS.

Studies.

(a) The Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed to conduct feasibility studies in coordination with appropriate Federal, State, regional, and local authorities on the following improvements and facilities in the Friant Division, Central Valley Project, California:

(1) Restoration of the capacity of the Friant-Kern Canal and Madera Canal to such capacity as previously designed and constructed by the Bureau of Reclamation.

(2) Reverse flow pump-back facilities on the Friant-Kern Canal, with reverse-flow capacity of approximately 500 cubic feet per second at the Poso and Shafter Check Structures and approximately 300 cubic feet per second at the Woollomes Check Structure.

(b) Upon completion of and consistent with the applicable feasibility studies, the Secretary is authorized to construct the improvements and facilities identified in subsection (a) in accordance with all applicable Federal and State laws.

(c) The costs of implementing this section shall be in accordance with section 10203, and shall be a nonreimbursable Federal expenditure.

SEC. 10202. FINANCIAL ASSISTANCE FOR LOCAL PROJECTS.

(a) AUTHORIZATION.—The Secretary is authorized to provide financial assistance to local agencies within the Central Valley Project, California, for the planning, design, environmental compliance, and construction of local facilities to bank water underground or to recharge groundwater, and that recover such water, provided that the project meets the criteria in subsection (b). The Secretary is further authorized to require that any such local agency receiving financial assistance under the terms of this section submit progress reports and accountings to the Secretary, as the Secretary deems appropriate, which such reports shall be publicly available.

Reports.
Public information.

(b) CRITERIA.—

(1) A project shall be eligible for Federal financial assistance under subsection (a) only if all or a portion of the project is designed to reduce, avoid, or offset the quantity of the

expected water supply impacts to Friant Division long-term contractors caused by the Interim or Restoration Flows authorized in part I of this subtitle, and such quantities have not already been reduced, avoided, or offset by other programs or projects.

Applicability.

(2) Federal financial assistance shall only apply to the portion of a project that the local agency designates as reducing, avoiding, or offsetting the expected water supply impacts caused by the Interim or Restoration Flows authorized in part I of this subtitle, consistent with the methodology developed pursuant to paragraph (3)(C).

Determinations.

(3) No Federal financial assistance shall be provided by the Secretary under this part for construction of a project under subsection (a) unless the Secretary—

(A) determines that appropriate planning, design, and environmental compliance activities associated with such a project have been completed, and that the Secretary has been offered the opportunity to participate in the project at a price that is no higher than the local agency's own costs, in order to secure necessary storage, extraction, and conveyance rights for water that may be needed to meet the Restoration Goal as described in part I of this subtitle, where such project has capacity beyond that designated for the purposes in paragraph (2) or where it is feasible to expand such project to allow participation by the Secretary;

(B) determines, based on information available at the time, that the local agency has the financial capability and willingness to fund its share of the project's construction and all operation and maintenance costs on an annual basis;

(C) determines that a method acceptable to the Secretary has been developed for quantifying the benefit, in terms of reduction, avoidance, or offset of the water supply impacts expected to be caused by the Interim or Restoration Flows authorized in part I of this subtitle, that will result from the project, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5); and

Contracts.

(D) has entered into a cost-sharing agreement with the local agency which commits the local agency to funding its share of the project's construction costs on an annual basis.

Deadline.
Public comment.

(c) GUIDELINES.—Within 1 year from the date of enactment of this part, the Secretary shall develop, in consultation with the Friant Division long-term contractors, proposed guidelines for the application of the criteria defined in subsection (b), and will make the proposed guidelines available for public comment. Such guidelines may consider prioritizing the distribution of available funds to projects that provide the broadest benefit within the affected area and the equitable allocation of funds. Upon adoption of such guidelines, the Secretary shall implement such assistance program, subject to the availability of funds appropriated for such purpose.

(d) COST SHARING.—The Federal financial assistance provided to local agencies under subsection (a) shall not exceed—

(1) 50 percent of the costs associated with planning, design, and environmental compliance activities associated with such a project; and

(2) 50 percent of the costs associated with construction of any such project.

(e) PROJECT OWNERSHIP.—

(1) Title to, control over, and operation of, projects funded under subsection (a) shall remain in one or more non-Federal local agencies. Nothing in this part authorizes the Secretary to operate a groundwater bank along or adjacent to the San Joaquin River upstream of the confluence with the Merced River, and any such groundwater bank shall be operated by a non-Federal entity. All projects funded pursuant to this subsection shall comply with all applicable Federal and State laws, including provisions of California water law.

(2) All operation, maintenance, and replacement and rehabilitation costs of such projects shall be the responsibility of the local agency. The Secretary shall not provide funding for any operation, maintenance, or replacement and rehabilitation costs of projects funded under subsection (a).

SEC. 10203. AUTHORIZATION OF APPROPRIATIONS.

(a) The Secretary is authorized and directed to use monies from the fund established under section 10009 to carry out the provisions of section 10201(a)(1), in an amount not to exceed $35,000,000.

(b) In addition to the funds made available pursuant to subsection (a), the Secretary is also authorized to expend such additional funds from the fund established under section 10009 to carry out the purposes of section 10201(a)(2), if such facilities have not already been authorized and funded under the plan provided for pursuant to section 10004(a)(4), in an amount not to exceed $17,000,000, provided that the Secretary first determines that such expenditure will not conflict with or delay his implementation of actions required by part I of this subtitle. Notice of the Secretary's determination shall be published not later than his submission of the report to Congress required by section 10009(f)(2). Determination. Notice. Publication.

(c) In addition to funds made available in subsections (a) and (b), there are authorized to be appropriated $50,000,000 (October 2008 price levels) to carry out the purposes of this part which shall be non-reimbursable.

Subtitle B—Northwestern New Mexico Rural Water Projects

Northwestern New Mexico Rural Water Projects Act. Native Americans. 43 USC 371 note.

SEC. 10301. SHORT TITLE.

This subtitle may be cited as the "Northwestern New Mexico Rural Water Projects Act".

SEC. 10302. DEFINITIONS. 43 USC 407 note.

In this subtitle:

(1) AAMODT ADJUDICATION.—The term "Aamodt adjudication" means the general stream adjudication that is the subject of the civil action entitled "State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de

Tesuque v. R. Lee Aamodt, et al.", No. 66 CV 6639 MV/LCS (D.N.M.).

(2) ABEYTA ADJUDICATION.—The term "Abeyta adjudication" means the general stream adjudication that is the subject of the civil actions entitled "State of New Mexico v. Abeyta and State of New Mexico v. Arrellano", Civil Nos. 7896–BB (D.N.M) and 7939–BB (D.N.M.) (consolidated).

(3) ACRE-FEET.—The term "acre-feet" means acre-feet per year.

(4) AGREEMENT.—The term "Agreement" means the agreement among the State of New Mexico, the Nation, and the United States setting forth a stipulated and binding agreement signed by the State of New Mexico and the Nation on April 19, 2005.

(5) ALLOTTEE.—The term "allottee" means a person that holds a beneficial real property interest in a Navajo allotment that—

(A) is located within the Navajo Reservation or the State of New Mexico;

(B) is held in trust by the United States; and

(C) was originally granted to an individual member of the Nation by public land order or otherwise.

(6) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given the term in section 3 of Public Law 100–585 (102 Stat. 2973), including Ridges Basin Dam, Lake Nighthorse, the Navajo Nation Municipal Pipeline, and any other features or modifications made pursuant to the Colorado Ute Settlement Act Amendments of 2000 (Public Law 106–554; 114 Stat. 2763A–258).

(7) CITY.—The term "City" means the city of Gallup, New Mexico, or a designee of the City, with authority to provide water to the Gallup, New Mexico service area.

(8) COLORADO RIVER COMPACT.—The term "Colorado River Compact" means the Colorado River Compact of 1922 as approved by Congress in the Act of December 21, 1928 (45 Stat. 1057) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(9) COLORADO RIVER SYSTEM.—The term "Colorado River System" has the same meaning given the term in Article II(a) of the Colorado River Compact.

(10) COMPACT.—The term "Compact" means the Upper Colorado River Basin Compact as consented to by the Act of April 6, 1949 (63 Stat. 31, chapter 48).

(11) CONTRACT.—The term "Contract" means the contract between the United States and the Nation setting forth certain commitments, rights, and obligations of the United States and the Nation, as described in paragraph 6.0 of the Agreement.

(12) DEPLETION.—The term "depletion" means the depletion of the flow of the San Juan River stream system in the State of New Mexico by a particular use of water (including any depletion incident to the use) and represents the diversion from the stream system by the use, less return flows to the stream system from the use.

(13) DRAFT IMPACT STATEMENT.—The term "Draft Impact Statement" means the draft environmental impact statement prepared by the Bureau of Reclamation for the Project dated March 2007.

(14) FUND.—The term "Fund" means the Reclamation Waters Settlements Fund established by section 10501(a).

(15) HYDROLOGIC DETERMINATION.—The term "hydrologic determination" means the hydrologic determination entitled "Water Availability from Navajo Reservoir and the Upper Colorado River Basin for Use in New Mexico," prepared by the Bureau of Reclamation pursuant to section 11 of the Act of June 13, 1962 (Public Law 87–483; 76 Stat. 99), and dated May 23, 2007.

(16) LOWER BASIN.—The term "Lower Basin" has the same meaning given the term in Article II(g) of the Colorado River Compact.

(17) NATION.—The term "Nation" means the Navajo Nation, a body politic and federally-recognized Indian nation as provided for in section 101(2) of the Federally Recognized Indian Tribe List of 1994 (25 U.S.C. 497a(2)), also known variously as the "Navajo Tribe," the "Navajo Tribe of Arizona, New Mexico & Utah," and the "Navajo Tribe of Indians" and other similar names, and includes all bands of Navajo Indians and chapters of the Navajo Nation.

(18) NAVAJO-GALLUP WATER SUPPLY PROJECT; PROJECT.—The term "Navajo-Gallup Water Supply Project" or "Project" means the Navajo-Gallup Water Supply Project authorized under section 10602(a), as described as the preferred alternative in the Draft Impact Statement.

(19) NAVAJO INDIAN IRRIGATION PROJECT.—The term "Navajo Indian Irrigation Project" means the Navajo Indian irrigation project authorized by section 2 of Public Law 87–483 (76 Stat. 96).

(20) NAVAJO RESERVOIR.—The term "Navajo Reservoir" means the reservoir created by the impoundment of the San Juan River at Navajo Dam, as authorized by the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.).

(21) NAVAJO NATION MUNICIPAL PIPELINE; PIPELINE.—The term "Navajo Nation Municipal Pipeline" or "Pipeline" means the pipeline used to convey the water of the Animas-La Plata Project of the Navajo Nation from the City of Farmington, New Mexico, to communities of the Navajo Nation located in close proximity to the San Juan River Valley in the State of New Mexico (including the City of Shiprock), as authorized by section 15(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973; 114 Stat. 2763A–263).

(22) NON-NAVAJO IRRIGATION DISTRICTS.—The term "Non-Navajo Irrigation Districts" means—

(A) the Hammond Conservancy District;

(B) the Bloomfield Irrigation District; and

(C) any other community ditch organization in the San Juan River basin in the State of New Mexico.

(23) PARTIAL FINAL DECREE.—The term "Partial Final Decree" means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth the rights of the Nation to use and administer waters of the San Juan River Basin in New Mexico, as set forth in Appendix 1 of the Agreement.

(24) PROJECT PARTICIPANTS.—The term "Project Participants" means the City, the Nation, and the Jicarilla Apache Nation.

(25) SAN JUAN RIVER BASIN RECOVERY IMPLEMENTATION PROGRAM.—The term "San Juan River Basin Recovery Implementation Program" means the intergovernmental program established pursuant to the cooperative agreement dated October 21, 1992 (including any amendments to the program).

(26) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation or any other designee.

(27) STREAM ADJUDICATION.—The term "stream adjudication" means the general stream adjudication that is the subject of New Mexico v. United States, et al., No. 75–185 (11th Jud. Dist., San Juan County, New Mexico) (involving claims to waters of the San Juan River and the tributaries of that river).

(28) SUPPLEMENTAL PARTIAL FINAL DECREE.—The term "Supplemental Partial Final Decree" means a final and binding judgment and decree entered by a court in the stream adjudication, setting forth certain water rights of the Nation, as set forth in Appendix 2 of the Agreement.

(29) TRUST FUND.—The term "Trust Fund" means the Navajo Nation Water Resources Development Trust Fund established by section 10702(a).

(30) UPPER BASIN.—The term "Upper Basin" has the same meaning given the term in Article II(f) of the Colorado River Compact.

43 USC 407 note.

SEC. 10303. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) EFFECT OF EXECUTION OF AGREEMENT.—The execution of the Agreement under section 10701(a)(2) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this subtitle, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 10304. NO REALLOCATION OF COSTS.

(a) EFFECT OF ACT.—Notwithstanding any other provision of law, the Secretary shall not reallocate or reassign any costs of projects that have been authorized under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), as of the date of enactment of this Act because of—

(1) the authorization of the Navajo-Gallup Water Supply Project under this subtitle; or

(2) the changes in the uses of the water diverted by the Navajo Indian Irrigation Project or the waters stored in the Navajo Reservoir authorized under this subtitle.

(b) USE OF POWER REVENUES.—Notwithstanding any other provision of law, no power revenues under the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.), shall be used to pay or reimburse

any costs of the Navajo Indian Irrigation Project or Navajo-Gallup Water Supply Project.

SEC. 10305. INTEREST RATE.

Notwithstanding any other provision of law, the interest rate applicable to any repayment contract entered into under section 10604 shall be equal to the discount rate for Federal water resources planning, as determined by the Secretary.

PART I—AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT AND PUBLIC LAW 87–483

SEC. 10401. AMENDMENTS TO THE COLORADO RIVER STORAGE PROJECT ACT.

(a) PARTICIPATING PROJECTS.—Paragraph (2) of the first section of the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620(2)) is amended by inserting "the Navajo-Gallup Water Supply Project," after "Fruitland Mesa,".

(b) NAVAJO RESERVOIR WATER BANK.—The Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") is amended—

(1) by redesignating section 16 (43 U.S.C. 620o) as section 17; and

(2) by inserting after section 15 (43 U.S.C. 620n) the following:

"SEC. 16. (a) The Secretary of the Interior may create and operate within the available capacity of Navajo Reservoir a top water bank. 43 USC 620n–1.

"(b) Water made available for the top water bank in accordance with subsections (c) and (d) shall not be subject to section 11 of Public Law 87–483 (76 Stat. 99).

"(c) The top water bank authorized under subsection (a) shall be operated in a manner that—

"(1) is consistent with applicable law, except that, notwithstanding any other provision of law, water for purposes other than irrigation may be stored in the Navajo Reservoir pursuant to the rules governing the top water bank established under this section; and

"(2) does not impair the ability of the Secretary of the Interior to deliver water under contracts entered into under—

"(A) Public Law 87–483 (76 Stat. 96); and

"(B) New Mexico State Engineer File Nos. 2847, 2848, 2849, and 2917.

"(d)(1) The Secretary of the Interior, in cooperation with the State of New Mexico (acting through the Interstate Stream Commission), shall develop any terms and procedures for the storage, accounting, and release of water in the top water bank that are necessary to comply with subsection (c). Procedures.

"(2) The terms and procedures developed under paragraph (1) shall include provisions requiring that—

"(A) the storage of banked water shall be subject to approval under State law by the New Mexico State Engineer to ensure that impairment of any existing water right does

not occur, including storage of water under New Mexico State Engineer File No. 2849;

"(B) water in the top water bank be subject to evaporation and other losses during storage;

"(C) water in the top water bank be released for delivery to the owner or assigns of the banked water on request of the owner, subject to reasonable scheduling requirements for making the release;

"(D) water in the top water bank be the first water spilled or released for flood control purposes in anticipation of a spill, on the condition that top water bank water shall not be released or included for purposes of calculating whether a release should occur for purposes of satisfying the flow recommendations of the San Juan River Basin Recovery Implementation Program; and

"(E) water eligible for banking in the top water bank shall be water that otherwise would have been diverted and beneficially used in New Mexico that year.

"(e) The Secretary of the Interior may charge fees to water users that use the top water bank in amounts sufficient to cover the costs incurred by the United States in administering the water bank.".

SEC. 10402. AMENDMENTS TO PUBLIC LAW 87–483.

(a) NAVAJO INDIAN IRRIGATION PROJECT.—Public Law 87–483 (76 Stat. 96) is amended by striking section 2 and inserting the following:

43 USC 615jj.

"SEC. 2. (a) In accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), the Secretary of the Interior is authorized to construct, operate, and maintain the Navajo Indian Irrigation Project to provide irrigation water to a service area of not more than 110,630 acres of land.

"(b)(1) Subject to paragraph (2), the average annual diversion by the Navajo Indian Irrigation Project from the Navajo Reservoir over any consecutive 10-year period shall be the lesser of—

"(A) 508,000 acre-feet per year; or

"(B) the quantity of water necessary to supply an average depletion of 270,000 acre-feet per year.

"(2) The quantity of water diverted for any 1 year shall not exceed the average annual diversion determined under paragraph (1) by more than 15 percent.

"(c) In addition to being used for irrigation, the water diverted by the Navajo Indian Irrigation Project under subsection (b) may be used within the area served by Navajo Indian Irrigation Project facilities for the following purposes:

"(1) Aquaculture purposes, including the rearing of fish in support of the San Juan River Basin Recovery Implementation Program authorized by Public Law 106–392 (114 Stat. 1602).

"(2) Domestic, industrial, or commercial purposes relating to agricultural production and processing.

"(3)(A) The generation of hydroelectric power as an incident to the diversion of water by the Navajo Indian Irrigation Project for authorized purposes.

"(B) Notwithstanding any other provision of law—

"(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Navajo Nation;

"(ii) the Navajo Nation shall retain any revenues from the sale of the hydroelectric power; and

"(iii) the United States shall have no trust obligation to monitor, administer, or account for the revenues received by the Navajo Nation, or the expenditure of the revenues.

"(4) The implementation of the alternate water source provisions described in subparagraph 9.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act.

"(d) The Navajo Indian Irrigation Project water diverted under subsection (b) may be transferred to areas located within or outside the area served by Navajo Indian Irrigation Project facilities, and within or outside the boundaries of the Navajo Nation, for any beneficial use in accordance with—

"(1) the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act;

"(2) the contract executed under section 10604(a)(2)(B) of that Act; and

"(3) any other applicable law.

"(e) The Secretary may use the capacity of the Navajo Indian Irrigation Project works to convey water supplies for—

"(1) the Navajo-Gallup Water Supply Project under section 10602 of the Northwestern New Mexico Rural Water Projects Act; or

"(2) other nonirrigation purposes authorized under subsection (c) or (d).

"(f)(1) Repayment of the costs of construction of the project (as authorized in subsection (a)) shall be in accordance with the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act') (43 U.S.C. 620 et seq.), including section 4(d) of that Act.

"(2) The Secretary shall not reallocate, or require repayment of, construction costs of the Navajo Indian Irrigation Project because of the conveyance of water supplies for nonirrigation purposes under subsection (e).".

(b) RUNOFF ABOVE NAVAJO DAM.—Section 11 of Public Law 87–483 (76 Stat. 100) is amended by adding at the end the following: 43 USC 615ss.

"(d)(1) For purposes of implementing in a year of prospective shortage the water allocation procedures established by subsection (a), the Secretary of the Interior shall determine the quantity of any shortages and the appropriate apportionment of water using the normal diversion requirements on the flow of the San Juan River originating above Navajo Dam based on the following criteria: Determination.

"(A) The quantity of diversion or water delivery for the current year anticipated to be necessary to irrigate land in accordance with cropping plans prepared by contractors.

"(B) The annual diversion or water delivery demands for the current year anticipated for non-irrigation uses under water delivery contracts, including contracts authorized by the Northwestern New Mexico Rural Water Projects Act, but excluding any current demand for surface water for placement into aquifer storage for future recovery and use.

"(C) An annual normal diversion demand of 135,000 acre-feet for the initial stage of the San Juan-Chama Project authorized by section 8, which shall be the amount to which any shortage is applied.

"(2) The Secretary shall not include in the normal diversion requirements—

"(A) the quantity of water that reliably can be anticipated to be diverted or delivered under a contract from inflows to the San Juan River arising below Navajo Dam under New Mexico State Engineer File No. 3215; or

"(B) the quantity of water anticipated to be supplied through reuse.

"(e)(1) If the Secretary determines that there is a shortage of water under subsection (a), the Secretary shall respond to the shortage in the Navajo Reservoir water supply by curtailing releases and deliveries in the following order:

"(A) The demand for delivery for uses in the State of Arizona under the Navajo-Gallup Water Supply Project authorized by section 10603 of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for the uses from inflows to the San Juan River that arise below Navajo Dam in accordance with New Mexico State Engineer File No. 3215.

"(B) The demand for delivery for uses allocated under paragraph 8.2 of the agreement executed under section 10701(a)(2) of the Northwestern New Mexico Rural Water Projects Act, excluding the quantity of water anticipated to be diverted for such uses under State Engineer File No. 3215.

"(C) The uses in the State of New Mexico that are determined under subsection (d), in accordance with the procedure for apportioning the water supply under subsection (a).

"(2) For any year for which the Secretary determines and responds to a shortage in the Navajo Reservoir water supply, the Secretary shall not deliver, and contractors of the water supply shall not divert, any of the water supply for placement into aquifer storage for future recovery and use.

"(3) To determine the occurrence and amount of any shortage to contracts entered into under this section, the Secretary shall not include as available storage any water stored in a top water bank in Navajo Reservoir established under section 16(a) of the Act of April 11, 1956 (commonly known as the 'Colorado River Storage Project Act').

"(f) The Secretary of the Interior shall apportion water under subsections (a), (d), and (e) on an annual volume basis.

"(g) The Secretary of the Interior may revise a determination of shortages, apportionments, or allocations of water under subsections (a), (d), and (e) on the basis of information relating to water supply conditions that was not available at the time at which the determination was made.

"(h) Nothing in this section prohibits the distribution of water in accordance with cooperative water agreements between water users providing for a sharing of water supplies.

"(i) Diversions under New Mexico State Engineer File No. 3215 shall be distributed, to the maximum extent water is available, in proportionate amounts to the diversion demands of contractors and subcontractors of the Navajo Reservoir water supply that are diverting water below Navajo Dam.".

SEC. 10403. EFFECT ON FEDERAL WATER LAW. 43 USC 620 note.

Unless expressly provided in this subtitle, nothing in this subtitle modifies, conflicts with, preempts, or otherwise affects—

(1) the Boulder Canyon Project Act (43 U.S.C. 617 et seq.);

(2) the Boulder Canyon Project Adjustment Act (54 Stat. 774, chapter 643);

(3) the Act of April 11, 1956 (commonly known as the "Colorado River Storage Project Act") (43 U.S.C. 620 et seq.);

(4) the Act of September 30, 1968 (commonly known as the "Colorado River Basin Project Act") (82 Stat. 885);

(5) Public Law 87–483 (76 Stat. 96);

(6) the Treaty between the United States of America and Mexico respecting utilization of waters of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington February 3, 1944 (59 Stat. 1219);

(7) the Colorado River Compact of 1922, as approved by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000);

(8) the Compact;

(9) the Act of April 6, 1949 (63 Stat. 31, chapter 48);

(10) the Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237); or

(11) section 205 of the Energy and Water Development Appropriations Act, 2005 (118 Stat. 2949).

PART II—RECLAMATION WATER SETTLEMENTS FUND

SEC. 10501. RECLAMATION WATER SETTLEMENTS FUND. 43 USC 407.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the "Reclamation Water Settlements Fund", consisting of—

(1) such amounts as are deposited to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) DEPOSITS TO FUND.—

(1) IN GENERAL.—For each of fiscal years 2020 through 2029, the Secretary of the Treasury shall deposit in the Fund, if available, $120,000,000 of the revenues that would otherwise be deposited for the fiscal year in the fund established by the first section of the Act of June 17, 1902 (32 Stat. 388, chapter 1093).

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under paragraph (1) shall be made available pursuant to this section—

(A) without further appropriation; and

(B) in addition to amounts appropriated pursuant to any authorization contained in any other provision of law.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—

(A) EXPENDITURES.—Subject to subparagraph (B), for each of fiscal years 2020 through 2034, the Secretary may expend from the Fund an amount not to exceed $120,000,000, plus the interest accrued in the Fund, for the fiscal year in which expenditures are made pursuant to paragraphs (2) and (3).

(B) ADDITIONAL EXPENDITURES.—The Secretary may expend more than $120,000,000 for any fiscal year if such amounts are available in the Fund due to expenditures not reaching $120,000,000 for prior fiscal years.

(2) AUTHORITY.—The Secretary may expend money from the Fund to implement a settlement agreement approved by Congress that resolves, in whole or in part, litigation involving the United States, if the settlement agreement or implementing legislation requires the Bureau of Reclamation to provide financial assistance for, or plan, design, and construct—

(A) water supply infrastructure; or

(B) a project—

(i) to rehabilitate a water delivery system to conserve water; or

(ii) to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a Federal reclamation project that is in existence on the date of enactment of this Act.

(3) USE FOR COMPLETION OF PROJECT AND OTHER SETTLEMENTS.—

(A) PRIORITIES.—

(i) FIRST PRIORITY.—

(I) IN GENERAL.—The first priority for expenditure of amounts in the Fund during the entire period in which the Fund is in existence shall be for the purposes described in, and in the order of, clauses (i) through (iv) of subparagraph (B).

(II) RESERVED AMOUNTS.—The Secretary shall reserve and use amounts deposited into the Fund in accordance with subclause (I).

(ii) OTHER PURPOSES.—Any amounts in the Fund that are not needed for the purposes described in subparagraph (B) may be used for other purposes authorized in paragraph (2).

Effective dates.
Deadlines.
Expenditures.

(B) COMPLETION OF PROJECT.—

(i) NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, if, in the judgment of the Secretary on an annual basis the deadline described in section 10701(e)(1)(A)(ix) is unlikely to be met because a sufficient amount of funding is not otherwise available through appropriations made available pursuant to section 10609(a), the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the costs, and substantially complete as expeditiously as practicable, the construction of the water supply infrastructure authorized as part of the Project.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $500,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (ii) through (iv).

(ii) OTHER NEW MEXICO SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to the funding made available under clause (i), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing the Indian water rights settlement agreements entered into by the State of New Mexico in the Aamodt adjudication and the Abeyta adjudication, if such settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—The amount expended under subclause (I) shall not exceed $250,000,000.

(iii) MONTANA SETTLEMENTS.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i) and (ii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing Indian water rights settlement agreements entered into by the State of Montana with the Blackfeet Tribe, the Crow Tribe, or the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Reservation in the judicial proceeding entitled "In re the General Adjudication of All the Rights to Use Surface and Groundwater in the State of Montana", if a settlement or settlements are subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $350,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be

exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clause (i), (ii), and (iv).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

(iv) ARIZONA SETTLEMENT.—

(I) IN GENERAL.—Subject to subclause (II), effective beginning January 1, 2020, in addition to funding made available pursuant to clauses (i), (ii), and (iii), if in the judgment of the Secretary on an annual basis a sufficient amount of funding is not otherwise available through annual appropriations, the Secretary shall expend from the Fund such amounts on an annual basis consistent with paragraphs (1) and (2), as are necessary to pay the Federal share of the remaining costs of implementing an Indian water rights settlement agreement entered into by the State of Arizona with the Navajo Nation to resolve the water rights claims of the Nation in the Lower Colorado River basin in Arizona, if a settlement is subsequently approved and authorized by an Act of Congress and the implementation period has not already expired.

(II) MAXIMUM AMOUNT.—

(aa) IN GENERAL.—Except as provided under item (bb), the amount expended under subclause (I) shall not exceed $100,000,000 for the period of fiscal years 2020 through 2029.

(bb) EXCEPTION.—The limitation on the expenditure amount under item (aa) may be exceeded during the entire period in which the Fund is in existence if such additional funds can be expended without limiting the amounts identified in clauses (i) through (iii).

(cc) OTHER FUNDING.—The Secretary shall ensure that any funding under this clause shall be provided in a manner that does not limit the funding available pursuant to clauses (i) and (ii).

Deadline.

(C) REVERSION.—If the settlements described in clauses (ii) through (iv) of subparagraph (B) have not been approved and authorized by an Act of Congress by December 31, 2019, the amounts reserved for the settlements shall no longer be reserved by the Secretary pursuant to subparagraph (A)(i) and shall revert to the Fund for any authorized use, as determined by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals.

(2) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(f) TERMINATION.—On September 30, 2034—

(1) the Fund shall terminate; and

(2) the unexpended and unobligated balance of the Fund shall be transferred to the appropriate fund of the Treasury.

PART III—NAVAJO-GALLUP WATER SUPPLY PROJECT

SEC. 10601. PURPOSES.

The purposes of this part are—

(1) to authorize the Secretary to construct, operate, and maintain the Navajo-Gallup Water Supply Project;

(2) to allocate the capacity of the Project among the Nation, the City, and the Jicarilla Apache Nation; and

(3) to authorize the Secretary to enter into Project repayment contracts with the City and the Jicarilla Apache Nation.

SEC. 10602. AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.

(a) IN GENERAL.—The Secretary, acting through the Commissioner of Reclamation, is authorized to design, construct, operate, and maintain the Project in substantial accordance with the preferred alternative in the Draft Impact Statement.

(b) PROJECT FACILITIES.—To provide for the delivery of San Juan River water to Project Participants, the Secretary may construct, operate, and maintain the Project facilities described in the preferred alternative in the Draft Impact Statement, including:

(1) A pumping plant on the San Juan River in the vicinity of Kirtland, New Mexico.

(2)(A) A main pipeline from the San Juan River near Kirtland, New Mexico, to Shiprock, New Mexico, and Gallup, New Mexico, which follows United States Highway 491.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(3)(A) A main pipeline from Cutter Reservoir to Ojo Encino, New Mexico, which follows United States Highway 550.

(B) Any pumping plants associated with the pipeline authorized under subparagraph (A).

(4)(A) Lateral pipelines from the main pipelines to Nation communities in the States of New Mexico and Arizona.

(B) Any pumping plants associated with the pipelines authorized under subparagraph (A).

(5) Any water regulation, storage or treatment facility, service connection to an existing public water supply system,

power substation, power distribution works, or other appurtenant works (including a building or access road) that is related to the Project facilities authorized by paragraphs (1) through (4), including power transmission facilities and associated wheeling services to connect Project facilities to existing high-voltage transmission facilities and deliver power to the Project.

(c) ACQUISITION OF LAND.—

(1) IN GENERAL.—The Secretary is authorized to acquire any land or interest in land that is necessary to construct, operate, and maintain the Project facilities authorized under subsection (b).

(2) LAND OF THE PROJECT PARTICIPANTS.—As a condition of construction of the facilities authorized under this part, the Project Participants shall provide all land or interest in land, as appropriate, that the Secretary identifies as necessary for acquisition under this subsection at no cost to the Secretary.

(3) LIMITATION.—The Secretary may not condemn water rights for purposes of the Project.

(d) CONDITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall not commence construction of the facilities authorized under subsection (b) until such time as—

(A) the Secretary executes the Agreement and the Contract;

(B) the contracts authorized under section 10604 are executed;

(C) the Secretary—

(i) completes an environmental impact statement for the Project; and

(ii) has issued a record of decision that provides for a preferred alternative; and

Contracts.

(D) the Secretary has entered into an agreement with the State of New Mexico under which the State of New Mexico will provide a share of the construction costs of the Project of not less than $50,000,000, except that the State of New Mexico shall receive credit for funds the State has contributed to construct water conveyance facilities to the Project Participants to the extent that the facilities reduce the cost of the Project as estimated in the Draft Impact Statement.

Contracts.
Consultation.

(2) EXCEPTION.—If the Jicarilla Apache Nation elects not to enter into a contract pursuant to section 10604, the Secretary, after consulting with the Nation, the City, and the State of New Mexico acting through the Interstate Stream Commission, may make appropriate modifications to the scope of the Project and proceed with Project construction if all other conditions for construction have been satisfied.

(3) EFFECT OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design, construction, operation, maintenance, or replacement of the Project.

(e) POWER.—The Secretary shall reserve, from existing reservations of Colorado River Storage Project power for Bureau of Reclamation projects, up to 26 megawatts of power for use by the Project.

(f) CONVEYANCE OF TITLE TO PROJECT FACILITIES.—

(1) IN GENERAL.—The Secretary is authorized to enter into separate agreements with the City and the Nation and, on entering into the agreements, shall convey title to each Project facility or section of a Project facility authorized under subsection (b) (including any appropriate interests in land) to the City and the Nation after—

(A) completion of construction of a Project facility or a section of a Project facility that is operating and delivering water; and

(B) execution of a Project operations agreement approved by the Secretary and the Project Participants that sets forth— Contracts.

(i) any terms and conditions that the Secretary determines are necessary—

(I) to ensure the continuation of the intended benefits of the Project; and

(II) to fulfill the purposes of this part;

(ii) requirements acceptable to the Secretary and the Project Participants for—

(I) the distribution of water under the Project or section of a Project facility; and

(II) the allocation and payment of annual operation, maintenance, and replacement costs of the Project or section of a Project facility based on the proportionate uses of Project facilities; and

(iii) conditions and requirements acceptable to the Secretary and the Project Participants for operating and maintaining each Project facility on completion of the conveyance of title, including the requirement that the City and the Nation shall— Compliance.

(I) comply with—

(aa) the Compact; and

(bb) other applicable law; and

(II) be responsible for—

(aa) the operation, maintenance, and replacement of each Project facility; and

(bb) the accounting and management of water conveyance and Project finances, as necessary to administer and fulfill the conditions of the Contract executed under section 10604(a)(2)(B).

(2) EFFECT OF CONVEYANCE.—The conveyance of title to each Project facility shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of the water associated with the Project.

(3) LIABILITY.—

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

Deadline.

(4) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to any Project facility, the Secretary shall submit to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate notice of the conveyance of each Project facility.

(g) COLORADO RIVER STORAGE PROJECT POWER.—The conveyance of Project facilities under subsection (f) shall not affect the availability of Colorado River Storage Project power to the Project under subsection (e).

(h) REGIONAL USE OF PROJECT FACILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), Project facilities constructed under subsection (b) may be used to treat and convey non-Project water or water that is not allocated by subsection 10603(b) if—

(A) capacity is available without impairing any water delivery to a Project Participant; and

Payments.

(B) the unallocated or non-Project water beneficiary—

(i) has the right to use the water;

(ii) agrees to pay the operation, maintenance, and replacement costs assignable to the beneficiary for the use of the Project facilities; and

(iii) agrees to pay an appropriate fee that may be established by the Secretary to assist in the recovery of any capital cost allocable to that use.

(2) EFFECT OF PAYMENTS.—Any payments to the United States or the Nation for the use of unused capacity under this subsection or for water under any subcontract with the Nation or the Jicarilla Apache Nation shall not alter the construction repayment requirements or the operation, maintenance, and replacement payment requirements of the Project Participants.

SEC. 10603. DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.

(a) USE OF PROJECT WATER.—

(1) IN GENERAL.—In accordance with this subtitle and other applicable law, water supply from the Project shall be used for municipal, industrial, commercial, domestic, and stock watering purposes.

(2) USE ON CERTAIN LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Nation may use Project water allocations on—

(i) land held by the United States in trust for the Nation and members of the Nation; and

(ii) land held in fee by the Nation.

(B) TRANSFER.—The Nation may transfer the purposes and places of use of the allocated water in accordance with the Agreement and applicable law.

(3) HYDROELECTRIC POWER.—

(A) IN GENERAL.—Hydroelectric power may be generated as an incident to the delivery of Project water for authorized purposes under paragraph (1).

(B) ADMINISTRATION.—Notwithstanding any other provision of law—

(i) any hydroelectric power generated under this paragraph shall be used or marketed by the Nation;

(ii) the Nation shall retain any revenues from the sale of the hydroelectric power; and

(iii) the United States shall have no trust obligation or other obligation to monitor, administer, or account for the revenues received by the Nation, or the expenditure of the revenues.

(4) STORAGE.—

(A) IN GENERAL.—Subject to subparagraph (B), any water contracted for delivery under paragraph (1) that is not needed for current water demands or uses may be delivered by the Project for placement in underground storage in the State of New Mexico for future recovery and use.

(B) STATE APPROVAL.—Delivery of water under subparagraph (A) is subject to—

(i) approval by the State of New Mexico under applicable provisions of State law relating to aquifer storage and recovery; and

(ii) the provisions of the Agreement and this subtitle.

(b) PROJECT WATER AND CAPACITY ALLOCATIONS.—

(1) DIVERSION.—Subject to availability and consistent with Federal and State law, the Project may divert from the Navajo Reservoir and the San Juan River a quantity of water to be allocated and used consistent with the Agreement and this subtitle, that does not exceed in any 1 year, the lesser of—

(A) 37,760 acre-feet of water; or

(B) the quantity of water necessary to supply a depletion from the San Juan River of 35,890 acre-feet.

(2) PROJECT DELIVERY CAPACITY ALLOCATIONS.—

(A) IN GENERAL.—The capacity of the Project shall be allocated to the Project Participants in accordance with subparagraphs (B) through (E), other provisions of this subtitle, and other applicable law.

(B) DELIVERY CAPACITY ALLOCATION TO THE CITY.—The Project may deliver at the point of diversion from the San Juan River not more than 7,500 acre-feet of water in any 1 year for which the City has secured rights for the use of the City.

(C) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN NEW MEXICO.—For use by the Nation in the State of New Mexico, the Project may deliver water out of the water rights held by the Secretary for the Nation and confirmed under this subtitle, at the points of diversion from the San Juan River or at Navajo Reservoir in any 1 year, the lesser of—

(i) 22,650 acre-feet of water; or

(ii) the quantity of water necessary to supply a depletion from the San Juan River of 20,780 acre-feet of water.

(D) DELIVERY CAPACITY ALLOCATION TO NAVAJO NATION COMMUNITIES IN ARIZONA.—Subject to subsection (c), the Project may deliver at the point of diversion from the

San Juan River not more than 6,411 acre-feet of water in any 1 year for use by the Nation in the State of Arizona.

(E) DELIVERY CAPACITY ALLOCATION TO JICARILLA APACHE NATION.—The Project may deliver at Navajo Reservoir not more than 1,200 acre-feet of water in any 1 year of the water rights of the Jicarilla Apache Nation, held by the Secretary and confirmed by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237), for use by the Jicarilla Apache Nation in the southern portion of the Jicarilla Apache Nation Reservation in the State of New Mexico.

(3) USE IN EXCESS OF DELIVERY CAPACITY ALLOCATION QUANTITY.—Notwithstanding each delivery capacity allocation quantity limit described in subparagraphs (B), (C), and (E) of paragraph (2), the Secretary may authorize a Project Participant to exceed the delivery capacity allocation quantity limit of that Project Participant if—

(A) delivery capacity is available without impairing any water delivery to any other Project Participant; and

(B) the Project Participant benefitting from the increased allocation of delivery capacity—

(i) has the right under applicable law to use the additional water;

Payments.

(ii) agrees to pay the operation, maintenance, and replacement costs relating to the additional use of any Project facility; and

Fees.

(iii) agrees, if the Project title is held by the Secretary, to pay a fee established by the Secretary to assist in recovering capital costs relating to that additional use.

(c) CONDITIONS FOR USE IN ARIZONA.—

Contracts.

(1) REQUIREMENTS.—Project water shall not be delivered for use by any community of the Nation located in the State of Arizona under subsection (b)(2)(D) until—

Waiver.

(A) the Nation and the State of Arizona have entered into a water rights settlement agreement approved by an Act of Congress that settles and waives the Nation's claims to water in the Lower Basin and the Little Colorado River Basin in the State of Arizona, including those of the United States on the Nation's behalf; and

(B) the Secretary and the Navajo Nation have entered into a Navajo Reservoir water supply delivery contract for the physical delivery and diversion of water via the Project from the San Juan River system to supply uses in the State of Arizona.

(2) ACCOUNTING OF USES IN ARIZONA.—

(A) IN GENERAL.—Pursuant to paragraph (1) and notwithstanding any other provision of law, water may be diverted by the Project from the San Juan River in the State of New Mexico in accordance with an appropriate permit issued under New Mexico law for use in the State of Arizona within the Navajo Reservation in the Lower Basin; provided that any depletion of water that results from the diversion of water by the Project from the San Juan River in the State of New Mexico for uses within the State of Arizona (including depletion incidental to the diversion, impounding, or conveyance of water in the State

of New Mexico for uses in the State of Arizona) shall be administered and accounted for as either—

(i) a part of, and charged against, the available consumptive use apportionment made to the State of Arizona by Article III(a) of the Compact and to the Upper Basin by Article III(a) of the Colorado River Compact, in which case any water so diverted by the Project into the Lower Basin for use within the State of Arizona shall not be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; or

(ii) subject to subparagraph (B), a part of, and charged against, the consumptive use apportionment made to the Lower Basin by Article III(a) of the Colorado River Compact, in which case it shall—

(I) be a part of the Colorado River water that is apportioned to the State of Arizona in Article II(B) of the Consolidated Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150) (as may be amended or supplemented);

(II) be credited as water reaching Lee Ferry pursuant to Article III(c) and III(d) of the Colorado River Compact; and

(III) be accounted as the water identified in section 104(a)(1)(B)(ii) of the Arizona Water Settlements Act, (118 Stat. 3478).

(B) LIMITATION.—Notwithstanding subparagraph (A)(ii), no water diverted by the Project shall be accounted for pursuant to subparagraph (A)(ii) until such time that—

Criteria. Policies. Contracts. Guidelines.

(i) the Secretary has developed and, as necessary and appropriate, modified, in consultation with the Upper Colorado River Commission and the Governors' Representatives on Colorado River Operations from each State signatory to the Colorado River Compact, all operational and decisional criteria, policies, contracts, guidelines or other documents that control the operations of the Colorado River System reservoirs and diversion works, so as to adjust, account for, and offset the diversion of water apportioned to the State of Arizona, pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), from a point of diversion on the San Juan River in New Mexico; provided that all such modifications shall be consistent with the provisions of this Section, and the modifications made pursuant to this clause shall be applicable only for the duration of any such diversions pursuant to section 10603(c)(2)(A)(ii); and

Applicability.

(ii) Article II(B) of the Decree of the Supreme Court of the United States in Arizona v. California (547 U.S. 150 as may be amended or supplemented) is administered so that diversions from the main stream for the Central Arizona Project, as served under existing contracts with the United States by diversion works heretofore constructed, shall be limited and reduced to offset any diversions made pursuant to section 10603(c)(2)(A)(ii) of this Act. This clause shall

not affect, in any manner, the amount of water apportioned to Arizona pursuant to the Boulder Canyon Project Act (43 U.S.C. 617 et seq.), or amend any provisions of said decree or the Colorado River Basin Project Act (43 U.S.C. 1501 et. seq.).

(3) UPPER BASIN PROTECTIONS.—

(A) CONSULTATIONS.—Henceforth, in any consultation pursuant to 16 U.S.C. 1536(a) with respect to water development in the San Juan River Basin, the Secretary shall confer with the States of Colorado and New Mexico, consistent with the provisions of section 5 of the "Principles for Conducting Endangered Species Act Section 7 Consultations on Water Development and Water Management Activities Affecting Endangered Fish Species in the San Juan River Basin" as adopted by the Coordination Committee, San Juan River Basin Recovery Implementation Program, on June 19, 2001, and as may be amended or modified.

(B) PRESERVATION OF EXISTING RIGHTS.—Rights to the consumptive use of water available to the Upper Basin from the Colorado River System under the Colorado River Compact and the Compact shall not be reduced or prejudiced by any use of water pursuant to subsection 10603(c). Nothing in this Act shall be construed so as to impair, conflict with, or otherwise change the duties and powers of the Upper Colorado River Commission.

(d) FORBEARANCE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), during any year in which a shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona occurs (as determined under section 11 of Public Law 87–483 (76 Stat. 99)), the Nation may temporarily forbear the delivery of the water supply of the Navajo Reservoir for uses in the State of New Mexico under the apportionments of water to the Navajo Indian Irrigation Project and the normal diversion requirements of the Project to allow an equivalent quantity of water to be delivered from the Navajo Reservoir water supply for municipal and domestic uses of the Nation in the State of Arizona under the Project.

(2) LIMITATION OF FORBEARANCE.—The Nation may forebear the delivery of water under paragraph (1) of a quantity not exceeding the quantity of the shortage to the normal diversion requirement for any use relating to the Project within the State of Arizona.

(3) EFFECT.—The forbearance of the delivery of water under paragraph (1) shall be subject to the requirements in subsection (c).

(e) EFFECT.—Nothing in this subtitle—

(1) authorizes the marketing, leasing, or transfer of the water supplies made available to the Nation under the Contract to non-Navajo water users in States other than the State of New Mexico; or

(2) authorizes the forbearance of water uses in the State of New Mexico to allow uses of water in other States other than as authorized under subsection (d).

(f) COLORADO RIVER COMPACTS.—Notwithstanding any other provision of law—

(1) water may be diverted by the Project from the San Juan River in the State of New Mexico for use within New Mexico in the lower basin, as that term is used in the Colorado River Compact;

(2) any water diverted under paragraph (1) shall be a part of, and charged against, the consumptive use apportionment made to the State of New Mexico by Article III(a) of the Compact and to the upper basin by Article III(a) of the Colorado River Compact; and

(3) any water so diverted by the Project into the lower basin within the State of New Mexico shall not be credited as water reaching Lee Ferry pursuant to Articles III(c) and III(d) of the Colorado River Compact.

(g) PAYMENT OF OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(1) IN GENERAL.—The Secretary is authorized to pay the operation, maintenance, and replacement costs of the Project allocable to the Project Participants under section 10604 until the date on which the Secretary declares any section of the Project to be substantially complete and delivery of water generated by, and through, that section of the Project can be made to a Project participant.

Effective date.

(2) PROJECT PARTICIPANT PAYMENTS.—Beginning on the date described in paragraph (1), each Project Participant shall pay all allocated operation, maintenance, and replacement costs for that substantially completed section of the Project, in accordance with contracts entered into pursuant to section 10604, except as provided in section 10604(f).

(h) NO PRECEDENT.—Nothing in this Act shall be construed as authorizing or establishing a precedent for any type of transfer of Colorado River System water between the Upper Basin and Lower Basin. Nor shall anything in this Act be construed as expanding the Secretary's authority in the Upper Basin.

(i) UNIQUE SITUATION.—Diversions by the Project consistent with this section address critical tribal and non-Indian water supply needs under unique circumstances, which include, among other things—

(1) the intent to benefit an American Indian tribe;

(2) the Navajo Nation's location in both the Upper and Lower Basin;

(3) the intent to address critical Indian water needs in the State of Arizona and Indian and non-Indian water needs in the State of New Mexico,

(4) the location of the Navajo Nation's capital city of Window Rock in the State of Arizona in close proximity to the border of the State of New Mexico and the pipeline route for the Project;

(5) the lack of other reasonable options available for developing a firm, sustainable supply of municipal water for the Navajo Nation at Window Rock in the State of Arizona; and

(6) the limited volume of water to be diverted by the Project to supply municipal uses in the Window Rock area in the State of Arizona.

(j) CONSENSUS.—Congress notes the consensus of the Governors' Representatives on Colorado River Operations of the States that are signatory to the Colorado River Compact regarding the diversions authorized for the Project under this section.

(k) EFFICIENT USE.—The diversions and uses authorized for the Project under this Section represent unique and efficient uses of Colorado River apportionments in a manner that Congress has determined would be consistent with the obligations of the United States to the Navajo Nation.

SEC. 10604. PROJECT CONTRACTS.

(a) NAVAJO NATION CONTRACT.—

(1) HYDROLOGIC DETERMINATION.—Congress recognizes that the Hydrologic Determination necessary to support approval of the Contract has been completed.

(2) CONTRACT APPROVAL.—

(A) APPROVAL.—

(i) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with this subtitle, Congress approves, ratifies, and confirms the Contract.

(ii) AMENDMENTS.—To the extent any amendment is executed to make the Contract consistent with this subtitle, that amendment is authorized, ratified, and confirmed.

(B) EXECUTION OF CONTRACT.—The Secretary, acting on behalf of the United States, shall enter into the Contract to the extent that the Contract does not conflict with this subtitle (including any amendment that is required to make the Contract consistent with this subtitle).

(3) NONREIMBURSABILITY OF ALLOCATED COSTS.—The following costs shall be nonreimbursable and not subject to repayment by the Nation or any other Project beneficiary:

(A) Any share of the construction costs of the Nation relating to the Project authorized by section 10602(a).

(B) Any costs relating to the construction of the Navajo Indian Irrigation Project that may otherwise be allocable to the Nation for use of any facility of the Navajo Indian Irrigation Project to convey water to each Navajo community under the Project.

(C) Any costs relating to the construction of Navajo Dam that may otherwise be allocable to the Nation for water deliveries under the Contract.

(4) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—Subject to subsection (f), the Contract shall include provisions under which the Nation shall pay any costs relating to the operation, maintenance, and replacement of each facility of the Project that are allocable to the Nation.

(5) LIMITATION, CANCELLATION, TERMINATION, AND RESCISSION.—The Contract may be limited by a term of years, canceled, terminated, or rescinded only by an Act of Congress.

(b) CITY OF GALLUP CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the City that requires the City—

(A) to repay, within a 50-year period, the share of the construction costs of the City relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the City.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the City to satisfy the repayment obligation of the City for construction costs of the Project on the payment of the share of the City prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of the City described in subparagraph (A) shall be determined by agreement between the Secretary and the City.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the City pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the City and establish the percentage of the allocated construction costs that the City shall be required to repay pursuant to the contract entered into under paragraph (1), based on the ability of the City to pay. Determination.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the City shall be at least 25 percent of the construction costs of the Project that are allocable to the City, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the City in excess of the repayment obligation of the City, as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the amount required to be repaid by the City under a repayment contract.

(6) TITLE TRANSFER.—If title is transferred to the City prior to repayment under section 10602(f), the City shall be required to provide assurances satisfactory to the Secretary of fulfillment of the remaining repayment obligation of the City.

(7) WATER DELIVERY SUBCONTRACT.—The Secretary shall not enter into a contract under paragraph (1) with the City until the City has secured a water supply for the City's portion of the Project described in section 10603(b)(2)(B), by entering into, as approved by the Secretary, a water delivery subcontract for a period of not less than 40 years beginning on the date on which the construction of any facility of the Project serving the City is completed, with— Effective date.

(A) the Nation, as authorized by the Contract;

(B) the Jicarilla Apache Nation, as authorized by the settlement contract between the United States and the Jicarilla Apache Tribe, authorized by the Jicarilla Apache Tribe Water Rights Settlement Act (Public Law 102–441; 106 Stat. 2237); or

(C) an acquired alternate source of water, subject to approval of the Secretary and the State of New Mexico, acting through the New Mexico Interstate Stream Commission and the New Mexico State Engineer.

(c) JICARILLA APACHE NATION CONTRACT.—

(1) CONTRACT AUTHORIZATION.—Consistent with this subtitle, the Secretary is authorized to enter into a repayment contract with the Jicarilla Apache Nation that requires the Jicarilla Apache Nation—

(A) to repay, within a 50-year period, the share of any construction cost of the Jicarilla Apache Nation relating to the Project, with interest as provided under section 10305; and

(B) consistent with section 10603(g), to pay the operation, maintenance, and replacement costs of the Project that are allocable to the Jicarilla Apache Nation.

(2) CONTRACT PREPAYMENT.—

(A) IN GENERAL.—The contract authorized under paragraph (1) may allow the Jicarilla Apache Nation to satisfy the repayment obligation of the Jicarilla Apache Nation for construction costs of the Project on the payment of the share of the Jicarilla Apache Nation prior to the initiation of construction.

(B) AMOUNT.—The amount of the share of Jicarilla Apache Nation described in subparagraph (A) shall be determined by agreement between the Secretary and the Jicarilla Apache Nation.

(C) REPAYMENT OBLIGATION.—Any repayment obligation established by the Secretary and the Jicarilla Apache Nation pursuant to subparagraph (A) shall be subject to a final cost allocation by the Secretary on project completion and to the limitations set forth in paragraph (3).

(3) SHARE OF CONSTRUCTION COSTS.—

Determination.

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall determine the share of the construction costs of the Project allocable to the Jicarilla Apache Nation and establish the percentage of the allocated construction costs of the Jicarilla Apache Nation that the Jicarilla Apache Nation shall be required to repay based on the ability of the Jicarilla Apache Nation to pay.

(B) MINIMUM PERCENTAGE.—Notwithstanding subparagraph (A), the repayment obligation of the Jicarilla Apache Nation shall be at least 25 percent of the construction costs of the Project that are allocable to the Jicarilla Apache Nation, but shall in no event exceed 35 percent.

(4) EXCESS CONSTRUCTION COSTS.—Any construction costs of the Project allocable to the Jicarilla Apache Nation in excess of the repayment obligation of the Jicarilla Apache Nation as determined under paragraph (3), shall be nonreimbursable.

(5) GRANT FUNDS.—A grant from any other Federal source shall not be credited toward the share of the Jicarilla Apache Nation of construction costs.

(6) NAVAJO INDIAN IRRIGATION PROJECT COSTS.—The Jicarilla Apache Nation shall have no obligation to repay any Navajo Indian Irrigation Project construction costs that might otherwise be allocable to the Jicarilla Apache Nation for use of the Navajo Indian Irrigation Project facilities to convey water to the Jicarilla Apache Nation, and any such costs shall be nonreimbursable.

(d) CAPITAL COST ALLOCATIONS.—

(1) IN GENERAL.—For purposes of estimating the capital repayment requirements of the Project Participants under this

section, the Secretary shall review and, as appropriate, update the Draft Impact Statement allocating capital construction costs for the Project.

(2) FINAL COST ALLOCATION.—The repayment contracts entered into with Project Participants under this section shall require that the Secretary perform a final cost allocation when construction of the Project is determined to be substantially complete.

(3) REPAYMENT OBLIGATION.—The Secretary shall determine the repayment obligation of the Project Participants based on the final cost allocation identifying reimbursable and nonreimbursable capital costs of the Project consistent with this subtitle. Determination.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT COST ALLOCATIONS.—For purposes of determining the operation, maintenance, and replacement obligations of the Project Participants under this section, the Secretary shall review and, as appropriate, update the Draft Impact Statement that allocates operation, maintenance, and replacement costs for the Project. Review.

(f) TEMPORARY WAIVERS OF PAYMENTS.—

(1) IN GENERAL.—On the date on which the Secretary declares a section of the Project to be substantially complete and delivery of water generated by and through that section of the Project can be made to the Nation, the Secretary may waive, for a period of not more than 10 years, the operation, maintenance, and replacement costs allocable to the Nation for that section of the Project that the Secretary determines are in excess of the ability of the Nation to pay.

(2) SUBSEQUENT PAYMENT BY NATION.—After a waiver under paragraph (1), the Nation shall pay all allocated operation, maintenance, and replacement costs of that section of the Project.

(3) PAYMENT BY UNITED STATES.—Any operation, maintenance, or replacement costs waived by the Secretary under paragraph (1) shall be paid by the United States and shall be nonreimbursable.

(4) EFFECT ON CONTRACTS.—Failure of the Secretary to waive costs under paragraph (1) because of a lack of availability of Federal funding to pay the costs under paragraph (3) shall not alter the obligations of the Nation or the United States under a repayment contract.

(5) TERMINATION OF AUTHORITY.—The authority of the Secretary to waive costs under paragraph (1) with respect to a Project facility transferred to the Nation under section 10602(f) shall terminate on the date on which the Project facility is transferred.

(g) PROJECT CONSTRUCTION COMMITTEE.—The Secretary shall facilitate the formation of a project construction committee with the Project Participants and the State of New Mexico— Establishment.

(1) to review cost factors and budgets for construction and operation and maintenance activities;

(2) to improve construction management through enhanced communication; and

(3) to seek additional ways to reduce overall Project costs.

SEC. 10605. NAVAJO NATION MUNICIPAL PIPELINE.

(a) USE OF NAVAJO NATION PIPELINE.—In addition to use of the Navajo Nation Municipal Pipeline to convey the Animas-La Plata Project water of the Nation, the Nation may use the Navajo Nation Municipal Pipeline to convey non-Animas La Plata Project water for municipal and industrial purposes.

(b) CONVEYANCE OF TITLE TO PIPELINE.—

(1) IN GENERAL.—On completion of the Navajo Nation Municipal Pipeline, the Secretary may enter into separate agreements with the City of Farmington, New Mexico and the Nation to convey title to each portion of the Navajo Nation Municipal Pipeline facility or section of the Pipeline to the City of Farmington and the Nation after execution of a Project operations agreement approved by the Secretary, the Nation, and the City of Farmington that sets forth any terms and conditions that the Secretary determines are necessary.

(2) CONVEYANCE TO THE CITY OF FARMINGTON OR NAVAJO NATION.—In conveying title to the Navajo Nation Municipal Pipeline under this subsection, the Secretary shall convey—

(A) to the City of Farmington, the facilities and any land or interest in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located within the corporate boundaries of the City; and

(B) to the Nation, the facilities and any land or interests in land acquired by the United States for the construction, operation, and maintenance of the Pipeline that are located outside the corporate boundaries of the City of Farmington.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Pipeline shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to the use of water associated with the Animas-La Plata Project.

(4) LIABILITY.—

Effective date.

(A) IN GENERAL.—Effective on the date of the conveyance authorized by this subsection, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land, buildings, or facilities conveyed under this subsection, other than damages caused by acts of negligence committed by the United States or by employees or agents of the United States prior to the date of conveyance.

(B) TORT CLAIMS.—Nothing in this subsection increases the liability of the United States beyond the liability provided under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

Deadline.

(5) NOTICE OF PROPOSED CONVEYANCE.—Not later than 45 days before the date of a proposed conveyance of title to the Pipeline, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, notice of the conveyance of the Pipeline.

SEC. 10606. AUTHORIZATION OF CONJUNCTIVE USE WELLS.

Deadline.

(a) CONJUNCTIVE GROUNDWATER DEVELOPMENT PLAN.—Not later than 1 year after the date of enactment of this Act, the

Nation, in consultation with the Secretary, shall complete a conjunctive groundwater development plan for the wells described in subsections (b) and (c).

(b) WELLS IN THE SAN JUAN RIVER BASIN.—In accordance with the conjunctive groundwater development plan, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of not more than 1,670 acre-feet of groundwater in the San Juan River Basin in the State of New Mexico for municipal and domestic uses.

(c) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—

(1) IN GENERAL.—In accordance with the Project and conjunctive groundwater development plan for the Nation, the Secretary may construct or rehabilitate wells and related pipeline facilities to provide capacity for the diversion and distribution of—

(A) not more than 680 acre-feet of groundwater in the Little Colorado River Basin in the State of New Mexico;

(B) not more than 80 acre-feet of groundwater in the Rio Grande Basin in the State of New Mexico; and

(C) not more than 770 acre-feet of groundwater in the Little Colorado River Basin in the State of Arizona.

(2) USE.—Groundwater diverted and distributed under paragraph (1) shall be used for municipal and domestic uses.

(d) ACQUISITION OF LAND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may acquire any land or interest in land that is necessary for the construction, operation, and maintenance of the wells and related pipeline facilities authorized under subsections (b) and (c).

(2) LIMITATION.—Nothing in this subsection authorizes the Secretary to condemn water rights for the purposes described in paragraph (1).

(e) CONDITION.—The Secretary shall not commence any construction activity relating to the wells described in subsections (b) and (c) until the Secretary executes the Agreement.

(f) CONVEYANCE OF WELLS.—

(1) IN GENERAL.—On the determination of the Secretary that the wells and related facilities are substantially complete and delivery of water generated by the wells can be made to the Nation, an agreement with the Nation shall be entered into, to convey to the Nation title to— Determination. Contracts.

(A) any well or related pipeline facility constructed or rehabilitated under subsections (a) and (b) after the wells and related facilities have been completed; and

(B) any land or interest in land acquired by the United States for the construction, operation, and maintenance of the well or related pipeline facility.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(A) IN GENERAL.—The Secretary is authorized to pay operation and maintenance costs for the wells and related pipeline facilities authorized under this subsection until title to the facilities is conveyed to the Nation. Payments.

(B) SUBSEQUENT ASSUMPTION BY NATION.—On completion of a conveyance of title under paragraph (1), the Nation shall assume all responsibility for the operation and maintenance of the well or related pipeline facility conveyed.

(3) EFFECT OF CONVEYANCE.—The conveyance of title to the Nation of the conjunctive use wells under paragraph (1) shall not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(g) USE OF PROJECT FACILITIES.—The capacities of the treatment facilities, main pipelines, and lateral pipelines of the Project authorized by section 10602(b) may be used to treat and convey groundwater to Nation communities if the Nation provides for payment of the operation, maintenance, and replacement costs associated with the use of the facilities or pipelines.

(h) LIMITATIONS.—The diversion and use of groundwater by wells constructed or rehabilitated under this section shall be made in a manner consistent with applicable Federal and State law.

SEC. 10607. SAN JUAN RIVER NAVAJO IRRIGATION PROJECTS.

(a) REHABILITATION.—Subject to subsection (b), the Secretary shall rehabilitate—

(1) the Fruitland-Cambridge Irrigation Project to serve not more than 3,335 acres of land, which shall be considered to be the total serviceable area of the project; and

(2) the Hogback-Cudei Irrigation Project to serve not more than 8,830 acres of land, which shall be considered to be the total serviceable area of the project.

(b) CONDITION.—The Secretary shall not commence any construction activity relating to the rehabilitation of the Fruitland-Cambridge Irrigation Project or the Hogback-Cudei Irrigation Project under subsection (a) until the Secretary executes the Agreement.

(c) OPERATION, MAINTENANCE, AND REPLACEMENT OBLIGATION.—The Nation shall continue to be responsible for the operation, maintenance, and replacement of each facility rehabilitated under this section.

SEC. 10608. OTHER IRRIGATION PROJECTS.

Deadline.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in consultation with the State of New Mexico (acting through the Interstate Stream Commission) and the Non-Navajo Irrigation Districts that elect to participate, shall—

Study.

(1) conduct a study of Non-Navajo Irrigation District diversion and ditch facilities; and

(2) based on the study, identify and prioritize a list of projects, with associated cost estimates, that are recommended to be implemented to repair, rehabilitate, or reconstruct irrigation diversion and ditch facilities to improve water use efficiency.

(b) GRANTS.—The Secretary may provide grants to, and enter into cooperative agreements with, the Non-Navajo Irrigation Districts to plan, design, or otherwise implement the projects identified under subsection (a)(2).

(c) COST-SHARING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of carrying out a project under subsection (b) shall be not more than 50 percent, and shall be nonreimbursable.

(2) FORM.—The non-Federal share required under paragraph (1) may be in the form of in-kind contributions, including

the contribution of any valuable asset or service that the Secretary determines would substantially contribute to a project carried out under subsection (b).

(3) STATE CONTRIBUTION.—The Secretary may accept from the State of New Mexico a partial or total contribution toward the non-Federal share for a project carried out under subsection (b).

SEC. 10609. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR NAVAJO-GALLUP WATER SUPPLY PROJECT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to plan, design, and construct the Project $870,000,000 for the period of fiscal years 2009 through 2024, to remain available until expended.

(2) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2007 in construction costs, as indicated by engineering cost indices applicable to the types of construction involved.

(3) USE.—In addition to the uses authorized under paragraph (1), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(4) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to operate and maintain the Project consistent with this subtitle.

(B) EXPIRATION.—The authorization under subparagraph (A) shall expire 10 years after the year the Secretary declares the Project to be substantially complete.

(b) APPROPRIATIONS FOR CONJUNCTIVE USE WELLS.—

(1) SAN JUAN WELLS.—There is authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(b) $30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019.

(2) WELLS IN THE LITTLE COLORADO AND RIO GRANDE BASINS.—There are authorized to be appropriated to the Secretary for the construction or rehabilitation and operation and maintenance of conjunctive use wells under section 10606(c) such sums as are necessary for the period of fiscal years 2009 through 2024.

(3) ADJUSTMENTS.—The amount under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since 2008 in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(4) NONREIMBURSABLE EXPENDITURES.—Amounts made available under paragraphs (1) and (2) shall be nonreimbursable to the United States.

(5) USE.—In addition to the uses authorized under paragraphs (1) and (2), amounts made available under that paragraph may be used for the conduct of related activities to comply with Federal environmental laws.

(6) LIMITATION.—Appropriations authorized under paragraph (1) shall not be used for operation or maintenance of

any conjunctive use wells at a time in excess of 3 years after the well is declared substantially complete.

(c) SAN JUAN RIVER IRRIGATION PROJECTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary—

(A) to carry out section 10607(a)(1), not more than $7,700,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2016, to remain available until expended; and

(B) to carry out section 10607(a)(2), not more than $15,400,000, as adjusted under paragraph (2), for the period of fiscal years 2009 through 2019, to remain available until expended.

(2) ADJUSTMENT.—The amounts made available under paragraph (1) shall be adjusted by such amounts as may be required by reason of changes since January 1, 2004, in construction costs, as indicated by engineering cost indices applicable to the types of construction involved in the rehabilitation.

(3) NONREIMBURSABLE EXPENDITURES.—Amounts made available under this subsection shall be nonreimbursable to the United States.

(d) OTHER IRRIGATION PROJECTS.—There are authorized to be appropriated to the Secretary to carry out section 10608 $11,000,000 for the period of fiscal years 2009 through 2019.

(e) CULTURAL RESOURCES.—

(1) IN GENERAL.—The Secretary may use not more than 2 percent of amounts made available under subsections (a), (b), and (c) for the survey, recovery, protection, preservation, and display of archaeological resources in the area of a Project facility or conjunctive use well.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts made available under paragraph (1) shall be nonreimbursable.

(f) FISH AND WILDLIFE FACILITIES.—

(1) IN GENERAL.—In association with the development of the Project, the Secretary may use not more than 4 percent of amounts made available under subsections (a), (b), and (c) to purchase land and construct and maintain facilities to mitigate the loss of, and improve conditions for the propagation of, fish and wildlife if any such purchase, construction, or maintenance will not affect the operation of any water project or use of water.

(2) NONREIMBURSABLE EXPENDITURES.—Any amounts expended under paragraph (1) shall be nonreimbursable.

PART IV—NAVAJO NATION WATER RIGHTS

43 USC 620 note.

SEC. 10701. AGREEMENT.

(a) AGREEMENT APPROVAL.—

(1) APPROVAL BY CONGRESS.—Except to the extent that any provision of the Agreement conflicts with this subtitle, Congress approves, ratifies, and confirms the Agreement (including any amendments to the Agreement that are executed to make the Agreement consistent with this subtitle).

(2) EXECUTION BY SECRETARY.—The Secretary shall enter into the Agreement to the extent that the Agreement does not conflict with this subtitle, including—

(A) any exhibits to the Agreement requiring the signature of the Secretary; and

(B) any amendments to the Agreement necessary to make the Agreement consistent with this subtitle.

(3) AUTHORITY OF SECRETARY.—The Secretary may carry out any action that the Secretary determines is necessary or appropriate to implement the Agreement, the Contract, and this section.

(4) ADMINISTRATION OF NAVAJO RESERVOIR RELEASES.—The State of New Mexico may administer water that has been released from storage in Navajo Reservoir in accordance with subparagraph 9.1 of the Agreement.

(b) WATER AVAILABLE UNDER CONTRACT.—

(1) QUANTITIES OF WATER AVAILABLE.—

(A) IN GENERAL.—Water shall be made available annually under the Contract for projects in the State of New Mexico supplied from the Navajo Reservoir and the San Juan River (including tributaries of the River) under New Mexico State Engineer File Numbers 2849, 2883, and 3215 in the quantities described in subparagraph (B).

(B) WATER QUANTITIES.—The quantities of water referred to in subparagraph (A) are as follows:

	Diversion (acre-feet/year)	Depletion (acre-feet/year)
Navajo Indian Irrigation Project	508,000	270,000
Navajo-Gallup Water Supply Project	22,650	20,780
Animas-La Plata Project	4,680	2,340
Total	535,330	293,120

(C) MAXIMUM QUANTITY.—A diversion of water to the Nation under the Contract for a project described in subparagraph (B) shall not exceed the quantity of water necessary to supply the amount of depletion for the project.

(D) TERMS, CONDITIONS, AND LIMITATIONS.—The diversion and use of water under the Contract shall be subject to and consistent with the terms, conditions, and limitations of the Agreement, this subtitle, and any other applicable law.

(2) AMENDMENTS TO CONTRACT.—The Secretary, with the consent of the Nation, may amend the Contract if the Secretary determines that the amendment is—

(A) consistent with the Agreement; and

(B) in the interest of conserving water or facilitating beneficial use by the Nation or a subcontractor of the Nation.

(3) RIGHTS OF THE NATION.—The Nation may, under the Contract—

(A) use tail water, wastewater, and return flows attributable to a use of the water by the Nation or a subcontractor of the Nation if—

(i) the depletion of water does not exceed the quantities described in paragraph (1); and

(ii) the use of tail water, wastewater, or return flows is consistent with the terms, conditions, and limitations of the Agreement, and any other applicable law; and

Arizona.

(B) change a point of diversion, change a purpose or place of use, and transfer a right for depletion under this subtitle (except for a point of diversion, purpose or place of use, or right for depletion for use in the State of Arizona under section 10603(b)(2)(D)), to another use, purpose, place, or depletion in the State of New Mexico to meet a water resource or economic need of the Nation if—

(i) the change or transfer is subject to and consistent with the terms of the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Contract, and any other applicable law; and

(ii) a change or transfer of water use by the Nation does not alter any obligation of the United States, the Nation, or another party to pay or repay project construction, operation, maintenance, or replacement costs under this subtitle and the Contract.

(c) SUBCONTRACTS.—

(1) IN GENERAL.—

(A) SUBCONTRACTS BETWEEN NATION AND THIRD PARTIES.—The Nation may enter into subcontracts for the delivery of Project water under the Contract to third parties for any beneficial use in the State of New Mexico (on or off land held by the United States in trust for the Nation or a member of the Nation or land held in fee by the Nation).

(B) APPROVAL REQUIRED.—A subcontract entered into under subparagraph (A) shall not be effective until approved by the Secretary in accordance with this subsection and the Contract.

(C) SUBMITTAL.—The Nation shall submit to the Secretary for approval or disapproval any subcontract entered into under this subsection.

(D) DEADLINE.—The Secretary shall approve or disapprove a subcontract submitted to the Secretary under subparagraph (C) not later than the later of—

(i) the date that is 180 days after the date on which the subcontract is submitted to the Secretary; and

(ii) the date that is 60 days after the date on which a subcontractor complies with—

(I) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(II) any other requirement of Federal law.

(E) ENFORCEMENT.—A party to a subcontract may enforce the deadline described in subparagraph (D) under section 1361 of title 28, United States Code.

(F) COMPLIANCE WITH OTHER LAW.—A subcontract described in subparagraph (A) shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, and any other applicable law.

(G) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(2) ALIENATION.—

(A) PERMANENT ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Contract.

(B) MAXIMUM TERM.—The term of any water use subcontract (including a renewal) under this subsection shall be not more than 99 years.

(3) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the subcontracting rights of the Nation; and

(B) is deemed to fulfill any requirement that may be imposed by section 2116 of the Revised Statutes (25 U.S.C. 177).

(4) FORFEITURE.—The nonuse of the water supply secured by a subcontractor of the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(5) NO PER CAPITA PAYMENTS.—No part of the revenue from a water use subcontract under this subsection shall be distributed to any member of the Nation on a per capita basis.

(d) WATER LEASES NOT REQUIRING SUBCONTRACTS.—

(1) AUTHORITY OF NATION.—

(A) IN GENERAL.—The Nation may lease, contract, or otherwise transfer to another party or to another purpose or place of use in the State of New Mexico (on or off land that is held by the United States in trust for the Nation or a member of the Nation or held in fee by the Nation) a water right that—

(i) is decreed to the Nation under the Agreement; and

(ii) is not subject to the Contract.

(B) COMPLIANCE WITH OTHER LAW.—In carrying out an action under this subsection, the Nation shall comply with the Agreement, the Partial Final Decree described in paragraph 3.0 of the Agreement, the Supplemental Partial Final Decree described in paragraph 4.0 of the Agreement, and any other applicable law.

(2) ALIENATION; MAXIMUM TERM.—

(A) ALIENATION.—The Nation shall not permanently alienate any right granted to the Nation under the Agreement.

(B) MAXIMUM TERM.—The term of any water use lease, contract, or other arrangement (including a renewal) under this subsection shall be not more than 99 years.

(3) NO LIABILITY.—The Secretary shall not be liable to any party, including the Nation, for any term of, or any loss

or other detriment resulting from, a lease, contract, or other agreement entered into pursuant to this subsection.

(4) NONINTERCOURSE ACT COMPLIANCE.—This subsection—

(A) provides congressional authorization for the lease, contracting, and transfer of any water right described in paragraph (1)(A); and

(B) is deemed to fulfill any requirement that may be imposed by the provisions of section 2116 of the Revised Statutes (25 U.S.C. 177).

(5) FORFEITURE.—The nonuse of a water right of the Nation by a lessee or contractor to the Nation under this subsection shall not result in forfeiture, abandonment, relinquishment, or other loss of any part of a right decreed to the Nation under the Contract or this section.

(e) NULLIFICATION.—

(1) DEADLINES.—

Applicability.

(A) IN GENERAL.—In carrying out this section, the following deadlines apply with respect to implementation of the Agreement:

(i) AGREEMENT.—Not later than December 31, 2010, the Secretary shall execute the Agreement.

(ii) CONTRACT.—Not later than December 31, 2010, the Secretary and the Nation shall execute the Contract.

(iii) PARTIAL FINAL DECREE.—Not later than December 31, 2013, the court in the stream adjudication shall have entered the Partial Final Decree described in paragraph 3.0 of the Agreement.

(iv) FRUITLAND-CAMBRIDGE IRRIGATION PROJECT.—Not later than December 31, 2016, the rehabilitation construction of the Fruitland-Cambridge Irrigation Project authorized under section 10607(a)(1) shall be completed.

(v) SUPPLEMENTAL PARTIAL FINAL DECREE.—Not later than December 31, 2016, the court in the stream adjudication shall enter the Supplemental Partial Final Decree described in subparagraph 4.0 of the Agreement.

(vi) HOGBACK-CUDEI IRRIGATION PROJECT.—Not later than December 31, 2019, the rehabilitation construction of the Hogback-Cudei Irrigation Project authorized under section 10607(a)(2) shall be completed.

(vii) TRUST FUND.—Not later than December 31, 2019, the United States shall make all deposits into the Trust Fund under section 10702.

(viii) CONJUNCTIVE WELLS.—Not later than December 31, 2019, the funds authorized to be appropriated under section 10609(b)(1) for the conjunctive use wells authorized under section 10606(b) should be appropriated.

(ix) NAVAJO-GALLUP WATER SUPPLY PROJECT.—Not later than December 31, 2024, the construction of all Project facilities shall be completed.

(B) EXTENSION.—A deadline described in subparagraph (A) may be extended if the Nation, the United States (acting through the Secretary), and the State of New Mexico (acting

through the New Mexico Interstate Stream Commission) agree that an extension is reasonably necessary.

(2) REVOCABILITY OF AGREEMENT, CONTRACT AND AUTHORIZATIONS.—

(A) PETITION.—If the Nation determines that a deadline described in paragraph (1)(A) is not substantially met, the Nation may submit to the court in the stream adjudication a petition to enter an order terminating the Agreement and Contract.

(B) TERMINATION.—On issuance of an order to terminate the Agreement and Contract under subparagraph (A)—

(i) the Trust Fund shall be terminated;

(ii) the balance of the Trust Fund shall be deposited in the general fund of the Treasury;

(iii) the authorizations for construction and rehabilitation of water projects under this subtitle shall be revoked and any Federal activity related to that construction and rehabilitation shall be suspended; and

(iv) this part and parts I and III shall be null and void.

(3) CONDITIONS NOT CAUSING NULLIFICATION OF SETTLEMENT.—

(A) IN GENERAL.—If a condition described in subparagraph (B) occurs, the Agreement and Contract shall not be nullified or terminated.

(B) CONDITIONS.—The conditions referred to in subparagraph (A) are as follows:

(i) A lack of right to divert at the capacities of conjunctive use wells constructed or rehabilitated under section 10606.

(ii) A failure—

(I) to determine or resolve an accounting of the use of water under this subtitle in the State of Arizona;

(II) to obtain a necessary water right for the consumptive use of water in Arizona;

(III) to contract for the delivery of water for use in Arizona; or

(IV) to construct and operate a lateral facility to deliver water to a community of the Nation in Arizona, under the Project.

(f) EFFECT ON RIGHTS OF INDIAN TRIBES.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in the Agreement, the Contract, or this section quantifies or adversely affects the land and water rights, or claims or entitlements to water, of any Indian tribe or community other than the rights, claims, or entitlements of the Nation in, to, and from the San Juan River Basin in the State of New Mexico.

(2) EXCEPTION.—The right of the Nation to use water under water rights the Nation has in other river basins in the State of New Mexico shall be forborne to the extent that the Nation supplies the uses for which the water rights exist by diversions of water from the San Juan River Basin under the Project consistent with subparagraph 9.13 of the Agreement.

SEC. 10702. TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the "Navajo Nation Water Resources Development Trust Fund", consisting of—

(1) such amounts as are appropriated to the Trust Fund under subsection (f); and

(2) any interest earned on investment of amounts in the Trust Fund under subsection (d).

(b) USE OF FUNDS.—The Nation may use amounts in the Trust Fund—

(1) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

(2) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

(c) MANAGEMENT.—The Secretary shall manage the Trust Fund, invest amounts in the Trust Fund pursuant to subsection (d), and make amounts available from the Trust Fund for distribution to the Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

Effective date.

(d) INVESTMENT OF THE TRUST FUND.—Beginning on October 1, 2019, the Secretary shall invest amounts in the Trust Fund in accordance with—

(1) the Act of April 1, 1880 (25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(e) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—Subject to paragraph (7), on approval by the Secretary of a tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation may withdraw all or a portion of the amounts in the Trust Fund.

(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Nation only use amounts in the Trust Fund for the purposes described in subsection (b), including the identification of water conservation measures to be implemented in association with the agricultural water use of the Nation.

(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Trust Fund are used in accordance with this subtitle.

(3) NO LIABILITY.—Neither the Secretary nor the Secretary of the Treasury shall be liable for the expenditure or investment of any amounts withdrawn from the Trust Fund by the Nation.

(4) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Trust Fund made available under this section that the Nation does not withdraw under this subsection.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, funds of the Nation remaining in the Trust Fund will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

(5) ANNUAL REPORT.—The Nation shall submit to the Secretary an annual report that describes any expenditures from the Trust Fund during the year covered by the report.

(6) LIMITATION.—No portion of the amounts in the Trust Fund shall be distributed to any Nation member on a per capita basis.

(7) CONDITIONS.—Any amount authorized to be appropriated to the Trust Fund under subsection (f) shall not be available for expenditure or withdrawal—

(A) before December 31, 2019; and

(B) until the date on which the court in the stream adjudication has entered—

(i) the Partial Final Decree; and

(ii) the Supplemental Partial Final Decree.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for deposit in the Trust Fund—

(1) $6,000,000 for each of fiscal years 2010 through 2014; and

(2) $4,000,000 for each of fiscal years 2015 through 2019.

SEC. 10703. WAIVERS AND Rreleases.

(a) CLAIMS BY THE NATION AND THE UNITED STATES.—In return for recognition of the Nation's water rights and other benefits, including but not limited to the commitments by other parties, as set forth in the Agreement and this subtitle, the Nation, on behalf of itself and members of the Nation (other than members in the capacity of the members as allottees), and the United States acting in its capacity as trustee for the Nation, shall execute a waiver and release of—

(1) all claims for water rights in, or for waters of, the San Juan River Basin in the State of New Mexico that the Nation, or the United States as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication, up to and including the effective date described in subsection (e), except to the extent that such rights are recognized in the Agreement or this subtitle;

(2) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion, or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the San Juan River Basin in the State of New Mexico that accrued at any time up to and including the effective date described in subsection (e);

(3) all claims of any damage, loss, or injury or for injunctive or other relief because of the condition of or changes in water quality related to, or arising out of, the exercise of water rights; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Agreement.

(b) CLAIMS BY THE NATION AGAINST THE UNITED STATES.—The Nation, on behalf of itself and its members (other than in the capacity of the members as allottees), shall execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or waters of the San Juan River Basin in the State of New Mexico that the United States, acting in its capacity as trustee for the Nation, asserted, or could have asserted, in any proceeding, including but not limited to the stream adjudication;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights; claims relating to inference with, diversion, or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water or water rights) in the San Juan River Basin in the State of New Mexico that first accrued at any time up to and including the effective date described in subsection (e);

(3) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Nation's water rights in the stream adjudication; and

(4) all claims against the United States, its agencies, or employees relating to the negotiation, execution, or the adoption of the Agreement, the decrees, the Contract, or this subtitle.

(c) RESERVATION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Nation on behalf of itself and its members (including members in the capacity of the members as allottees) and the United States acting in its capacity as trustee for the Nation and allottees, retain—

(1) all claims for water rights or injuries to water rights arising out of activities occurring outside the San Juan River Basin in the State of New Mexico, subject to paragraphs 8.0, 9.3, 9.12, 9.13, and 13.9 of the Agreement;

(2) all claims for enforcement of the Agreement, the Contract, the Partial Final Decree, the Supplemental Partial Final Decree, or this subtitle, through any legal and equitable remedies available in any court of competent jurisdiction;

(3) all rights to use and protect water rights acquired pursuant to State law after the date of enactment of this Act;

(4) all claims relating to activities affecting the quality of water not related to the exercise of water rights, including but not limited to any claims the Nation might have under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(5) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released under the terms of the Agreement or this subtitle.

(d) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of— Time period.

(A) March 1, 2025; or

(B) the effective date described in subsection (e).

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The waivers and releases described in subsections (a) and (b) shall be effective on the date on which the Secretary publishes in the Federal Register a statement of findings documenting that each of the deadlines described in section 10701(e)(1) have been met. Federal Register, publication.

(2) DEADLINE.—If the deadlines described in section 10701(e)(1)(A) have not been met by the later of March 1, 2025, or the date of any extension under section 10701(e)(1)(B)—

(A) the waivers and releases described in subsections (a) and (b) shall be of no effect; and

(B) section 10701(e)(2)(B) shall apply. Applicability.

SEC. 10704. WATER RIGHTS HELD IN TRUST.

A tribal water right adjudicated and described in paragraph 3.0 of the Partial Final Decree and in paragraph 3.0 of the Supplemental Partial Final Decree shall be held in trust by the United States on behalf of the Nation.

Subtitle C—Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement

Nevada.

SEC. 10801. FINDINGS.

Congress finds that—

(1) it is the policy of the United States, in accordance with the trust responsibility of the United States to Indian tribes, to promote Indian self-determination and economic self-sufficiency and to settle Indian water rights claims without lengthy and costly litigation, if practicable;

(2) quantifying rights to water and development of facilities needed to use tribal water supplies is essential to the development of viable Indian reservation economies and the establishment of a permanent reservation homeland;

(3) uncertainty concerning the extent of the Shoshone-Paiute Tribes' water rights has resulted in limited access to water and inadequate financial resources necessary to achieve self-determination and self-sufficiency;

(4) in 2006, the Tribes, the State of Idaho, the affected individual water users, and the United States resolved all tribal claims to water rights in the Snake River Basin Adjudication through a consent decree entered by the District Court of the Fifth Judicial District of the State of Idaho, requiring no further Federal action to quantify the Tribes' water rights in the State of Idaho;

(5) as of the date of enactment of this Act, proceedings to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada are pending before the Nevada State Engineer;

(6) final resolution of the Tribes' water claims in the East Fork of the Owyhee River adjudication will—

(A) take many years;

(B) entail great expense;

(C) continue to limit the access of the Tribes to water, with economic and social consequences;

(D) prolong uncertainty relating to the availability of water supplies; and

(E) seriously impair long-term economic planning and development for all parties to the litigation;

(7) after many years of negotiation, the Tribes, the State, and the upstream water users have entered into a settlement agreement to resolve permanently all water rights of the Tribes in the State; and

(8) the Tribes also seek to resolve certain water-related claims for damages against the United States.

SEC. 10802. PURPOSES.

The purposes of this subtitle are—

(1) to resolve outstanding issues with respect to the East Fork of the Owyhee River in the State in such a manner as to provide important benefits to—

(A) the United States;

(B) the State;

(C) the Tribes; and

(D) the upstream water users;

(2) to achieve a fair, equitable, and final settlement of all claims of the Tribes, members of the Tribes, and the United States on behalf of the Tribes and members of Tribes to the waters of the East Fork of the Owyhee River in the State;

(3) to ratify and provide for the enforcement of the Agreement among the parties to the litigation;

(4) to resolve the Tribes' water-related claims for damages against the United States;

(5) to require the Secretary to perform all obligations of the Secretary under the Agreement and this subtitle; and

(6) to authorize the actions and appropriations necessary to meet the obligations of the United States under the Agreement and this subtitle.

SEC. 10803. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term "Agreement" means the agreement entitled the "Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Reservation and the Upstream Water Users, East Fork Owyhee River" and signed in counterpart between, on, or about September 22, 2006, and January 15, 2007 (including all attachments to that Agreement).

(2) DEVELOPMENT FUND.—The term "Development Fund" means the Shoshone-Paiute Tribes Water Rights Development Fund established by section 10807(b)(1).

(3) EAST FORK OF THE OWYHEE RIVER.—The term "East Fork of the Owyhee River" means the portion of the east fork of the Owyhee River that is located in the State.

(4) MAINTENANCE FUND.—The term "Maintenance Fund" means the Shoshone-Paiute Tribes Operation and Maintenance Fund established by section 10807(c)(1).

(5) RESERVATION.—The term "Reservation" means the Duck Valley Reservation established by the Executive order dated April 16, 1877, as adjusted pursuant to the Executive order dated May 4, 1886, and Executive order numbered 1222 and dated July 1, 1910, for use and occupation by the Western Shoshones and the Paddy Cap Band of Paiutes.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) STATE.—The term "State" means the State of Nevada.

(8) TRIBAL WATER RIGHTS.—The term "tribal water rights" means rights of the Tribes described in the Agreement relating to water, including groundwater, storage water, and surface water.

(9) TRIBES.—The term "Tribes" means the Shoshone-Paiute Tribes of the Duck Valley Reservation.

(10) UPSTREAM WATER USER.—The term "upstream water user" means a non-Federal water user that—

(A) is located upstream from the Reservation on the East Fork of the Owyhee River; and

(B) is a signatory to the Agreement as a party to the East Fork of the Owyhee River adjudication.

SEC. 10804. APPROVAL, RATIFICATION, AND CONFIRMATION OF AGREEMENT; AUTHORIZATION.

(a) IN GENERAL.—Except as provided in subsection (c) and except to the extent that the Agreement otherwise conflicts with provisions of this subtitle, the Agreement is approved, ratified, and confirmed.

(b) SECRETARIAL AUTHORIZATION.—The Secretary is authorized and directed to execute the Agreement as approved by Congress.

(c) EXCEPTION FOR TRIBAL WATER MARKETING.—Notwithstanding any language in the Agreement to the contrary, nothing in this subtitle authorizes the Tribes to use or authorize others to use tribal water rights off the Reservation, other than use for storage at Wild Horse Reservoir for use on tribal land and for

the allocation of 265 acre feet to upstream water users under the Agreement, or use on tribal land off the Reservation.

(d) ENVIRONMENTAL COMPLIANCE.—Execution of the Agreement by the Secretary under this section shall not constitute major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary shall carry out all environmental compliance required by Federal law in implementing the Agreement.

(e) PERFORMANCE OF OBLIGATIONS.—The Secretary and any other head of a Federal agency obligated under the Agreement shall perform actions necessary to carry out an obligation under the Agreement in accordance with this subtitle.

SEC. 10805. TRIBAL WATER RIGHTS.

(a) IN GENERAL.—Tribal water rights shall be held in trust by the United States for the benefit of the Tribes.

(b) ADMINISTRATION.—

Deadline.

(1) ENACTMENT OF WATER CODE.—Not later than 3 years after the date of enactment of this Act, the Tribes, in accordance with provisions of the Tribes' constitution and subject to the approval of the Secretary, shall enact a water code to administer tribal water rights.

Regulations. Time period.

(2) INTERIM ADMINISTRATION.—The Secretary shall regulate the tribal water rights during the period beginning on the date of enactment of this Act and ending on the date on which the Tribes enact a water code under paragraph (1).

(c) TRIBAL WATER RIGHTS NOT SUBJECT TO LOSS.—The tribal water rights shall not be subject to loss by abandonment, forfeiture, or nonuse.

SEC. 10806. DUCK VALLEY INDIAN IRRIGATION PROJECT.

(a) STATUS OF THE DUCK VALLEY INDIAN IRRIGATION PROJECT.—Nothing in this subtitle shall affect the status of the Duck Valley Indian Irrigation Project under Federal law.

(b) CAPITAL COSTS NONREIMBURSABLE.—The capital costs associated with the Duck Valley Indian Irrigation Project as of the date of enactment of this Act, including any capital cost incurred with funds distributed under this subtitle for the Duck Valley Indian Irrigation Project, shall be nonreimbursable.

SEC. 10807. DEVELOPMENT AND MAINTENANCE FUNDS.

(a) DEFINITION OF FUNDS.—In this section, the term "Funds" means—

(1) the Development Fund; and

(2) the Maintenance Fund.

(b) DEVELOPMENT FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Water Rights Development Fund".

(2) USE OF FUNDS.—

(A) PRIORITY USE OF FUNDS FOR REHABILITATION.—The Tribes shall use amounts in the Development Fund to—

(i) rehabilitate the Duck Valley Indian Irrigation Project; or

Notification.

(ii) for other purposes under subparagraph (B), provided that the Tribes have given written notification to the Secretary that—

(I) the Duck Valley Indian Irrigation Project has been rehabilitated to an acceptable condition; or

(II) sufficient funds will remain available from the Development Fund to rehabilitate the Duck Valley Indian Irrigation Project to an acceptable condition after expending funds for other purposes under subparagraph (B).

(B) OTHER USES OF FUNDS.—Once the Tribes have provided written notification as provided in subparagraph (A)(ii)(I) or (A)(ii)(II), the Tribes may use amounts from the Development Fund for any of the following purposes:

(i) To expand the Duck Valley Indian Irrigation Project.

(ii) To pay or reimburse costs incurred by the Tribes in acquiring land and water rights.

(iii) For purposes of cultural preservation.

(iv) To restore or improve fish or wildlife habitat.

(v) For fish or wildlife production, water resource development, or agricultural development.

(vi) For water resource planning and development.

(vii) To pay the costs of—

(I) designing and constructing water supply and sewer systems for tribal communities, including a water quality testing laboratory;

(II) other appropriate water-related projects and other related economic development projects;

(III) the development of a water code; and

(IV) other costs of implementing the Agreement.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Development Fund $9,000,000 for each of fiscal years 2010 through 2014.

(c) MAINTENANCE FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Shoshone-Paiute Tribes Operation and Maintenance Fund".

(2) USE OF FUNDS.—The Tribes shall use amounts in the Maintenance Fund to pay or provide reimbursement for—

(A) operation, maintenance, and replacement costs of the Duck Valley Indian Irrigation Project and other water-related projects funded under this subtitle; or

(B) operation, maintenance, and replacement costs of water supply and sewer systems for tribal communities, including the operation and maintenance costs of a water quality testing laboratory.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for deposit in the Maintenance Fund $3,000,000 for each of fiscal years 2010 through 2014.

(d) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts made available under subsections (b)(3) and (c)(3) shall be available for expenditure or withdrawal only after the effective date described in section 10808(d).

(e) ADMINISTRATION OF FUNDS.—Upon completion of the actions described in section 10808(d), the Secretary, in accordance with

the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall manage the Funds, including by investing amounts from the Funds in accordance with the Act of April 1, 1880 (25 U.S.C. 161), and the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(f) EXPENDITURES AND WITHDRAWAL.—

(1) TRIBAL MANAGEMENT PLAN.—

(A) IN GENERAL.—The Tribes may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that the Tribes spend any amounts withdrawn from the Funds in accordance with the purposes described in subsection (b)(2) or (c)(2).

(C) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this subtitle and the Agreement.

(D) LIABILITY.—If the Tribes exercise the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(2) EXPENDITURE PLAN.—

(A) IN GENERAL.—The Tribes shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribes do not withdraw under the tribal management plan.

(B) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribes remaining in the Funds will be used.

(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle and the Agreement.

(D) ANNUAL REPORT.—For each Fund, the Tribes shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(3) FUNDING AGREEMENT.—Notwithstanding any other provision of this subtitle, on receipt of a request from the Tribes, the Secretary shall include an amount from funds made available under this section in the funding agreement of the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), for use in accordance with subsections (b)(2) and (c)(2). No amount made available under this subtitle may be requested until the waivers under section 10808(a) take effect.

(g) NO PER CAPITA PAYMENTS.—No amount from the Funds (including any interest income that would have accrued to the Funds after the effective date) shall be distributed to a member of the Tribes on a per capita basis.

SEC. 10808. TRIBAL WAIVER AND RELEASE OF CLAIMS.

(a) WAIVER AND RELEASE OF CLAIMS BY TRIBES AND UNITED STATES ACTING AS TRUSTEE FOR TRIBES.—In return for recognition of the Tribes' water rights and other benefits as set forth in the Agreement and this subtitle, the Tribes, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Tribes are authorized to execute a waiver and release of—

(1) all claims for water rights in the State of Nevada that the Tribes, or the United States acting in its capacity as trustee for the Tribes, asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, up to and including the effective date, except to the extent that such rights are recognized in the Agreement or this subtitle; and

(2) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the State of Nevada that accrued at any time up to and including the effective date.

(b) WAIVER AND RELEASE OF CLAIMS BY TRIBES AGAINST UNITED STATES.—The Tribes, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating in any manner to claims for water rights in or water of the States of Nevada and Idaho that the United States acting in its capacity as trustee for the Tribes asserted, or could have asserted, in any proceeding, including pending proceedings before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada, and the Snake River Basin Adjudication in Idaho;

(2) all claims against the United States, its agencies, or employees relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses or injuries to fishing and other similar rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the States of Nevada and Idaho that first accrued at any time up to and including the effective date;

(3) all claims against the United States, its agencies, or employees relating to the operation, maintenance, or rehabilitation of the Duck Valley Indian Irrigation Project that first accrued at any time up to and including the date upon which the Tribes notify the Secretary as provided in section 10807(b)(2)(A)(ii)(I) that the rehabilitation of the Duck Valley Indian Irrigation Project under this subtitle to an acceptable level has been accomplished;

(4) all claims against the United States, its agencies, or employees relating in any manner to the litigation of claims relating to the Tribes' water rights in pending proceedings

before the Nevada State Engineer to determine the extent and nature of the water rights of the Tribes in the East Fork of the Owyhee River in Nevada or the Snake River Basin Adjudication in Idaho; and

(5) all claims against the United States, its agencies, or employees relating in any manner to the negotiation, execution, or adoption of the Agreement, exhibits thereto, the decree referred to in subsection (d)(2), or this subtitle.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this subtitle, the Tribes on their own behalf and the United States acting in its capacity as trustee for the Tribes retain—

(1) all claims for enforcement of the Agreement, the decree referred to in subsection (d)(2), or this subtitle, through such legal and equitable remedies as may be available in the decree court or the appropriate Federal court;

(2) all rights to acquire a water right in a State to the same extent as any other entity in the State, in accordance with State law, and to use and protect water rights acquired after the date of enactment of this Act;

(3) all claims relating to activities affecting the quality of water including any claims the Tribes might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts; and

(4) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this subtitle.

Federal Register, publication.

(d) EFFECTIVE DATE.—Notwithstanding anything in the Agreement to the contrary, the waivers by the Tribes, or the United States on behalf of the Tribes, under this section shall take effect on the date on which the Secretary publishes in the Federal Register a statement of findings that includes a finding that—

(1) the Agreement and the waivers and releases authorized and set forth in subsections (a) and (b) have been executed by the parties and the Secretary;

(2) the Fourth Judicial District Court, Elko County, Nevada, has issued a judgment and decree consistent with the Agreement from which no further appeal can be taken; and

(3) the amounts authorized under subsections (b)(3) and (c)(3) of section 10807 have been appropriated.

Deadline.

(e) FAILURE TO PUBLISH STATEMENT OF FINDINGS.—If the Secretary does not publish a statement of findings under subsection (d) by March 31, 2016—

(1) the Agreement and this subtitle shall not take effect; and

Reversion.

(2) any funds that have been appropriated under this subtitle shall immediately revert to the general fund of the United States Treasury.

(f) TOLLING OF CLAIMS.—

Time period.

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the date on which

the amounts authorized to be appropriated under subsections (b)(3) and (c)(3) of section 10807 are appropriated.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subparagraph revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

SEC. 10809. MISCELLANEOUS.

(a) GENERAL DISCLAIMER.—The parties to the Agreement expressly reserve all rights not specifically granted, recognized, or relinquished by—

(1) the settlement described in the Agreement; or

(2) this subtitle.

(b) LIMITATION OF CLAIMS AND RIGHTS.—Nothing in this subtitle—

(1) establishes a standard for quantifying—

(A) a Federal reserved water right;

(B) an aboriginal claim; or

(C) any other water right claim of an Indian tribe in a judicial or administrative proceeding;

(2) affects the ability of the United States, acting in its sovereign capacity, to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) (commonly known as the "Resource Conservation and Recovery Act of 1976"), and the regulations implementing those Acts;

(3) affects the ability of the United States to take actions, acting in its capacity as trustee for any other Tribe, Pueblo, or allottee;

(4) waives any claim of a member of the Tribes in an individual capacity that does not derive from a right of the Tribes; or

(5) limits the right of a party to the Agreement to litigate any issue not resolved by the Agreement or this subtitle.

(c) ADMISSION AGAINST INTEREST.—Nothing in this subtitle constitutes an admission against interest by a party in any legal proceeding.

(d) RESERVATION.—The Reservation shall be—

(1) considered to be the property of the Tribes; and

(2) permanently held in trust by the United States for the sole use and benefit of the Tribes.

(e) JURISDICTION.—

(1) SUBJECT MATTER JURISDICTION.—Nothing in the Agreement or this subtitle restricts, enlarges, or otherwise determines the subject matter jurisdiction of any Federal, State, or tribal court.

(2) CIVIL OR REGULATORY JURISDICTION.—Nothing in the Agreement or this subtitle impairs or impedes the exercise of any civil or regulatory authority of the United States, the State, or the Tribes.

(3) CONSENT TO JURISDICTION.—The United States consents to jurisdiction in a proper forum for purposes of enforcing the provisions of the Agreement.

(4) EFFECT OF SUBSECTION.—Nothing in this subsection confers jurisdiction on any State court to—

(A) interpret Federal law regarding the health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of a Federal agency action.

TITLE XI—UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 11001. REAUTHORIZATION OF THE NATIONAL GEOLOGIC MAPPING ACT OF 1992.

(a) FINDINGS.—Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) although significant progress has been made in the production of geologic maps since the establishment of the national cooperative geologic mapping program in 1992, no modern, digital, geologic map exists for approximately 75 percent of the United States;"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting "homeland and" after "planning for";

(B) in subparagraph (E), by striking "predicting" and inserting "identifying";

(C) in subparagraph (I), by striking "and" after the semicolon at the end;

(D) by redesignating subparagraph (J) as subparagraph (K); and

(E) by inserting after subparagraph (I) the following:

"(J) recreation and public awareness; and"; and

(3) in paragraph (9), by striking "important" and inserting "available".

(b) PURPOSE.—Section 2(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(b)) is amended by inserting "and management" before the period at the end.

(c) DEADLINES FOR ACTIONS BY THE UNITED STATES GEOLOGICAL SURVEY.—Section 4(b)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(b)(1)) is amended in the second sentence—

(1) in subparagraph (A), by striking "not later than" and all that follows through the semicolon and inserting "not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009;";

(2) in subparagraph (B), by striking "not later than" and all that follows through "in accordance" and inserting "not later than 1 year after the date of enactment of the Omnibus Public Land Management Act of 2009 in accordance"; and

(3) in the matter preceding clause (i) of subparagraph (C), by striking "not later than" and all that follows through "submit" and inserting "submit biennially".

(d) GEOLOGIC MAPPING PROGRAM OBJECTIVES.—Section 4(c)(2) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(c)(2)) is amended—

(1) by striking "geophysical-map data base, geochemical-map data base, and a"; and

(2) by striking "provide" and inserting "provides".

(e) GEOLOGIC MAPPING PROGRAM COMPONENTS.—Section 4(d)(1)(B)(ii) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c(d)(1)(B)(ii)) is amended—

(1) in subclause (I), by striking "and" after the semicolon at the end;

(2) in subclause (II), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(III) the needs of land management agencies of the Department of the Interior.".

(f) GEOLOGIC MAPPING ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—Section 5(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)) is amended—

(A) in paragraph (2)—

(i) by inserting "the Secretary of the Interior or a designee from a land management agency of the Department of the Interior," after "Administrator of the Environmental Protection Agency or a designee,";

(ii) by inserting "and" after "Energy or a designee,"; and

(iii) by striking ", and the Assistant to the President for Science and Technology or a designee"; and

(B) in paragraph (3)—

(i) by striking "Not later than" and all that follows through "consultation" and inserting "In consultation";

(ii) by striking "Chief Geologist, as Chairman" and inserting "Associate Director for Geology, as Chair"; and

(iii) by striking "one representative from the private sector" and inserting "2 representatives from the private sector".

(2) DUTIES.—Section 5(b) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)) is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) provide a scientific overview of geologic maps (including maps of geologic-based hazards) used or disseminated by Federal agencies for regulation or land-use planning; and".

(3) CONFORMING AMENDMENT.—Section 5(a)(1) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(a)(1)) is amended by striking "10-member" and inserting "11-member".

(g) FUNCTIONS OF NATIONAL GEOLOGIC-MAP DATABASE.—Section 7(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f(a)) is amended—

(1) in paragraph (1), by striking "geologic map" and inserting "geologic-map"; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

"(A) all maps developed with funding provided by the National Cooperative Geologic Mapping Program, including under the Federal, State, and education components;".

(h) BIENNIAL REPORT.—Section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g) is amended by striking "Not later" and all that follows through "biennially" and inserting "Not

later than 3 years after the date of enactment of the Omnibus Public Land Management Act of 2009 and biennially".

(i) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—Section 9 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31h) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $64,000,000 for each of fiscal years 2009 through 2018."; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "2000" and inserting "2005";

(B) in paragraph (1), by striking "48" and inserting "50"; and

(C) in paragraph (2), by striking 2 and inserting "4".

SEC. 11002. NEW MEXICO WATER RESOURCES STUDY.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the United States Geological Survey (referred to in this section as the "Secretary"), in coordination with the State of New Mexico (referred to in this section as the "State") and any other entities that the Secretary determines to be appropriate (including other Federal agencies and institutions of higher education), shall, in accordance with this section and any other applicable law, conduct a study of water resources in the State, including—

(1) a survey of groundwater resources, including an analysis of—

(A) aquifers in the State, including the quantity of water in the aquifers;

(B) the availability of groundwater resources for human use;

(C) the salinity of groundwater resources;

(D) the potential of the groundwater resources to recharge;

(E) the interaction between groundwater and surface water;

(F) the susceptibility of the aquifers to contamination; and

(G) any other relevant criteria; and

(2) a characterization of surface and bedrock geology, including the effect of the geology on groundwater yield and quality.

(b) STUDY AREAS.—The study carried out under subsection (a) shall include the Estancia Basin, Salt Basin, Tularosa Basin, Hueco Basin, and middle Rio Grande Basin in the State.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report that describes the results of the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE XII—OCEANS

Subtitle A—Ocean Exploration

PART I—EXPLORATION

SEC. 12001. PURPOSE. 33 USC 3401.

The purpose of this part is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 12002. PROGRAM ESTABLISHED. 33 USC 3402.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 12003. POWERS AND DUTIES OF THE ADMINISTRATOR. 33 USC 3403.

(a) IN GENERAL.—In carrying out the program authorized by section 12002, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 12005;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other

stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

33 USC 3404.

SEC. 12004. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

Establishment. Strategic plan.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this part and part II of this subtitle;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

33 USC 3405.

SEC. 12005. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 12003(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in part supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 12006. AUTHORIZATION OF APPROPRIATIONS. 33 USC 3406.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this part—

(1) $33,550,000 for fiscal year 2009;
(2) $36,905,000 for fiscal year 2010;
(3) $40,596,000 for fiscal year 2011;
(4) $44,655,000 for fiscal year 2012;
(5) $49,121,000 for fiscal year 2013;
(6) $54,033,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

PART II—NOAA UNDERSEA RESEARCH PROGRAM ACT OF 2009

NOAA Undersea Research Program Act of 2009.

SEC. 12101. SHORT TITLE. 33 USC 3401 note.

This part may be cited as the "NOAA Undersea Research Program Act of 2009".

SEC. 12102. PROGRAM ESTABLISHED. 33 USC 3421.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 12103. POWERS OF PROGRAM DIRECTOR. 33 USC 3422.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 12104. ADMINISTRATIVE STRUCTURE. 33 USC 3423.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and

Deadlines. Federal Register, publication. Public comment.

the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

33 USC 3424.

SEC. 12105. RESEARCH, EXPLORATION, EDUCATION, AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

33 USC 3425.

SEC. 12106. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

Deadlines.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 12104 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

33 USC 3426.

SEC. 12107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

Subtitle B—Ocean and Coastal Mapping Integration Act

Ocean and Coastal Mapping Integration Act.

SEC. 12201. SHORT TITLE.

33 USC 3501 note.

This subtitle may be cited as the "Ocean and Coastal Mapping Integration Act".

SEC. 12202. ESTABLISHMENT OF PROGRAM.

33 USC 3501.

President.

(a) IN GENERAL.—The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) MEMBERSHIP.—The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) PROGRAM PARAMETERS.—In developing such a program, the President, through the Committee, shall—

(1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;

(2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;

(3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;

(4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;

(5) provide for the archiving, management, and distribution of data sets through a national registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

SEC. 12203. INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING. 33 USC 3502.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after the date of enactment of this Act, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 12202. Deadline. Establishment.

(b) MEMBERSHIP.—The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this subtitle. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) CO-CHAIRMEN.—The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) SUBCOMMITTEE.—The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) MEETINGS.—The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) COORDINATION.—The committee shall coordinate activities when appropriate, with—

(1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;

(2) international mapping activities;

(3) coastal states;

(4) user groups through workshops and other appropriate mechanisms; and

(5) representatives of nongovernmental entities.

(g) ADVISORY PANEL.—The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

SEC. 12204. BIENNIAL REPORTS. 33 USC 3503.

No later than 18 months after the date of enactment of this Act, and biennially thereafter, the co-chairmen of the Committee

shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this subtitle, including—

(1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;

(2) identification of priority areas in need of survey coverage using present technologies;

(3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this subtitle that improve public understanding of the coasts and oceans, or regulatory decisionmaking;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

33 USC 3504.

SEC. 12205. PLAN.

Deadline.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) PLAN REQUIREMENTS.—The plan shall—

(1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA JOINT OCEAN AND COASTAL MAPPING CENTERS.—The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this subtitle, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean and coastal mapping programs, and civilian personnel.

(d) NOAA REPORT.—The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after the date of enactment of this Act, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

33 USC 3505.

SEC. 12206. EFFECT ON OTHER LAWS.

Nothing in this subtitle shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

33 USC 3506.

SEC. 12207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to the amounts authorized by section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d), there are authorized to be appropriated to the Administrator to carry out this subtitle—

(1) $26,000,000 for fiscal year 2009;
(2) $32,000,000 for fiscal year 2010;
(3) $38,000,000 for fiscal year 2011; and
(4) $45,000,000 for each of fiscal years 2012 through 2015.

(b) JOINT OCEAN AND COASTAL MAPPING CENTERS.—Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 12205(c) of this subtitle:

(1) $11,000,000 for fiscal year 2009.
(2) $12,000,000 for fiscal year 2010.
(3) $13,000,000 for fiscal year 2011.
(4) $15,000,000 for each of fiscal years 2012 through 2015.

(c) COOPERATIVE AGREEMENTS.—To carry out interagency activities under section 12203 of this subtitle, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 5 of the Act of August 6, 1947 (33 U.S.C. 883e).

33 USC 3507.

SEC. 12208. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator'" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL STATE.—The term "coastal state" has the meaning given that term by section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4).

(3) COMMITTEE.—The term "Committee" means the Interagency Ocean and Coastal Mapping Committee established by section 12203.

(4) EXCLUSIVE ECONOMIC ZONE.—The term "exclusive economic zone" means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) OCEAN AND COASTAL MAPPING.—The term "ocean and coastal mapping" means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) TERRITORIAL SEA.—The term "territorial sea" means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) NONGOVERNMENTAL ENTITIES.—The term "nongovernmental entities" includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite imagines, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) OUTER CONTINENTAL SHELF.—The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

Subtitle C—Integrated Coastal and Ocean Observation System Act of 2009

Integrated Coastal and Ocean Observation System Act of 2009. 33 USC 3601 note.

SEC. 12301. SHORT TITLE.

This subtitle may be cited as the "Integrated Coastal and Ocean Observation System Act of 2009".

SEC. 12302. PURPOSES. 33 USC 3601.

The purposes of this subtitle are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

(A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;

(B) promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare; and

(C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

33 USC 3602.

SEC. 12303. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term "Administrator" means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term "Council" means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) FEDERAL ASSETS.—The term "Federal assets" means all relevant non-classified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.

(4) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term "Interagency Ocean Observation Committee" means the committee established under section 12304(c)(2).

(5) NON-FEDERAL ASSETS.—The term "non-Federal assets" means all relevant coastal and ocean observation technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.

(6) REGIONAL INFORMATION COORDINATION ENTITIES.—

(A) IN GENERAL.—The term "regional information coordination entity" means an organizational body that is certified or established by contract or memorandum by the lead Federal agency designated in section 12304(c)(3) of this subtitle and coordinates State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data

and information that meet the needs of user groups from the respective regions.

(B) CERTAIN INCLUDED ASSOCIATIONS.—The term "regional information coordination entity" includes regional associations described in the System Plan.

(7) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

(8) SYSTEM.—The term "System" means the National Integrated Coastal and Ocean Observation System established under section 12304.

(9) SYSTEM PLAN.—The term "System Plan" means the plan contained in the document entitled "Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan", as updated by the Council under this subtitle.

SEC. 12304. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM. 33 USC 3603.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 12302 of this subtitle and the System Plan and to fulfill the Nation's international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System. President.

(b) SYSTEM ELEMENTS.—

(1) IN GENERAL.—In order to fulfill the purposes of this subtitle, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional information coordination entities identified under subsection (c)(4), to fulfill regional observation missions and priorities;

(C) data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the System;

(D) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development to improve understanding of coastal and ocean systems and their relationships to human activities and to ensure improvement of operational assets and products, including related infrastructure, observing technologies, and information and data processing and management technologies; and

(ii) large scale computing resources and research to advance modeling of coastal and ocean processes.

(2) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this subtitle and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.

(4) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional information coordination entities.

(c) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—

(1) COUNCIL FUNCTIONS.—The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this subtitle, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by the Interagency Ocean Observation Committee to support System operations, including operations of both Federal and non-Federal assets;

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

Establishment.

(2) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The Council shall establish or designate an Interagency Ocean Observation Committee which shall—

Plans.

(A) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement and expansion of the System to meet the objectives of this subtitle and the System Plan;

Budget.

(B) develop and transmit to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive budget to operate all elements of the System identified in subsection (b), and to ensure continuity of data streams from Federal and non-Federal assets;

(C) establish required observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional information coordination entities, priorities for System observations;

(D) establish protocols and standards for System data processing, management, and communication;

Standards.
Procedures.

(E) develop contract certification standards and compliance procedures for all non-Federal assets, including regional information coordination entities, to establish eligibility for integration into the System and to ensure compliance with all applicable standards and protocols established

by the Council, and ensure that regional observations are integrated into the System on a sustained basis;

(F) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(i) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(ii) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(H) periodically review and recommend to the Council, in consultation with the Administrator, revisions to the System Plan;

(I) ensure collaboration among Federal agencies participating in the activities of the Committee; and

(J) perform such additional duties as the Council may delegate.

(3) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional information coordination entities, and shall—

Government organization.

(A) establish an Integrated Ocean Observing Program Office within the National Oceanic and Atmospheric Administration utilizing to the extent necessary, personnel from member agencies participating on the Interagency Ocean Observation Committee, to oversee daily operations and coordination of the System;

(B) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observing Committee;

Guidelines. Certification.

(C) promulgate program guidelines to certify and integrate non-Federal assets, including regional information coordination entities, into the System to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

Contracts. Grants.

(D) have the authority to enter into and oversee contracts, leases, grants or cooperative agreements with non-Federal assets, including regional information coordination entities, to support the purposes of this subtitle on such terms as the Administrator deems appropriate;

(E) implement a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a network of regional information coordination entities, and develop and implement a process for the periodic review and evaluation of

all non-Federal assets, including regional information coordination entities;

(F) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, and support components of the System;

(G) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and non-Federal assets, including regional information coordination entities in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(H) develop and implement a process for the periodic review and evaluation of regional information coordination entities;

(I) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are identified by the regional information coordination entities, the Administrator, or other members of the System and transmitted to the Interagency Ocean Observing Committee;

(J) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Council, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

Public information.

(K) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment;

Reports. Deadline.

(L) report annually to the Interagency Ocean Observing Committee on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans developed pursuant to subsection (c)(2)(A)(i); and

Plans.

(M) develop a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this subtitle and the System Plan.

(4) REGIONAL INFORMATION COORDINATION ENTITIES.—

Certification. Contracts. Guidelines.

(A) IN GENERAL.—To be certified or established under this subtitle, a regional information coordination entity shall be certified or established by contract or agreement by the Administrator, and shall agree to meet the certification standards and compliance procedure guidelines issued by the Administrator and information needs of user groups in the region while adhering to national standards and shall—

(i) demonstrate an organizational structure capable of gathering required System observation data, supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects the needs of State and local governments, commercial interests, and other users

and beneficiaries of the System and other requirements specified under this subtitle and the System Plan;

(ii) identify gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System, or other recommendations to assist in the development of the annual and long-term plans created pursuant to subsection (c)(2)(A)(i) and transmit such information to the Interagency Ocean Observing Committee via the Program Office;

(iii) develop and operate under a strategic operational plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(iv) work cooperatively with governmental and non-governmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional information coordination entities; and

(v) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) PARTICIPATION.—For the purposes of this subtitle, employees of Federal agencies may participate in the functions of the regional information coordination entities.

(d) SYSTEM ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Interagency Ocean Observing Committee. Establishment.

(2) PURPOSE.—The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes set forth in section 12302;

(B) expansion and periodic modernization and upgrade of technology components of the System;

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and

(D) any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.

(3) MEMBERS.—

(A) IN GENERAL.—The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment

shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) APPOINTMENT.—Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.

(4) ADMINISTRATIVE PROVISIONS.—

(A) REPORTING.—The System advisory committee shall report to the Administrator and the Interagency Ocean Observing Committee, as appropriate.

(B) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System advisory committee.

(C) MEETINGS.—The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observing Committee, or the chairperson.

(D) COMPENSATION AND EXPENSES.—Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional information coordination entity incorporated into the System by contract, lease, grant, or cooperative agreement under subsection (c)(3)(D) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional information coordination entity, while operating within the scope of his or her employment in carrying out the purposes of this subtitle, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) LIMITATION.—Nothing in this subtitle shall be construed to invalidate existing certifications, contracts, or agreements between regional information coordination entities and other elements of the System.

33 USC 3604.

SEC. 12305. INTERAGENCY FINANCING AND AGREEMENTS.

(a) IN GENERAL.—To carry out interagency activities under this subtitle, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.

(b) RECIPROCITY.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases,

grants, and cooperative agreements as may be necessary to carry out the purposes of this subtitle and fulfillment of the System Plan.

SEC. 12306. APPLICATION WITH OTHER LAWS. 33 USC 3605.

Nothing in this subtitle supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 12307. REPORT TO CONGRESS. 33 USC 3606.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this subtitle. President.

(b) CONTENTS.—The report shall include—

(1) a description of activities carried out under this subtitle and the System Plan;

(2) an evaluation of the effectiveness of the System, including an evaluation of progress made by the Council to achieve the goals identified under the System Plan;

(3) identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies;

(4) a review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems;

(5) an assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of regional information coordination entities to coordinate regional observation operations;

(6) a description of benefits of the program to users of data products resulting from the System (including the general public, industries, scientists, resource managers, emergency responders, policy makers, and educators);

(7) recommendations concerning—

(A) modifications to the System; and

(B) funding levels for the System in subsequent fiscal years; and

(8) the results of a periodic external independent programmatic audit of the System.

SEC. 12308. PUBLIC-PRIVATE USE POLICY. 33 USC 3607.

The Council shall develop a policy within 6 months after the date of the enactment of this Act that defines processes for making decisions about the roles of the Federal Government, the States, regional information coordination entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this section shall be construed to require changes in policy in effect on the date of enactment of this Act. Deadline. Federal Register, publication. Public comment. Time period.

33 USC 3608.

SEC. 12309. INDEPENDENT COST ESTIMATE.

Deadline.

Within 1 year after the date of enactment of this Act, the Interagency Ocean Observation Committee, through the Administrator and the Director of the National Science Foundation, shall obtain an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.

33 USC 3609.

SEC. 12310. INTENT OF CONGRESS.

It is the intent of Congress that funding provided to agencies of the Council to implement this subtitle shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

33 USC 3610.

SEC. 12311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this subtitle and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

Federal Ocean Acidification Research and Monitoring Act of 2009.

Subtitle D—Federal Ocean Acidification Research and Monitoring Act of 2009

33 USC 3701 note.

SEC. 12401. SHORT TITLE.

This subtitle may be cited as the "Federal Ocean Acidification Research And Monitoring Act of 2009" or the "FOARAM Act".

33 USC 3701.

SEC. 12402. PURPOSES.

(a) PURPOSES.—The purposes of this subtitle are to provide for—

(1) development and coordination of a comprehensive interagency plan to—

(A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and

(B) establish an interagency research and monitoring program on ocean acidification;

(2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;

(3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and

(4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

SEC. 12403. DEFINITIONS. 33 USC 3702.

In this subtitle:

(1) OCEAN ACIDIFICATION.—The term "ocean acidification" means the decrease in pH of the Earth's oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

(2) SECRETARY.—The term "Secretary" means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

(3) SUBCOMMITTEE.—The term "Subcommittee" means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

SEC. 12404. INTERAGENCY SUBCOMMITTEE. 33 USC 3703.

(a) DESIGNATION.—

(1) IN GENERAL.—The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

(2) MEMBERSHIP.—The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

(3) CHAIRMAN.—The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

(b) DUTIES.—The Subcommittee shall—

(1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 12405 of this subtitle and oversee the implementation of the plan;

(2) oversee the development of—

(A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and

(B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;

(3) facilitate communication and outreach opportunities with nongovernmental organizations and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

(c) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 12405 of this subtitle.

(2) BIENNIAL REPORT.—Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 12405.

(3) STRATEGIC RESEARCH PLAN.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall transmit the strategic research plan developed under section 12405 to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

33 USC 3704.

SEC. 12405. STRATEGIC RESEARCH PLAN.

Deadline.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

(b) CONTENTS OF THE PLAN.—The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

(c) PROGRAM ELEMENTS.—The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

(A) marine ecosystems;

(B) changes in marine productivity; and

(C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem

and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

Contracts.

(d) NATIONAL ACADEMY OF SCIENCES EVALUATION.—The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

(e) PUBLIC PARTICIPATION.—In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

Deadline.
Federal Register, publication.

33 USC 3705.

SEC. 12406. NOAA OCEAN ACIDIFICATION ACTIVITIES.

(a) IN GENERAL.—The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 12405 that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this subtitle, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this subtitle, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10, United States Code.

(b) ADDITIONAL AUTHORITY.—In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this subtitle on such terms as the Secretary considers appropriate.

SEC. 12407. NSF OCEAN ACIDIFICATION ACTIVITIES. 33 USC 3706.

(a) RESEARCH ACTIVITIES.—The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

(b) CONSISTENCY.—The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12408. NASA OCEAN ACIDIFICATION ACTIVITIES. 33 USC 3707.

(a) OCEAN ACIDIFICATION ACTIVITIES.—The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

(b) PROGRAM CONSISTENCY.—The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 12405.

(c) COORDINATION.—The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

SEC. 12409. AUTHORIZATION OF APPROPRIATIONS. 33 USC 3708.

(a) NOAA.—There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the purposes of this subtitle—

(1) $8,000,000 for fiscal year 2009;

(2) $12,000,000 for fiscal year 2010;

(3) $15,000,000 for fiscal year 2011; and

(4) $20,000,000 for fiscal year 2012.

(b) NSF.—There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this subtitle—

(1) $6,000,000 for fiscal year 2009;

(2) $8,000,000 for fiscal year 2010;

(3) $12,000,000 for fiscal year 2011; and

(4) $15,000,000 for fiscal year 2012.

Coastal and Estuarine Land Conservation Program Act.

Subtitle E—Coastal and Estuarine Land Conservation Program

16 USC 1451 note.

SEC. 12501. SHORT TITLE.

This Act may be cited as the "Coastal and Estuarine Land Conservation Program Act".

SEC. 12502. AUTHORIZATION OF COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by inserting after section 307 the following new section:

"AUTHORIZATION OF THE COASTAL AND ESTUARINE LAND CONSERVATION PROGRAM

16 USC 1456–1.

"SEC. 307A. (a) IN GENERAL.—The Secretary may conduct a Coastal and Estuarine Land Conservation Program, in cooperation with appropriate State, regional, and other units of government, for the purposes of protecting important coastal and estuarine areas that have significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural, undeveloped, or recreational state to other uses or could be managed or restored to effectively conserve, enhance, or restore ecological function. The program shall be administered by the National Ocean Service of the National Oceanic and Atmospheric Administration through the Office of Ocean and Coastal Resource Management.

"(b) PROPERTY ACQUISITION GRANTS.—The Secretary shall make grants under the program to coastal states with approved coastal zone management plans or National Estuarine Research Reserve units for the purpose of acquiring property or interests in property described in subsection (a) that will further the goals of—

"(1) a Coastal Zone Management Plan or Program approved under this title;

"(2) a National Estuarine Research Reserve management plan;

"(3) a regional or State watershed protection or management plan involving coastal states with approved coastal zone management programs; or

"(4) a State coastal land acquisition plan that is consistent with an approved coastal zone management program.

Guidelines.

"(c) GRANT PROCESS.—The Secretary shall allocate funds to coastal states or National Estuarine Research Reserves under this section through a competitive grant process in accordance with guidelines that meet the following requirements:

"(1) The Secretary shall consult with the coastal state's coastal zone management program, any National Estuarine Research Reserve in that State, and the lead agency designated by the Governor for coordinating the implementation of this section (if different from the coastal zone management program).

"(2) Each participating coastal state, after consultation with local governmental entities and other interested stakeholders,

shall identify priority conservation needs within the State, the values to be protected by inclusion of lands in the program, and the threats to those values that should be avoided.

"(3) Each participating coastal state shall to the extent practicable ensure that the acquisition of property or easements shall complement working waterfront needs.

"(4) The applicant shall identify the values to be protected by inclusion of the lands in the program, management activities that are planned and the manner in which they may affect the values identified, and any other information from the landowner relevant to administration and management of the land.

"(5) Awards shall be based on demonstrated need for protection and ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other governmental units, landowners, corporations, or private organizations.

"(6) The governor, or the lead agency designated by the governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State's or territory's approved coastal zone plan, program, and policies prior to submittal to the Secretary.

"(7)(A) Priority shall be given to lands described in subsection (a) that can be effectively managed and protected and that have significant ecological value.

"(B) Of the projects that meet the standard in subparagraph (A), priority shall be given to lands that—

"(i) are under an imminent threat of conversion to a use that will degrade or otherwise diminish their natural, undeveloped, or recreational state; and

"(ii) serve to mitigate the adverse impacts caused by coastal population growth in the coastal environment.

"(8) In developing guidelines under this section, the Secretary shall consult with coastal states, other Federal agencies, and other interested stakeholders with expertise in land acquisition and conservation procedures.

"(9) Eligible coastal states or National Estuarine Research Reserves may allocate grants to local governments or agencies eligible for assistance under section 306A(e).

"(10) The Secretary shall develop performance measures that the Secretary shall use to evaluate and report on the program's effectiveness in accomplishing its purposes, and shall submit such evaluations to Congress triennially.

Performance measures. Evaluations. Deadline.

"(d) LIMITATIONS AND PRIVATE PROPERTY PROTECTIONS.—

"(1) A grant awarded under this section may be used to purchase land or an interest in land, including an easement, only from a willing seller. Any such purchase shall not be the result of a forced taking under this section. Nothing in this section requires a private property owner to participate in the program under this section.

"(2) Any interest in land, including any easement, acquired with a grant under this section shall not be considered to create any new liability, or have any effect on liability under any other law, of any private property owner with respect to any person injured on the private property.

"(3) Nothing in this section requires a private property owner to provide access (including Federal, State, or local

government access) to or use of private property unless such property or an interest in such property (including a conservation easement) has been purchased with funds made available under this section.

"(e) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title modifies the authority of Federal, State, or local governments to regulate land use.

"(f) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary may not make a grant under the program unless the Federal funds are matched by non-Federal funds in accordance with this subsection.

"(2) COST SHARE REQUIREMENT.—

"(A) IN GENERAL.—Grant funds under the program shall require a 100 percent match from other non-Federal sources.

"(B) WAIVER OF REQUIREMENT.—The Secretary may grant a waiver of subparagraph (A) for underserved communities, communities that have an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary deems appropriate and consistent with the purposes of the program.

"(3) OTHER FEDERAL FUNDS.—Where financial assistance awarded under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

"(4) SOURCE OF MATCHING COST SHARE.—For purposes of paragraph (2)(A), the non-Federal cost share for a project may be determined by taking into account the following:

Determination.

"(A) The value of land or a conservation easement may be used by a project applicant as non-Federal match, if the Secretary determines that—

Time period.

"(i) the land meets the criteria set forth in section 2(b) and is acquired in the period beginning 3 years before the date of the submission of the grant application and ending 3 years after the date of the award of the grant;

"(ii) the value of the land or easement is held by a non-governmental organization included in the grant application in perpetuity for conservation purposes of the program; and

"(iii) the land or easement is connected either physically or through a conservation planning process to the land or easement that would be acquired.

"(B) The appraised value of the land or conservation easement at the time of the grant closing will be considered and applied as the non-Federal cost share.

"(C) Costs associated with land acquisition, land management planning, remediation, restoration, and enhancement may be used as non- Federal match if the activities are identified in the plan and expenses are incurred within the period of the grant award, or, for lands described in (A), within the same time limits described therein. These costs may include either cash or in-kind contributions.

"(g) RESERVATION OF FUNDS FOR NATIONAL ESTUARINE RESEARCH RESERVE SITES.—No less than 15 percent of funds made available under this section shall be available for acquisitions benefitting National Estuarine Research Reserves.

"(h) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section shall be used by the Secretary for planning or administration of the program. The Secretary shall provide a report to Congress with an account of all expenditures under this section for fiscal year 2009 and triennially thereafter. Reports. Deadline.

"(i) TITLE AND MANAGEMENT OF ACQUIRED PROPERTY.—If any property is acquired in whole or in part with funds made available through a grant under this section, the grant recipient shall provide—

"(1) such assurances as the Secretary may require that—

"(A) the title to the property will be held by the grant recipient or another appropriate public agency designated by the recipient in perpetuity;

"(B) the property will be managed in a manner that is consistent with the purposes for which the land entered into the program and shall not convert such property to other uses; and

"(C) if the property or interest in land is sold, exchanged, or divested, funds equal to the current value will be returned to the Secretary in accordance with applicable Federal law for redistribution in the grant process; and

"(2) certification that the property (including any interest in land) will be acquired from a willing seller. Certification.

"(j) REQUIREMENT FOR PROPERTY USED FOR NON-FEDERAL MATCH.—If the grant recipient elects to use any land or interest in land held by a non-governmental organization as a non-Federal match under subsection (g), the grant recipient must to the Secretary's satisfaction demonstrate in the grant application that such land or interest will satisfy the same requirements as the lands or interests in lands acquired under the program.

"(k) DEFINITIONS.—In this section:

"(1) CONSERVATION EASEMENT.—The term 'conservation easement' includes an easement or restriction, recorded deed, or a reserve interest deed where the grantee acquires all rights, title, and interest in a property, that do not conflict with the goals of this section except those rights, title, and interests that may run with the land that are expressly reserved by a grantor and are agreed to at the time of purchase.

"(2) INTEREST IN PROPERTY.—The term 'interest in property' includes a conservation easement.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $60,000,000 for each of fiscal years 2009 through 2013.".

TITLE XIII—MISCELLANEOUS

SEC. 13001. MANAGEMENT AND DISTRIBUTION OF NORTH DAKOTA TRUST FUNDS.

(a) NORTH DAKOTA TRUST FUNDS.—The Act of February 22, 1889 (25 Stat. 676, chapter 180), is amended by adding at the end the following:

"SEC. 26. NORTH DAKOTA TRUST FUNDS.

"(a) DISPOSITION.—Notwithstanding section 11, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of public land are deposited under this Act (referred to in this section as the 'trust fund')—

"(1) deposit all revenues earned by a trust fund into the trust fund;

"(2) deduct the costs of administering a trust fund from each trust fund; and

"(3) manage each trust fund to—

"(A) preserve the purchasing power of the trust fund; and

"(B) maintain stable distributions to trust fund beneficiaries.

"(b) DISTRIBUTIONS.—Notwithstanding section 11, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

"(c) MANAGEMENT OF PROCEEDS.—Notwithstanding section 13, the State of North Dakota shall manage the proceeds referred to in that section in accordance with subsections (a) and (b).

"(d) MANAGEMENT OF LAND AND PROCEEDS.—Notwithstanding sections 14 and 16, the State of North Dakota shall manage the land granted under that section, including any proceeds from the land, and make distributions in accordance with subsections (a) and (b).".

(b) MANAGEMENT AND DISTRIBUTION OF MORRILL ACT GRANTS.—The Act of July 2, 1862 (commonly known as the "First Morrill Act") (7 U.S.C. 301 et seq.), is amended by adding at the end the following:

7 USC 309.

"SEC. 9. LAND GRANTS IN THE STATE OF NORTH DAKOTA.

"(a) EXPENSES.—Notwithstanding section 3, the State of North Dakota shall manage the land granted to the State under the first section, including any proceeds from the land, in accordance with this section.

"(b) DISPOSITION OF PROCEEDS.—Notwithstanding section 4, the State of North Dakota shall, with respect to any trust fund in which proceeds from the sale of land under this Act are deposited (referred to in this section as the 'trust fund')—

"(1) deposit all revenues earned by a trust fund into the trust fund;

"(2) deduct the costs of administering a trust fund from each trust fund; and

"(3) manage each trust fund to—

"(A) preserve the purchasing power of the trust fund; and

"(B) maintain stable distributions to trust fund beneficiaries.

"(c) DISTRIBUTIONS.—Notwithstanding section 4, any distributions from trust funds in the State of North Dakota shall be made in accordance with section 2 of article IX of the Constitution of the State of North Dakota.

"(d) MANAGEMENT.—Notwithstanding section 5, the State of North Dakota shall manage the land granted under the first section, including any proceeds from the land, in accordance with this section.".

(c) CONSENT OF CONGRESS.—Effective July 1, 2009, Congress consents to the amendments to the Constitution of North Dakota proposed by House Concurrent Resolution No. 3037 of the 59th Legislature of the State of North Dakota entitled "A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and the management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date" and approved by the voters of the State of North Dakota on November 7, 2006. Effective date.

SEC. 13002. AMENDMENTS TO THE FISHERIES RESTORATION AND IRRIGATION MITIGATION ACT OF 2000.

(a) PRIORITY PROJECTS.—Section 3(c)(3) of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended by striking "$5,000,000" and inserting "$2,500,000".

(b) COST SHARING.—Section 7(c) of Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by striking "The value" and inserting the following: "(1) IN GENERAL.—The value"; and

(2) by adding at the end the following:

"(2) BONNEVILLE POWER ADMINISTRATION.—

"(A) IN GENERAL.—The Secretary may, without further appropriation and without fiscal year limitation, accept any amounts provided to the Secretary by the Administrator of the Bonneville Power Administration.

"(B) NON-FEDERAL SHARE.—Any amounts provided by the Bonneville Power Administration directly or through a grant to another entity for a project carried under the Program shall be credited toward the non-Federal share of the costs of the project.".

(c) REPORT.—Section 9 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) by inserting "any" before "amounts are made"; and

(2) by inserting after "Secretary shall" the following: ", after partnering with local governmental entities and the States in the Pacific Ocean drainage area,".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the Fisheries Restoration and Irrigation Mitigation Act of 2000 (16 U.S.C. 777 note; Public Law 106–502) is amended—

(1) in subsection (a), by striking "2001 through 2005" and inserting "2009 through 2015"; and

(2) in subsection (b), by striking paragraph (2) and inserting the following:

"(2) ADMINISTRATIVE EXPENSES.—

"(A) DEFINITION OF ADMINISTRATIVE EXPENSE.—In this paragraph, the term 'administrative expense' means, except as provided in subparagraph (B)(iii)(II), any expenditure relating to—

"(i) staffing and overhead, such as the rental of office space and the acquisition of office equipment; and

"(ii) the review, processing, and provision of applications for funding under the Program.

"(B) LIMITATION.—

"(i) IN GENERAL.—Not more than 6 percent of amounts made available to carry out this Act for each fiscal year may be used for Federal and State administrative expenses of carrying out this Act.

"(ii) FEDERAL AND STATE SHARES.—To the maximum extent practicable, of the amounts made available for administrative expenses under clause (i)—

"(I) 50 percent shall be provided to the State agencies provided assistance under the Program; and

"(II) an amount equal to the cost of 1 full-time equivalent Federal employee, as determined by the Secretary, shall be provided to the Federal agency carrying out the Program.

"(iii) STATE EXPENSES.—Amounts made available to States for administrative expenses under clause (i)—

"(I) shall be divided evenly among all States provided assistance under the Program; and

"(II) may be used by a State to provide technical assistance relating to the program, including any staffing expenditures (including staff travel expenses) associated with—

"(aa) arranging meetings to promote the Program to potential applicants;

"(bb) assisting applicants with the preparation of applications for funding under the Program; and

"(cc) visiting construction sites to provide technical assistance, if requested by the applicant.".

SEC. 13003. AMENDMENTS TO THE ALASKA NATURAL GAS PIPELINE ACT.

Section 107(a) of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720e(a)) is amended by striking paragraph (3) and inserting the following:

"(3) the validity of any determination, permit, approval, authorization, review, or other related action taken under any provision of law relating to a gas transportation project constructed and operated in accordance with section 103, including—

"(A) subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act');

"(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

"(C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

"(D) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

"(E) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.).".

SEC. 13004. ADDITIONAL ASSISTANT SECRETARY FOR DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended in the first sentence by striking "7 Assistant Secretaries" and inserting "8 Assistant Secretaries".

(b) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Energy (7)" and inserting "Assistant Secretaries of Energy (8)".

SEC. 13005. LOVELACE RESPIRATORY RESEARCH INSTITUTE. New Mexico.

(a) DEFINITIONS.—In this section:

(1) INSTITUTE.—The term "Institute" means the Lovelace Respiratory Research Institute, a nonprofit organization chartered under the laws of the State of New Mexico.

(2) MAP.—The term "map" means the map entitled "Lovelace Respiratory Research Institute Land Conveyance" and dated March 18, 2008.

(3) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Energy, with respect to matters concerning the Department of Energy;

(B) the Secretary of the Interior, with respect to matters concerning the Department of the Interior; and

(C) the Secretary of the Air Force, with respect to matters concerning the Department of the Air Force.

(4) SECRETARY OF ENERGY.—The term "Secretary of Energy" means the Secretary of Energy, acting through the Administrator for the National Nuclear Security Administration.

(b) CONVEYANCE OF LAND.—

(1) IN GENERAL.—Notwithstanding section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and subject to valid existing rights and this section, the Secretary of Energy, in consultation with the Secretary of the Interior and the Secretary of the Air Force, may convey to the Institute, on behalf of the United States, all right, title, and interest of the United States in and to the parcel of land described in paragraph (2) for research, scientific, or educational use.

(2) DESCRIPTION OF LAND.—The parcel of land referred to in paragraph (1)—

(A) is the approximately 135 acres of land identified as "Parcel A" on the map;

(B) includes any improvements to the land described in subparagraph (A); and

(C) excludes any portion of the utility system and infrastructure reserved by the Secretary of the Air Force under paragraph (4).

(3) OTHER FEDERAL AGENCIES.—The Secretary of the Interior and the Secretary of the Air Force shall complete

any real property actions, including the revocation of any Federal withdrawals of the parcel conveyed under paragraph (1) and the parcel described in subsection (c)(1), that are necessary to allow the Secretary of Energy to—

(A) convey the parcel under paragraph (1); or

(B) transfer administrative jurisdiction under subsection (c).

(4) RESERVATION OF UTILITY INFRASTRUCTURE AND ACCESS.—The Secretary of the Air Force may retain ownership and control of—

(A) any portions of the utility system and infrastructure located on the parcel conveyed under paragraph (1); and

(B) any rights of access determined to be necessary by the Secretary of the Air Force to operate and maintain the utilities on the parcel.

(5) RESTRICTIONS ON USE.—

(A) AUTHORIZED USES.—The Institute shall allow only research, scientific, or educational uses of the parcel conveyed under paragraph (1).

(B) REVERSION.—

(i) IN GENERAL.—If, at any time, the Secretary of Energy, in consultation with the Secretary of the Air Force, determines, in accordance with clause (ii), that the parcel conveyed under paragraph (1) is not being used for a purpose described in subparagraph (A)—

(I) all right, title, and interest in and to the entire parcel, or any portion of the parcel not being used for the purposes, shall revert, at the option of the Secretary, to the United States; and

(II) the United States shall have the right of immediate entry onto the parcel.

(ii) REQUIREMENTS FOR DETERMINATION.—Any determination of the Secretary under clause (i) shall be made on the record and after an opportunity for a hearing.

(6) COSTS.—

(A) IN GENERAL.—The Secretary of Energy shall require the Institute to pay, or reimburse the Secretary concerned, for any costs incurred by the Secretary concerned in carrying out the conveyance under paragraph (1), including any survey costs related to the conveyance.

(B) REFUND.—If the Secretary concerned collects amounts under subparagraph (A) from the Institute before the Secretary concerned incurs the actual costs, and the amount collected exceeds the actual costs incurred by the Secretary concerned to carry out the conveyance, the Secretary concerned shall refund to the Institute an amount equal to difference between—

(i) the amount collected by the Secretary concerned; and

(ii) the actual costs incurred by the Secretary concerned.

(C) DEPOSIT IN FUND.—

(i) IN GENERAL.—Amounts received by the United States under this paragraph as a reimbursement or

recovery of costs incurred by the Secretary concerned to carry out the conveyance under paragraph (1) shall be deposited in the fund or account that was used to cover the costs incurred by the Secretary concerned in carrying out the conveyance.

(ii) USE.—Any amounts deposited under clause (i) shall be available for the same purposes, and subject to the same conditions and limitations, as any other amounts in the fund or account.

(7) CONTAMINATED LAND.—In consideration for the conveyance of the parcel under paragraph (1), the Institute shall—

(A) take fee title to the parcel and any improvements to the parcel, as contaminated;

(B) be responsible for undertaking and completing all environmental remediation required at, in, under, from, or on the parcel for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents, in the same manner and to the same extent as required by law applicable to privately owned facilities, regardless of the date of the contamination or the responsible party;

(C) indemnify the United States for—

(i) any environmental remediation or response costs the United States reasonably incurs if the Institute fails to remediate the parcel; or

(ii) contamination at, in, under, from, or on the land, for all environmental conditions relating to or arising from the release or threat of release of waste material, substances, or constituents;

(D) indemnify, defend, and hold harmless the United States from any damages, costs, expenses, liabilities, fines, penalties, claim, or demand for loss, including claims for property damage, personal injury, or death resulting from releases, discharges, emissions, spills, storage, disposal, or any other acts or omissions by the Institute and any officers, agents, employees, contractors, sublessees, licensees, successors, assigns, or invitees of the Institute arising from activities conducted, on or after October 1, 1996, on the parcel conveyed under paragraph (1); and

(E) reimburse the United States for all legal and attorney fees, costs, and expenses incurred in association with the defense of any claims described in subparagraph (D).

(8) CONTINGENT ENVIRONMENTAL RESPONSE OBLIGATIONS.—If the Institute does not undertake or complete environmental remediation as required by paragraph (7) and the United States is required to assume the responsibilities of the remediation, the Secretary of Energy shall be responsible for conducting any necessary environmental remediation or response actions with respect to the parcel conveyed under paragraph (1).

(9) NO ADDITIONAL COMPENSATION.—Except as otherwise provided in this section, no additional consideration shall be required for conveyance of the parcel to the Institute under paragraph (1).

(10) ACCESS AND UTILITIES.—On conveyance of the parcel under paragraph (1), the Secretary of the Air Force shall, on behalf of the United States and subject to any terms and

conditions as the Secretary determines to be necessary (including conditions providing for the reimbursement of costs), provide the Institute with—

(A) access for employees and invitees of the Institute across Kirtland Air Force Base to the parcel conveyed under that paragraph; and

(B) access to utility services for the land and any improvements to the land conveyed under that paragraph.

(11) ADDITIONAL TERM AND CONDITIONS.—The Secretary of Energy, in consultation with the Secretary of the Interior and Secretary of the Air Force, may require any additional terms and conditions for the conveyance under paragraph (1) that the Secretaries determine to be appropriate to protect the interests of the United States.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—

(1) IN GENERAL.—After the conveyance under subsection (b)(1) has been completed, the Secretary of Energy shall, on request of the Secretary of the Air Force, transfer to the Secretary of the Air Force administrative jurisdiction over the parcel of approximately 7 acres of land identified as "Parcel B" on the map, including any improvements to the parcel.

(2) REMOVAL OF IMPROVEMENTS.—In concurrence with the transfer under paragraph (1), the Secretary of Energy shall, on request of the Secretary of the Air Force, arrange and pay for removal of any improvements to the parcel transferred under that paragraph.

SEC. 13006. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL TROPICAL BOTANICAL GARDEN.

Chapter 1535 of title 36, United States Code, is amended by adding at the end the following:

"§ 153514. Authorization of appropriations

"(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to the corporation for operation and maintenance expenses $500,000 for each of fiscal years 2008 through 2017.

"(b) LIMITATION.—Any Federal funds made available under subsection (a) shall be matched on a 1-to-1 basis by non-Federal funds.".

Christopher and Dana Reeve Paralysis Act.

TITLE XIV—CHRISTOPHER AND DANA REEVE PARALYSIS ACT

42 USC 201 note.

SEC. 14001. SHORT TITLE.

This title may be cited as the "Christopher and Dana Reeve Paralysis Act".

Subtitle A—Paralysis Research

42 USC 284o.

SEC. 14101. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON PARALYSIS.

(a) COORDINATION.—The Director of the National Institutes of Health (referred to in this title as the "Director"), pursuant to the general authority of the Director, may develop mechanisms to coordinate the paralysis research and rehabilitation activities of the Institutes and Centers of the National Institutes of Health

in order to further advance such activities and avoid duplication of activities.

(b) CHRISTOPHER AND DANA REEVE PARALYSIS RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Director may make awards of grants to public or private entities to pay all or part of the cost of planning, establishing, improving, and providing basic operating support for consortia in paralysis research. The Director shall designate each consortium funded through such grants as a Christopher and Dana Reeve Paralysis Research Consortium. Designation.

(2) RESEARCH.—Each consortium under paragraph (1)—

(A) may conduct basic, translational, and clinical paralysis research;

(B) may focus on advancing treatments and developing therapies in paralysis research;

(C) may focus on one or more forms of paralysis that result from central nervous system trauma or stroke;

(D) may facilitate and enhance the dissemination of clinical and scientific findings; and

(E) may replicate the findings of consortia members or other researchers for scientific and translational purposes.

(3) COORDINATION OF CONSORTIA; REPORTS.—The Director may, as appropriate, provide for the coordination of information among consortia under paragraph (1) and ensure regular communication among members of the consortia, and may require the periodic preparation of reports on the activities of the consortia and the submission of the reports to the Director.

(4) ORGANIZATION OF CONSORTIA.—Each consortium under paragraph (1) may use the facilities of a single lead institution, or be formed from several cooperating institutions, meeting such requirements as may be prescribed by the Director.

(c) PUBLIC INPUT.—The Director may provide for a mechanism to educate and disseminate information on the existing and planned programs and research activities of the National Institutes of Health with respect to paralysis and through which the Director can receive comments from the public regarding such programs and activities.

Subtitle B—Paralysis Rehabilitation Research and Care

SEC. 14201. ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH WITH IMPLICATIONS FOR ENHANCING DAILY FUNCTION FOR PERSONS WITH PARALYSIS. 42 USC 284p.

(a) IN GENERAL.—The Director, pursuant to the general authority of the Director, may make awards of grants to public or private entities to pay all or part of the costs of planning, establishing, improving, and providing basic operating support to multicenter networks of clinical sites that will collaborate to design clinical rehabilitation intervention protocols and measures of outcomes on one or more forms of paralysis that result from central nervous system trauma, disorders, or stroke, or any combination of such conditions.

(b) RESEARCH.—A multicenter network of clinical sites funded through this section may—

(1) focus on areas of key scientific concern, including—

(A) improving functional mobility;

(B) promoting behavioral adaptation to functional losses, especially to prevent secondary complications;

(C) assessing the efficacy and outcomes of medical rehabilitation therapies and practices and assisting technologies;

(D) developing improved assistive technology to improve function and independence; and

(E) understanding whole body system responses to physical impairments, disabilities, and societal and functional limitations; and

(2) replicate the findings of network members or other researchers for scientific and translation purposes.

(c) COORDINATION OF CLINICAL TRIALS NETWORKS; REPORTS.—The Director may, as appropriate, provide for the coordination of information among networks funded through this section and ensure regular communication among members of the networks, and may require the periodic preparation of reports on the activities of the networks and submission of reports to the Director.

Subtitle C—Improving Quality of Life for Persons With Paralysis and Other Physical Disabilities

42 USC 280g–9.

SEC. 14301. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this subtitle referred to as the "Secretary") may study the unique health challenges associated with paralysis and other physical disabilities and carry out projects and interventions to improve the quality of life and long-term health status of persons with paralysis and other physical disabilities. The Secretary may carry out such projects directly and through awards of grants or contracts.

(b) CERTAIN ACTIVITIES.—Activities under subsection (a) may include—

(1) the development of a national paralysis and physical disability quality of life action plan, to promote health and wellness in order to enhance full participation, independent living, self-sufficiency, and equality of opportunity in partnership with voluntary health agencies focused on paralysis and other physical disabilities, to be carried out in coordination with the State-based Disability and Health Program of the Centers for Disease Control and Prevention;

(2) support for programs to disseminate information involving care and rehabilitation options and quality of life grant programs supportive of community-based programs and support systems for persons with paralysis and other physical disabilities;

(3) in collaboration with other centers and national voluntary health agencies, the establishment of a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions; and

(4) the replication and translation of best practices and the sharing of information across States, as well as the development of comprehensive, unique, and innovative programs, services, and demonstrations within existing State-based disability and health programs of the Centers for Disease Control and Prevention which are designed to support and advance quality of life programs for persons living with paralysis and other physical disabilities focusing on—

(A) caregiver education;

(B) promoting proper nutrition, increasing physical activity, and reducing tobacco use;

(C) education and awareness programs for health care providers;

(D) prevention of secondary complications;

(E) home- and community-based interventions;

(F) coordinating services and removing barriers that prevent full participation and integration into the community; and

(G) recognizing the unique needs of underserved populations.

(c) GRANTS.—The Secretary may award grants in accordance with the following:

(1) To State and local health and disability agencies for the purpose of—

(A) establishing a population-based database that may be used for longitudinal and other research on paralysis and other disabling conditions;

(B) developing comprehensive paralysis and other physical disability action plans and activities focused on the items listed in subsection (b)(4);

(C) assisting State-based programs in establishing and implementing partnerships and collaborations that maximize the input and support of people with paralysis and other physical disabilities and their constituent organizations;

(D) coordinating paralysis and physical disability activities with existing State-based disability and health programs;

(E) providing education and training opportunities and programs for health professionals and allied caregivers; and

(F) developing, testing, evaluating, and replicating effective intervention programs to maintain or improve health and quality of life.

(2) To private health and disability organizations for the purpose of—

(A) disseminating information to the public;

(B) improving access to services for persons living with paralysis and other physical disabilities and their caregivers;

(C) testing model intervention programs to improve health and quality of life; and

(D) coordinating existing services with State-based disability and health programs.

(d) COORDINATION OF ACTIVITIES.—The Secretary shall ensure that activities under this section are coordinated as appropriate by the agencies of the Department of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2008 through 2011.

TITLE XV—SMITHSONIAN INSTITUTION FACILITIES AUTHORIZATION

20 USC 50 note.

SEC. 15101. LABORATORY AND SUPPORT SPACE, EDGEWATER, MARYLAND.

(a) AUTHORITY TO DESIGN AND CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to design and construct laboratory and support space to accommodate the Mathias Laboratory at the Smithsonian Environmental Research Center in Edgewater, Maryland.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $41,000,000 for fiscal years 2009 through 2011. Such sums shall remain available until expended.

20 USC 50 note.

SEC. 15102. LABORATORY SPACE, GAMBOA, PANAMA.

(a) AUTHORITY TO CONSTRUCT.—The Board of Regents of the Smithsonian Institution is authorized to construct laboratory space to accommodate the terrestrial research program of the Smithsonian tropical research institute in Gamboa, Panama.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of $14,000,000 for fiscal years 2009 and 2010. Such sums shall remain available until expended.

Maryland.
20 USC 50 note.

SEC. 15103. CONSTRUCTION OF GREENHOUSE FACILITY.

(a) IN GENERAL.—The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $12,000,000 to carry out this section. Such sums shall remain available until expended.

Approved March 30, 2009.

LEGISLATIVE HISTORY—H.R. 146:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 2, 3, considered and passed House.
Mar. 17–19, considered and passed Senate, amended.
Mar. 25, House concurred in Senate amendments.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Mar. 30, Presidential remarks and statement.

Public Law 111–12
111th Congress

An Act

To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Mar. 30, 2009
[H.R. 1512]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Federal Aviation Administration Extension Act of 2009.
26 USC 1 note.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2009".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2009" and inserting "September 30, 2009". 26 USC 4081.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "March 31, 2009" and inserting "September 30, 2009".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "March 31, 2009" and inserting "September 30, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009. 26 USC 4081 note.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "April 1, 2009" and inserting "October 1, 2009", and

(2) by inserting "or the Federal Aviation Administration Extension Act of 2009" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "April 1, 2009" and inserting "October 1, 2009".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009. 26 USC 9502 note.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(6) of title 49, United States Code, is amended by striking "$1,950,000,000

for the 6-month period beginning on October 1, 2008." and inserting "$3,900,000,000 for fiscal year 2009.".

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "March 31, 2009," and inserting "September 30, 2009,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "April 1, 2009." and inserting "October 1, 2009.".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "March 31, 2009," and inserting "September 30, 2009,"; and

(2) by striking "May 31, 2009," and inserting "December 31, 2009,".

(c) Section 44303(b) of such title is amended by striking "May 31, 2009," and inserting "December 31, 2009,".

(d) Section 47107(s)(3) of such title is amended by striking "April 1, 2009." and inserting "October 1, 2009.".

(e) Section 47115(j) of such title is amended by striking "2008, and for the portion of fiscal year 2009 ending before April 1, 2009," and inserting "2009,".

(f) Section 47141(f) of such title is amended by striking "March 31, 2009." and inserting "September 30, 2009.".

(g) Section 49108 of such title is amended by striking "March 31, 2009," and inserting "September 30, 2009,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "made in" and all that follows through "under chapter 471" and inserting "made in fiscal year 2009 under chapter 471".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "2008, and for the portion of fiscal year 2009 ending before April 1, 2009," and inserting "2009,".

Effective date. 49 USC 40117 note.

(j) The amendments made by this section shall take effect on April 1, 2009.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(E) of title 49, United States Code, is amended by striking "$4,516,364,500 for the 6-month period beginning on October 1, 2008." and inserting "$9,042,467,000 for fiscal year 2009.".

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(5) of title 49, United States Code, is amended by striking "$1,360,188,750 for the 6-month period beginning on October 1, 2008." and inserting "$2,742,095,000 for fiscal year 2009.".

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(13) of title 49, United States Code, is amended by striking "$85,507,500 for the 6-month period beginning on October 1, 2008." and inserting "$171,000,000 for fiscal year 2009.".

Approved March 30, 2009.

LEGISLATIVE HISTORY—H.R. 1512:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 18, considered and passed House and Senate.

Public Law 111–13
111th Congress

An Act

Apr. 21, 2009
[H.R. 1388]

Entitled The Edward M. Kennedy Serve America Act, an Act to reauthorize and reform the national service laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Serve America Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

42 USC 12501 note.

(a) SHORT TITLE.—This Act may be cited as the "Serve America Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes.
Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Campuses of Service.
Sec. 1204. Innovative programs and research.
Sec. 1205. Service-learning impact study.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. Eligible national service programs.
Sec. 1303. Types of positions.
Sec. 1304. Conforming repeal relating to training and technical assistance.
Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1309. National service program assistance requirements.
Sec. 1310. Prohibited activities and ineligible organizations.
Sec. 1311. Consideration of applications.
Sec. 1312. Description of participants.
Sec. 1313. Selection of national service participants.
Sec. 1314. Terms of service.
Sec. 1315. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.
Sec. 1402. Individuals eligible to receive an educational award from the Trust.
Sec. 1403. Certifications.
Sec. 1404. Determination of the amount of the educational award.

Sec. 1405. Disbursement of educational awards.
Sec. 1406. Approval process for approved positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.
Sec. 1502. Program components.
Sec. 1503. Eligible participants.
Sec. 1504. Summer national service program.
Sec. 1505. National Civilian Community Corps.
Sec. 1506. Training.
Sec. 1507. Consultation with State Commissions.
Sec. 1508. Authorized benefits for Corps members.
Sec. 1509. Permanent cadre.
Sec. 1510. Status of Corps members and Corps personnel under Federal law.
Sec. 1511. Contract and grant authority.
Sec. 1512. Other departments.
Sec. 1513. Advisory Board.
Sec. 1514. Evaluations.
Sec. 1515. Repeal of funding limitation.
Sec. 1516. Definitions.
Sec. 1517. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.
Sec. 1602. Reports.
Sec. 1603. Use of funds.
Sec. 1604. Notice, hearing, and grievance procedures.
Sec. 1605. Resolution of displacement complaints.
Sec. 1606. State Commissions on National and Community Service.
Sec. 1607. Evaluation and accountability.
Sec. 1608. Civic Health Assessment.
Sec. 1609. Contingent extension.
Sec. 1610. Partnerships with schools.
Sec. 1611. Rights of access, examination, and copying.
Sec. 1612. Additional administrative provisions.
Sec. 1613. Availability of assistance.
Sec. 1614. Criminal history checks for individuals working with vulnerable populations.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Chief Executive Officer compensation.
Sec. 1704. Authorities and duties of the Chief Executive Officer.
Sec. 1705. Chief Financial Officer status.
Sec. 1706. Nonvoting members; personal services contracts.
Sec. 1707. Donated services.
Sec. 1708. Assignment to State Commissions.
Sec. 1709. Study of involvement of veterans.
Sec. 1710. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.
Sec. 1711. Study to evaluate the effectiveness of agency coordination.
Sec. 1712. Study of program effectiveness.
Sec. 1713. Volunteer Management Corps study.

Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

Sec. 1801. Technical amendment to subtitle H.
Sec. 1802. Additional Corporation activities to support national service.
Sec. 1803. Repeals.
Sec. 1804. Presidential awards.
Sec. 1805. New fellowships.
Sec. 1806. National Service Reserve Corps.
Sec. 1807. Social Innovation Funds pilot program.
Sec. 1808. Clearinghouses.
Sec. 1809. Nonprofit Capacity Building Program.

Subtitle I—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

Subtitle J—Repeal of Title III (Points of Light Foundation)

Sec. 1831. Repeal.

Subtitle K—Amendments to Title V (Authorization of Appropriations)

Sec. 1841. Authorization of appropriations.

TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

Sec. 2001. References.
Sec. 2002. Volunteerism policy.

Subtitle A—National Volunteer Antipoverty Programs

CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

Sec. 2101. Statement of purpose.
Sec. 2102. Selection and assignment of volunteers.
Sec. 2103. Support service.
Sec. 2104. Repeal.
Sec. 2105. Redesignation.

CHAPTER 2—UNIVERSITY YEAR FOR VISTA

Sec. 2121. University year for VISTA.

CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

Sec. 2131. Statement of purpose.
Sec. 2132. Literacy challenge grants.

Subtitle B—National Senior Service Corps

Sec. 2141. Title.
Sec. 2142. Statement of purpose.
Sec. 2143. Retired and Senior Volunteer Program.
Sec. 2144. Foster grandparent program.
Sec. 2145. Senior companion program.
Sec. 2146. General provisions.

Subtitle C—Administration and Coordination

Sec. 2151. Special limitations.
Sec. 2152. Application of Federal law.
Sec. 2153. Evaluation.
Sec. 2154. Definitions.
Sec. 2155. Protection against improper use.
Sec. 2156. Provisions under the National and Community Service Act of 1990.

Subtitle D—Authorization of Appropriations

Sec. 2161. Authorizations of appropriations.

TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

Sec. 3101. Table of contents of the National and Community Service Act of 1990.
Sec. 3102. Table of contents of the Domestic Volunteer Service Act of 1973.

TITLE IV—AMENDMENTS TO OTHER LAWS

Sec. 4101. Inspector General Act of 1978.

TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

Sec. 5101. Findings.
Sec. 5102. Definitions.
Sec. 5103. Office of Volunteers for Prosperity.
Sec. 5104. Authorization of appropriations.

TITLE VI—EFFECTIVE DATE

Sec. 6101. Effective date.
Sec. 6102. Sense of the Senate.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the amendment or repeal shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES.

Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking "community throughout" and inserting "community and service throughout the varied and diverse communities of";

(2) in paragraph (4), by inserting after "income," the following: "geographic location,";

(3) in paragraph (6), by inserting after "existing" the following: "national";

(4) in paragraph (7)—

(A) by striking "programs and agencies" and inserting "programs, agencies, and communities"; and

(B) by striking "and" at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

"(9) expand and strengthen service-learning programs through year-round opportunities, including opportunities during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community for children and youth throughout the United States;

"(10) assist in coordinating and strengthening Federal and other service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

"(11) increase service opportunities for the Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions, to improve the education of the Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older individuals;

"(12) encourage the continued service of the alumni of the national service programs, including service in times of national need;

"(13) encourage individuals age 55 or older to partake of service opportunities;

"(14) focus national service on the areas of national need such service has the capacity to address, such as improving

education, increasing energy conservation, improving the health status of economically disadvantaged individuals, and improving economic opportunity for economically disadvantaged individuals;

"(15) recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in addressing national and local challenges;

"(16) increase public and private investment in nonprofit community organizations that are effectively addressing national and local challenges and encourage such organizations to replicate and expand successful initiatives;

"(17) leverage Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

"(18) support institutions of higher education that engage students in community service activities and provide high-quality service-learning opportunities; and

"(19) recognize the expertise veterans can offer to national service programs, expand the participation of the veterans in the national service programs, and assist the families of veterans and members of the Armed Forces on active duty.".

SEC. 1102. DEFINITIONS.

(a) IN GENERAL.—Section 101 (42 U.S.C. 12511) is amended—

(1) in paragraph (3), by striking "described in section 122";

(2) in paragraph (13), by striking "section 101(a) of the Higher Education Act of 1965" and inserting "sections 101(a) and 102(a)(1) of the Higher Education Act of 1965";

(3) in paragraph (17)(B), by striking "program in which the participant is enrolled" and inserting "organization receiving assistance under the national service laws through which the participant is engaging in service";

(4) in paragraph (19)—

(A) by striking "section 111(a)" and inserting "section 112(a)";

(B) by striking "117A(a),";

(C) by striking "119(b)(1), or 122(a)," and inserting "118A, or 118(b)(1), or subsection (a), (b), or (c) of section 122,";

(D) by inserting "section 198B, 198C, 198G, 198H, or 198K," after "section 152(b),"; and

(E) by striking "198, 198C, or 198D" and inserting "179A, 198, 198O, 198P, or 199N";

(5) in paragraph (21)(B)—

(A) by striking "602" and inserting "602(3)"; and

(B) by striking "1401" and inserting "1401(3)";

(6) in paragraph (24), by striking "section 111" and inserting "section 112";

(7) in paragraph (26), by striking the second sentence; and

(8) by adding at the end the following:

"(30) ALASKA NATIVE-SERVING INSTITUTION.—The term 'Alaska Native-serving institution' has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

"(31) APPROVED SILVER SCHOLAR POSITION.—The term 'approved silver scholar position' means a position, in a program

described in section 198C(a), for which the Corporation has approved the provision of a silver scholarship educational award as one of the benefits to be provided for successful service in the position.

"(32) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position, in a program described in section 119(c)(8), for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

"(33) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term 'Asian American and Native American Pacific Islander-serving institution' has the meaning given the term in section 320(b) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b)).

"(34) AUTHORIZING COMMITTEES.—The term 'authorizing committees' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

"(35) COMMUNITY-BASED ENTITY.—The term 'community-based entity' means a public or private nonprofit organization that—

"(A) has experience with meeting unmet human, educational, environmental, or public safety needs; and

"(B) meets other such criteria as the Chief Executive Officer may establish.

"(36) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' includes those youth who are economically disadvantaged and 1 or more of the following:

"(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

"(B) Who are in or aging out of foster care.

"(C) Who have limited English proficiency.

"(D) Who are homeless or who have run away from home.

"(E) Who are at-risk to leave secondary school without a diploma.

"(F) Who are former juvenile offenders or at risk of delinquency.

"(G) Who are individuals with disabilities.

"(37) ENCORE SERVICE PROGRAM.—The term 'encore service program' means a program, carried out by an eligible entity as described in subsection (a), (b), or (c) of section 122, that—

"(A) involves a significant number of participants age 55 or older in the program; and

"(B) takes advantage of the skills and experience that such participants offer in the design and implementation of the program.

"(38) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given such term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(39) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(40) MEDICALLY UNDERSERVED POPULATION.—The term 'medically underserved population' has the meaning given that

term in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3)).

"(41) NATIVE AMERICAN-SERVING, NONTRIBAL INSTITUTION.—The term 'Native American-serving, nontribal institution' has the meaning given the term in section 319(b) of the Higher Education Act of 1965 (20 U.S.C. 1059f(b)).

"(42) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term 'Native Hawaiian-serving institution' has the meaning given the term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

"(43) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' has the meaning given the term in section 318 of the Higher Education Act of 1965 (20 U.S.C. 1059e).

"(44) PRINCIPLES OF SCIENTIFIC RESEARCH.—The term 'principles of scientific research' means principles of research that—

"(A) apply rigorous, systematic, and objective methodology to obtain reliable and valid knowledge relevant to the subject matter involved;

"(B) present findings and make claims that are appropriate to, and supported by, the methods that have been employed; and

"(C) include, appropriate to the research being conducted—

"(i) use of systematic, empirical methods that draw on observation or experiment;

"(ii) use of data analyses that are adequate to support the general findings;

"(iii) reliance on measurements or observational methods that provide reliable and generalizable findings;

"(iv) strong claims of causal relationships, only with research designs that eliminate plausible competing explanations for observed results, such as, but not limited to, random-assignment experiments;

"(v) presentation of studies and methods in sufficient detail and clarity to allow for replication or, at a minimum, to offer the opportunity to build systematically on the findings of the research;

"(vi) acceptance by a peer-reviewed journal or critique by a panel of independent experts through a comparably rigorous, objective, and scientific review; and

"(vii) consistency of findings across multiple studies or sites to support the generality of results and conclusions.

"(45) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.

"(46) SCIENTIFICALLY VALID RESEARCH.—The term 'scientifically valid research' includes applied research, basic research, and field-initiated research in which the rationale, design, and interpretation are soundly developed in accordance with principles of scientific research.

"(47) TERRITORY.—The term 'territory' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(48) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given such term in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

"(49) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.".

(b) REDESIGNATION.—Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating paragraphs (1) through (49) as paragraphs (1), (3), (8), (9), (10), (12), (14), (15), (19), (20), (21), (22), (23), (24), (26), (29), (30), (31), (34), (35), (37), (39), (40), (41), (42), (43), (44), (45), (46), (2), (4), (5), (6), (7), (11), (13), (16), (17), (18), (25), (27), (28), (32), (33), (36), (38), (47), (48), and (49); and

(2) so that paragraphs (1) through (49), as so redesignated in paragraph (1), appear in numerical order.

Subtitle B—Amendments to Subtitle B (Learn and Serve America)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

"PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

"SEC. 111. PURPOSE. 42 USC 12521.

"The purpose of this part is to promote service-learning as a strategy to—

"(1) support high-quality service-learning projects that engage students in meeting community needs with demonstrable results, while enhancing students' academic and civic learning; and

"(2) support efforts to build institutional capacity, including the training of educators, and to strengthen the service infrastructure to expand service opportunities.

"SEC. 111A. DEFINITIONS. 42 USC 12522.

"In this part:

"(1) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(2) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means—

"(A) a State educational agency (as defined in section 101) of a State; or

"(B) for a State in which a State educational agency described in subparagraph (A) has designated a statewide entity under section 112(e), that designated statewide entity.

42 USC 12523.

"SEC. 112. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

"(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, territories, and Indian tribes to pay for the Federal share of—

"(1) planning and building the capacity within the State, territory, or Indian tribe involved to implement service-learning programs that are based principally in elementary schools and secondary schools, including—

"(A) providing training and professional development for teachers, supervisors, personnel from community-based entities (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

"(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including curricula for an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

"(C) forming local partnerships described in paragraph (2) or (4)(D) to develop school-based service-learning programs in accordance with this part;

"(D) devising appropriate methods for research on and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

"(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based entities with demonstrated effectiveness in working with school-age youth in their communities; and

"(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, throughout the territory, or serving the Indian tribe involved with particular attention to schools not making adequate yearly progress for two or more consecutive years under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to projects operated by local partnerships among—

"(A) local educational agencies; and

"(B) 1 or more community partners that—

"(i) shall include a public or private nonprofit organization that—

"(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

"(II) will make projects available for participants, who shall be students; and

"(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

"(ii) may include a private for-profit business, private elementary school or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

"(3) planning of school-based service-learning programs, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

"(A) the salaries and benefits of service-learning coordinators; or

"(B) the recruitment, training and professional development, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2);

"(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, territories, and Indian tribes of Federal funds made available under this part to—

"(A) local educational agencies;

"(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

"(C) public or private nonprofit organizations; or

"(D) partnerships or combinations of local educational agencies, and entities described in subparagraph (B) or (C); and

"(5) developing, as service-learning programs, civic engagement programs that promote a better understanding of—

"(A) the principles of the Constitution, the heroes of United States history (including military heroes), and the meaning of the Pledge of Allegiance;

"(B) how the Nation's government functions; and

"(C) the importance of service in the Nation's character.

"(b) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2) or (3) of subsection (a) shall provide services to a local partnership described in subsection (a)(2) or entity described in subsection (a)(3), respectively, that may include—

"(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

"(2) assisting local partnerships described in subsection (a)(2) in the planning, development, and execution of service-learning projects, including summer of service programs;

"(3) assisting schools and local educational agencies in developing school policies and practices that support the integration of service-learning into the curriculum; and

"(4) carrying out such other duties as the local partnership or entity, respectively, may determine to be appropriate.

"(c) RELATED EXPENSES.—An entity that receives financial assistance under this part from a State, territory, or Indian tribe may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

"(d) SPECIAL RULE.—A State educational agency described in section 111A(2)(A) may designate a statewide entity (which may be a community-based entity) with demonstrated experience in supporting or implementing service-learning programs, to receive the State educational agency's allotment under this part, and carry out the functions of the agency under this part.

"(e) CONSULTATION WITH SECRETARY OF EDUCATION.—The Corporation is authorized to enter into agreements with the Secretary of Education for initiatives (and may use funds authorized under section 501(a)(6) to enter into the agreements if the additional costs of the initiatives are warranted) that may include—

"(1) identification and dissemination of research findings on service-learning and scientifically valid research based practices for service-learning; and

"(2) provision of professional development opportunities that—

"(A) improve the quality of service-learning instruction and delivery for teachers both preservice and in-service, personnel from community-based entities and youth workers; and

"(B) create and sustain effective partnerships for service-learning programs between local educational agencies, community-based entities, businesses, and other stakeholders.

42 USC 12524.

"SEC. 112A. ALLOTMENTS.

"(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

"(b) ALLOTMENTS THROUGH STATES.—

"(1) IN GENERAL.—After reserving an amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for the fiscal year as follows:

"(A) ALLOTMENTS BASED ON SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-

age youth in the State bears to the total number of school-age youth in all States.

"(B) ALLOTMENTS BASED ON ALLOCATIONS UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) bears to the total of such allocations to all States.

"(2) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this subtitle exceed $50,000,000, the minimum allotment to each State under paragraph (1) shall be $75,000.

"(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, territory, or Indian tribe under this section will not be required for a fiscal year because the State, territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, territory, or Indian tribe available for grants to community-based entities to carry out service-learning programs as described in section 112(b) in such State, in such territory, or for such Indian tribe. After community-based entities apply for grants from the allotment, by submitting an application at such time and in such manner as the Corporation requires, and receive approval, the remainder of such allotment shall be available for reallotment to such other States, territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

"SEC. 113. APPLICATIONS. 42 USC 12525.

"(a) APPLICATIONS TO CORPORATION FOR ALLOTMENTS.—

"(1) IN GENERAL.—To be eligible to receive an allotment under section 112A, a State, acting through the State educational agency, territory, or Indian tribe shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

"(2) CONTENTS.—An application for an allotment under section 112 shall include—

"(A) a proposal for a 3-year plan promoting service-learning, which shall contain such information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

"(B) information about the criteria the State educational agency, territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (b), including an assurance that the State educational agency, territory, or Indian tribe will comply with the requirement in section 114(a);

"(C) assurances about the applicant's efforts to—

"(i) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

"(ii) include any opportunities for students, enrolled in schools or programs of education providing elementary or secondary education, to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

"(iii) involve participants in the design and operation of the programs;

"(iv) promote service-learning in areas of greatest need, including low-income or rural areas; and

"(v) otherwise integrate service opportunities into the academic program of the participants; and

"(D) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the notice, hearing, and grievance procedures required by section 176.

"(b) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE FOR ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

"(1) IN GENERAL.—Any—

"(A) qualified organization, Indian tribe, territory, local educational agency, for-profit business, private elementary school or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, territory, or Indian tribe for an activity described in section 112(a)(1);

"(B) partnership described in section 112(a)(2) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 112(a)(2);

"(C) entity described in section 112(a)(3) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section;

"(D) entity or partnership described in section 112(a)(4) that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in such section; and

"(E) entity that desires to receive such assistance from a State, territory, or Indian tribe for an activity described in section 111(a)(5),

shall prepare, submit to the State educational agency for the State, territory, or Indian tribe, and obtain approval of, an application for the program.

"(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, territory, or Indian tribe may reasonably require.

42 USC 12526.

"SEC. 114. CONSIDERATION OF APPLICATIONS.

"(a) CRITERIA FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall consider criteria with respect to sustainability, replicability, innovation, and quality of programs.

"(b) PRIORITY FOR LOCAL APPLICATIONS.—In providing assistance under this part, a State educational agency, territory, or Indian tribe (or the Corporation if section 112A(c) applies) shall give priority to entities that submit applications under section 113

with respect to service-learning programs described in section 111 that are in the greatest need of assistance, such as programs targeting low-income areas or serving economically disadvantaged youth.

"(c) REJECTION OF APPLICATIONS TO CORPORATION.—If the Corporation rejects an application submitted by a State, territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application. Notification.

"SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS. 42 USC 12527.

"(a) IN GENERAL.—To the extent consistent with the number of students in the State, in the territory, or served by the Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary schools and secondary schools, such State, territory, or Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

"(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

"(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

"(b) WAIVER.—If a State, territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers.

"SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS. 42 USC 12528.

"(a) CORPORATION SHARE.—

"(1) IN GENERAL.—The Corporation share of the cost of carrying out a program for which a grant is made from an allotment under this part—

"(A) for new grants may not exceed 80 percent of the total cost of the program for the first year of the grant period, 65 percent for the second year, and 50 percent for each remaining year; and

"(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

"(2) NONCORPORATION CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of such a grant under this part—

"(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services;

"(B) except as provided in subparagraph (C), may provide for such share through Federal, State, or local sources, including private funds or donated services; and

"(C) may not provide for such share through Federal funds made available under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

"(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year, on a determination that such a waiver would be equitable due to a lack of resources at the local level.

42 USC 12529.

"SEC. 117. LIMITATIONS ON USES OF FUNDS.

"Not more than 6 percent of the amount of assistance received by a State, territory, or Indian tribe that is the original recipient of an allotment under this part for a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by that recipient.".

SEC. 1202. HIGHER EDUCATION PROVISIONS.

(a) REDESIGNATION.—Section 119 (42 U.S.C. 12561) is redesignated as section 118.

(b) HIGHER EDUCATION INNOVATIVE PROGRAMS.—Section 118 (as so redesignated) is amended—

(1) in subsection (a), by inserting after "community service programs" the following: "through service-learning";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "combination" and inserting "consortium";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by adding "and" at the end; and

(iii) by adding at the end the following:

"(C) the institution or partnership may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at 1 or more members of the partnership;"; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking "teachers at the elementary, secondary, and postsecondary levels" and inserting "institutions of higher education and their faculty";

(ii) in subparagraph (A), by striking "education of the institution; and" and inserting "curricula of the institution to strengthen the instructional capacity of teachers to provide service-learning at the elementary and secondary levels;";

(iii) by redesignating subparagraph (B) as subparagraph (C); and

(iv) by inserting after subparagraph (A) the following:

"(B) including service-learning as a component of other curricula or academic programs (other than education curricula or programs), such as curricula or programs relating to nursing, medicine, criminal justice, or public policy; and";

(3) by striking subsections (c), (d), (e), and (g);

(4) by redesignating subsection (f) as subsection (i); and

(5) by inserting after subsection (b) the following:

"(c) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

"(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant or contract under this part—

"(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

"(ii) may provide for such share through State sources or local sources, including private funds or donated services.

"(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

"(d) APPLICATION FOR GRANT.—

Contracts.

"(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an institution or partnership shall prepare and submit to the Corporation, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require, and obtain approval of the application. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

"(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

"(A) assurances that—

"(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

"(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the notice, hearing, and grievance procedures required by section 176; and

"(B) such other assurances as the Chief Executive Officer may reasonably require.

"(e) SPECIAL CONSIDERATION.—To the extent practicable, in making grants and entering into contracts under subsection (b), the Corporation shall give special consideration to applications submitted by, or applications from partnerships including, institutions serving primarily low-income populations, including—

"(1) Alaska Native-serving institutions;
"(2) Asian American and Native American Pacific Islander-serving institutions;
"(3) Hispanic-serving institutions;
"(4) historically black colleges and universities;
"(5) Native American-serving, nontribal institutions;
"(6) Native Hawaiian-serving institutions;
"(7) Predominantly Black Institutions;
"(8) tribally controlled colleges and universities; and
"(9) community colleges serving predominantly minority populations.

"(f) CONSIDERATIONS.—In making grants and entering into contracts under subsection (b), the Corporation shall take into consideration whether the applicants submit applications containing proposals that—

"(1) demonstrate the commitment of the institution of higher education involved, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;
"(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;
"(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;
"(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—
"(A) the institution;
"(B)(i) a community-based agency;
"(ii) a local government agency; or
"(iii) a nonprofit entity that serves or involves school-age youth, older adults, or low-income communities; and
"(C)(i) a student organization;
"(ii) a department of the institution; or
"(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;
"(5) demonstrate community involvement in the development of the proposal and the extent to which the proposal will contribute to the goals of the involved community members;
"(6) demonstrate a commitment to perform community service projects in underserved urban and rural communities;
"(7) describe research on effective strategies and methods to improve service utilized in the design of the projects;
"(8) specify that the institution or partnership will use the assistance provided through the grant or contract to strengthen the service infrastructure in institutions of higher education;
"(9) with respect to projects involving delivery of services, specify projects that involve leadership development of school-age youth; or
"(10) describe the needs that the proposed projects are designed to address, such as housing, economic development, infrastructure, health care, job training, education, crime prevention, urban planning, transportation, information technology, or child welfare.

"(g) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(A)) relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) (relating to Federal Work-Study programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

"(h) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.".

SEC. 1203. CAMPUSES OF SERVICE.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is amended by inserting after section 118 (as redesignated by section 1202) the following:

"SEC. 118A. CAMPUSES OF SERVICE. 42 USC 12561a.

"(a) IN GENERAL.—The Corporation, after consultation with the Secretary of Education, may annually designate not more than 25 institutions of higher education as Campuses of Service, from among institutions nominated by State Commissions.

"(b) APPLICATIONS FOR NOMINATION.—

"(1) IN GENERAL.—To be eligible for a nomination to receive designation under subsection (a), and have an opportunity to apply for funds under subsection (d) for a fiscal year, an institution of higher education in a State shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require.

"(2) CONTENTS.—At a minimum, the application shall include information specifying—

"(A)(i) the number of undergraduate and, if applicable, graduate service-learning courses offered at such institution for the most recent full academic year preceding the fiscal year for which designation is sought; and

"(ii) the number and percentage of undergraduate students and, if applicable, the number and percentage of graduate students at such institution who were enrolled in the corresponding courses described in clause (i), for such preceding academic year;

"(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 (42 U.S.C. 2751(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

"(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students

opportunities to provide such community services and be compensated through such work-study funds;

"(D) at the discretion of the institution, information demonstrating the degree to which recent graduates of the institution, and all graduates of the institution, have obtained full-time public service employment in the nonprofit sector or government, with a private nonprofit organization or a Federal, State, or local public agency; and

"(E) any programs the institution has in place to encourage or assist graduates of the institution to pursue careers in public service in the nonprofit sector or government.

"(c) NOMINATIONS AND DESIGNATION.—

"(1) NOMINATION.—

"(A) IN GENERAL.—A State Commission that receives applications from institutions of higher education under subsection (b) may nominate, for designation under subsection (a), not more than 3 such institutions of higher education, consisting of—

"(i) not more than one 4-year public institution of higher education;

"(ii) not more than one 4-year private institution of higher education; and

"(iii) not more than one 2-year institution of higher education.

"(B) SUBMISSION.—The State Commission shall submit to the Corporation the name and application of each institution nominated by the State Commission under subparagraph (A).

"(2) DESIGNATION.—The Corporation shall designate, under subsection (a), not more than 25 institutions of higher education from among the institutions nominated under paragraph (1). In making the designations, the Corporation shall, if feasible, designate various types of institutions, including institutions from each of the categories of institutions described in clauses (i), (ii), and (iii) of paragraph (1)(A).

"(d) AWARDS.—

"(1) IN GENERAL.—Using sums reserved under section 501(a)(1)(C) for Campuses of Service, the Corporation shall provide an award of funds to institutions designated under subsection (c), to be used by the institutions to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

"(2) PLAN.—To be eligible to receive funds under this subsection, an institution designated under subsection (c) shall submit a plan to the Corporation describing how the institution intends to use the funds to develop or disseminate service-learning models and information on best practices regarding service-learning to other institutions of higher education.

"(3) ALLOCATION.—The Corporation shall determine how the funds reserved under section 501(a)(1)(C) for Campuses of Service for a fiscal year will be allocated among the institutions submitting acceptable plans under paragraph (2). In determining the amount of funds to be allocated to such an institution, the Corporation shall consider the number of students

at the institution, the quality and scope of the plan submitted by the institution under paragraph (2), and the institution's current (as of the date of submission of the plan) strategies to encourage or assist students to pursue public service careers in the nonprofit sector or government.".

SEC. 1204. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1203, is further amended by adding at the end the following:

"PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE–LEARNING PROGRAMS AND RESEARCH

"SEC. 119. INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH. 42 USC 12563.

"(a) DEFINITIONS.—In this part:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State educational agency, a State Commission, a territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including community-based entities), a public or private elementary school or secondary school, a local educational agency, a consortium of such entities, or a consortium of 2 or more such entities and a for-profit organization.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that—

"(A) shall include—

"(i) 1 or more community-based entities that have demonstrated records of success in carrying out service-learning programs with economically disadvantaged students, and that meet such criteria as the Chief Executive Officer may establish; and

"(ii) a local educational agency for which—

"(I) a high number or percentage, as determined by the Corporation, of the students served by the agency are economically disadvantaged students; and

"(II) the graduation rate (as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education for the secondary school students served by the agency is less than 70 percent; and

"(B) may also include—

"(i) a local government agency that is not described in subparagraph (A);

"(ii) the office of the chief executive officer of a unit of general local government;

"(iii) an institution of higher education;

"(iv) a State Commission or State educational agency; or

"(v) more than 1 local educational agency described in subclause (I).

"(3) YOUTH ENGAGEMENT ZONE.—The term 'youth engagement zone' means the area in which a youth engagement zone program is carried out.

"(4) YOUTH ENGAGEMENT ZONE PROGRAM.—The term 'youth engagement zone program' means a service-learning program in which members of an eligible partnership collaborate to provide coordinated school-based or community-based service-learning opportunities—

"(A) in order to address a specific community challenge;

"(B) for an increasing percentage of out-of-school youth and secondary school students served by a local educational agency; and

"(C) in circumstances under which—

"(i) not less than 90 percent of such students participate in service-learning activities as part of the program; or

"(ii) service-learning is a part of the curriculum in all of the secondary schools served by the local educational agency.

"(b) GENERAL AUTHORITY.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants (which may include approved summer of service positions in the case of a grant for a program described in subsection (c)(8)) and fixed-amount grants (in accordance with section 129(l)) to eligible entities or eligible partnerships, as appropriate, for programs and activities described in subsection (c).

"(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

"(1) integrate service-learning programs into the science, technology, engineering, and mathematics (referred to in this part as 'STEM') curricula at the elementary, secondary, postsecondary, or postbaccalaureate levels in coordination with practicing or retired STEM professionals;

"(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and in public spaces;

"(3) involve students in service-learning programs in emergency and disaster preparedness;

"(4) involve students in service-learning programs aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including improving such access for individuals with disabilities, in low-income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

"(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency and disaster preparedness needs in their community;

"(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

"(7) conduct innovative and creative activities as described in section 112(a);

"(8) establish or implement summer of service programs (giving priority to programs that enroll youth who will be enrolled in any of grades 6 through 9 at the end of the summer concerned) during the summer months (including recruiting, training, and placing service-learning coordinators)—

"(A) for youth who will be enrolled in any of grades 6 through 12 at the end of the summer concerned; and

"(B) for community-based service-learning projects—

"(i) that shall—

"(I) meet unmet human, educational, environmental (including energy conservation and stewardship), and emergency and disaster preparedness and other public safety needs; and

"(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community;

"(ii) that may include the extension of academic year service-learning programs into the summer months; and

"(iii) under which a student who completes 100 hours of service as described in section 146(b)(2), shall be eligible for a summer of service educational award of $500 or $750 as described in sections 146(a)(2)(C) and 147(d);

"(9) establish or implement youth engagement zone programs in youth engagement zones, for students in secondary schools served by local educational agencies for which a majority of such students do not participate in service-learning activities that are—

"(A) carried out by eligible partnerships; and

"(B) designed to—

"(i) involve all students in secondary schools served by the local educational agency in service-learning to address a specific community challenge;

"(ii) improve student engagement, including student attendance and student behavior, and student achievement, graduation rates, and college-going rates at secondary schools; and

"(iii) involve an increasing percentage of students in secondary school and out-of-school youth in the community in school-based or community-based service-learning activities each year, with the goal of involving all students in secondary schools served by the local educational agency and involving an increasing percentage of the out-of-school youth in service-learning activities; and

"(10) conduct semester of service programs that—

"(A) provide opportunities for secondary school students to participate in a semester of coordinated school-based or community-based service-learning opportunities for a minimum of 70 hours (of which at least a third will be spent participating in field-based activities) over a semester, to address specific community challenges;

"(B) engage as participants high percentages or numbers of economically disadvantaged students;

"(C) allow participants to receive academic credit, for the time spent in the classroom and in the field for the

program, that is equivalent to the academic credit for any class of equivalent length and with an equivalent time commitment; and

"(D) ensure that the classroom-based instruction component of the program is integrated into the academic program of the local educational agency involved; and

"(11) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

"(d) APPLICATIONS.—To be eligible to receive a grant to carry out a program or activity under this part, an entity or partnership, as appropriate, shall prepare and submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require, and obtain approval of the application.

"(e) PRIORITY.—In making grants under this part, the Corporation shall give priority to applicants proposing to—

"(1) involve students and community stakeholders in the design and implementation of service-learning programs carried out using funds received under this part;

"(2) implement service-learning programs in low-income or rural communities; and

"(3) utilize adult volunteers, including tapping the resources of retired and retiring adults, in the planning and implementation of service-learning programs.

"(f) REQUIREMENTS.—

"(1) TERM.—Each program or activity funded under this part shall be carried out over a period of 3 years, which may include 1 planning year. In the case of a program funded under this part, the 3-year period may be extended by 1 year, if the program meets performance levels established in accordance with section 179(k) and any other criteria determined by the Corporation.

"(2) COLLABORATION ENCOURAGED.—Each entity carrying out a program or activity funded under this part shall, to the extent practicable, collaborate with entities carrying out programs under this subtitle, subtitle C, and titles I and II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001 et seq.).

Deadline.

"(3) EVALUATION.—Not later than 4 years after the effective date of the Serve America Act, the Corporation shall conduct an independent evaluation of the programs and activities carried out using funds made available under this part, and determine best practices relating to service-learning and recommendations for improvement of those programs and activities. The Corporation shall widely disseminate the results of the evaluations, and information on the best practices and recommendations to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.".

Dissemination.

SEC. 1205. SERVICE-LEARNING IMPACT STUDY.

Subtitle B of title I (42 U.S.C. 12521 et seq.), as amended by section 1204, is further amended by adding at the end the following:

"PART IV—SERVICE-LEARNING IMPACT STUDY

"SEC. 120. STUDY AND REPORT.

42 USC 12565.

"(a) STUDY.—

"(1) IN GENERAL.—From the sums reserved under section 501(a)(1)(B) for this section, the Corporation shall enter into a contract with an entity that is not otherwise a recipient of financial assistance under this subtitle, to conduct a 10-year longitudinal study on the impact of the activities carried out under this subtitle.

Contracts.

"(2) CONTENTS.—In conducting the study, the entity shall consider the impact of service-learning activities carried out under this subtitle on students participating in such activities, including in particular examining the degree to which the activities—

"(A) improved student academic achievement;

"(B) improved student engagement;

"(C) improved graduation rates, as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education; and

"(D) improved the degree to which the participants in the activities engaged in subsequent national service, volunteering, or other service activities, or pursued careers in public service, in the nonprofit sector or government.

"(3) ANALYSIS.—In carrying out such study, the entity shall examine the impact of the service-learning activities on the 4 factors described in subparagraphs (A) through (D) of paragraph (2), analyzed in terms of how much time participants were engaged in service-learning activities.

"(4) BEST PRACTICES.—The entity shall collect information on best practices concerning using service-learning activities to improve the 4 factors.

"(b) INTERIM REPORTS.—The entity shall periodically submit reports to the Corporation containing the interim results of the study and the information on best practices. The Corporation shall submit such reports to the authorizing committees.

"(c) FINAL REPORT.—The entity shall submit a report to the Corporation containing the results of the study and the information on best practices. The Corporation shall submit such report to the authorizing committees, and shall make such report available to the public on the Corporation's website.

Public information. Web posting.

"(d) CONSULTATION AND DISSEMINATION.—On receiving the report described in subsection (c), the Corporation shall consult with the Secretary of Education to review the results of the study, and to identify best practices concerning using service-learning activities to improve the 4 factors described in subparagraphs (A) through (D) of subsection (a)(2). The Corporation shall disseminate information on the identified best practices.".

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "subdivisions of States," the following: "territories,"; and

(B) in paragraphs (1) and (2), by striking "section 122(a)" and inserting "subsection (a), (b), or (c) of section 122";

(2) in subsection (b)—

(A) in the heading, by striking "AGREEMENTS WITH FEDERAL AGENCIES" and inserting "RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES";

(B) by striking paragraph (1) and inserting the following:

"(1) AGREEMENTS AUTHORIZED.—The Corporation may enter into an interagency agreement (other than a grant agreement) with another Federal agency to support a national service program carried out or otherwise supported by the agency. The Corporation, in entering into the interagency agreement may approve positions as approved national service positions for a program carried out or otherwise supported by the agency.";

(C) by striking paragraph (2) and inserting the following:

"(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.";

(D) in paragraph (3)—

(i) by striking "receiving assistance under this subsection" and inserting "carrying out or supporting a national service program"; and

(ii) by striking "using such assistance" and inserting "through that program";

(E) in paragraph (4), by striking "a contract or cooperative agreement" the first place it appears and inserting "an interagency agreement"; and

(F) by adding at the end the following:

"(5) APPLICATION OF REQUIREMENTS.—A requirement under this Act that applies to an entity receiving assistance under section 121 (other than a requirement limited to an entity receiving assistance under section 121(a)) shall be considered to apply to a Federal agency that enters into an interagency agreement under this subsection, even though no Federal agency may receive financial assistance under such an agreement.";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "subsections (a) and (b)," and inserting "subsection (a), and in providing approved national service positions under subsection (b),"; and

(B) in paragraph (2)(B), by striking "to be provided" and inserting "to be provided or otherwise approved";

(4) in paragraphs (1) and (2) of subsection (d), by striking "or (b)";

(5) in subsection (e)—

(A) in paragraph (1), by striking "Federal share of the cost" and inserting "Corporation share of the cost (including the costs of member living allowances, employment-related taxes, health care coverage, and workers' compensation and other necessary operation costs)"; and

(B) by adding at the end the following:

"(5) OTHER FEDERAL FUNDS.—

"(A) RECIPIENT REPORT.—A recipient of assistance under this section (other than a recipient of assistance through a fixed-amount grant in accordance with section 129(l)) shall report to the Corporation the amount and source of any Federal funds used to carry out the program for which the assistance is made available other than those provided by the Corporation.

"(B) CORPORATION REPORT.—The Corporation shall report to the authorizing committees on an annual basis information regarding each recipient of such assistance that uses Federal funds other than those provided by the Corporation to carry out such a program, including the amounts and sources of the other Federal funds."; and

(6) by adding at the end the following:

"(f) PLAN FOR APPROVED NATIONAL SERVICE POSITIONS.—The Corporation shall—

"(1) develop a plan to—

"(A) establish the number of the approved national service positions as 88,000 for fiscal year 2010;

"(B) increase the number of the approved positions to—

"(i) 115,000 for fiscal year 2011;

"(ii) 140,000 for fiscal year 2012;

"(iii) 170,000 for fiscal year 2013;

"(iv) 200,000 for fiscal year 2014;

"(v) 210,000 for fiscal year 2015;

"(vi) 235,000 for fiscal year 2016; and

"(vii) 250,000 for fiscal year 2017;

"(C) ensure that the increases described in subparagraph (B) are achieved through an appropriate balance of full- and part-time service positions;

"(2) not later than 1 year after the date of enactment of the Serve America Act, submit a report to the authorizing committees on the status of the plan described in paragraph (1); and

Deadline.
Reports.

"(3) subject to the availability of appropriations and quality service opportunities, implement the plan described in paragraph (1).".

SEC. 1302. ELIGIBLE NATIONAL SERVICE PROGRAMS.

Section 122 is amended to read as follows:

42 USC 12572.

"SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.

"(a) NATIONAL SERVICE CORPS.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) shall use a portion of the financial assistance or positions involved, directly or through

subgrants to other entities, to support or carry out the following national service corps or programs, as full- or part-time corps or programs, to address unmet needs:

"(1) EDUCATION CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service programs through an Education Corps that identifies and meets unmet educational needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—An Education Corps described in this paragraph may carry out activities such as—

"(i) tutoring, or providing other academic support to elementary school and secondary school students;

"(ii) improving school climate;

"(iii) mentoring students, including adult or peer mentoring;

"(iv) linking needed integrated services and comprehensive supports with students, their families, and their public schools;

"(v) providing assistance to a school in expanding the school day by strengthening the quality of staff and expanding the academic programming offered in an expanded learning time initiative, a program of a 21st century community learning center (as defined in section 4201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171)), or a high-quality after-school program;

"(vi) assisting schools and local educational agencies in improving and expanding high-quality service-learning programs that keep students engaged in schools by carrying out programs that provide specialized training to individuals in service-learning, and place the individuals (after such training) in positions as service-learning coordinators, to facilitate service-learning in programs eligible for funding under part I of subtitle B;

"(vii) assisting students in being prepared for college-level work;

"(viii) involving family members of students in supporting teachers and students;

"(ix) conducting a preprofessional training program in which students enrolled in an institution of higher education—

"(I) receive training (which may include classes containing service-learning) in specified fields including early childhood education and care, elementary and secondary education, and other fields such as those relating to health services, criminal justice, environmental stewardship and conservation, or public safety;

"(II) perform service related to such training outside the classroom during the school term and during summer or other vacation periods; and

"(III) agree to provide service upon graduation to meet unmet human, educational, environmental, or public safety needs related to such training;

"(x) assisting economically disadvantaged students in navigating the college admissions process;

"(xi) providing other activities, addressing unmet educational needs, that the Corporation may designate; or

"(xii) providing skilled musicians and artists to promote greater community unity through the use of music and arts education and engagement through work in low-income communities, and education, health care, and therapeutic settings, and other work in the public domain with citizens of all ages.

"(C) EDUCATION CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

"(i) student engagement, including student attendance and student behavior;

"(ii) student academic achievement;

"(iii) secondary school graduation rates as defined in section 1111(b)(2)(C)(vi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(vi)) and as clarified in applicable regulations promulgated by the Department of Education;

"(iv) rate of college enrollment and continued college enrollment for recipients of a high school diploma;

"(v) any additional indicator relating to improving education for students that the Corporation, in consultation (as appropriate) with the Secretary of Education, establishes; or

"(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving education for students, that is approved by the Corporation or a State Commission.

"(2) HEALTHY FUTURES CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service programs through a Healthy Futures Corps that identifies and meets unmet health needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—A Healthy Futures Corps described in this paragraph may carry out activities such as—

"(i) assisting economically disadvantaged individuals in navigating the health services system;

"(ii) assisting individuals in obtaining access to health services, including oral health services, for themselves or their children;

"(iii) educating economically disadvantaged individuals and individuals who are members of medically underserved populations about, and engaging individuals described in this clause in, initiatives regarding navigating the health services system and regarding disease prevention and health promotion, with a particular focus on common health conditions, chronic diseases, and conditions, for which disease prevention and health promotion measures exist and for which socioeconomic, geographic, and racial and ethnic health disparities exist;

"(iv) improving the literacy of patients regarding health, including oral health;

"(v) providing translation services at clinics and in emergency rooms to improve health services;

"(vi) providing services designed to meet the health needs of rural communities, including the recruitment of youth to work in health professions in such communities;

"(vii) assisting in health promotion interventions that improve health status, and helping people adopt and maintain healthy lifestyles and habits to improve health status;

"(viii) addressing childhood obesity through in-school and after-school physical activities, and providing nutrition education to students, in elementary schools and secondary schools; or

"(ix) providing activities, addressing unmet health needs, that the Corporation may designate.

"(C) HEALTHY FUTURES CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

"(i) access to health services among economically disadvantaged individuals and individuals who are members of medically underserved populations;

"(ii) access to health services for uninsured individuals, including such individuals who are economically disadvantaged children;

"(iii) participation, among economically disadvantaged individuals and individuals who are members of medically underserved populations, in disease prevention and health promotion initiatives, particularly those with a focus on addressing common health conditions, addressing chronic diseases, and decreasing health disparities;

"(iv) literacy of patients regarding health;

"(v) any additional indicator, relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention, establishes; or

"(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to improving or protecting the health of economically disadvantaged individuals and individuals who are members of medically underserved populations, that is approved by the Corporation or a State Commission.

"(3) CLEAN ENERGY SERVICE CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service projects through a Clean Energy Service Corps that identifies and meets unmet environmental needs within communities through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—A Clean Energy Service Corps described in this paragraph may carry out activities such as—

"(i) weatherizing and retrofitting housing units for low-income households to significantly improve the energy efficiency and reduce carbon emissions of such housing units;

"(ii) building energy-efficient housing units in low-income communities;

"(iii) conducting energy audits for low-income households and recommending ways for the households to improve energy efficiency;

"(iv) providing clean energy-related services designed to meet the needs of rural communities;

"(v) working with schools and youth programs to educate students and youth about ways to reduce home energy use and improve the environment, including conducting service-learning projects to provide such education;

"(vi) assisting in the development of local recycling programs;

"(vii) renewing and rehabilitating national and State parks and forests, city parks, county parks and other public lands, and trails owned or maintained by the Federal Government or a State, including planting trees, carrying out reforestation, carrying out forest health restoration measures, carrying out erosion control measures, fire hazard reduction measures, and rehabilitation and maintenance of historic sites and structures throughout the national park system, and providing trail enhancements, rehabilitation, and repairs;

"(viii) cleaning and improving rivers maintained by the Federal Government or a State;

"(ix) carrying out projects in partnership with the National Park Service, designed to renew and rehabilitate national park resources and enhance services and learning opportunities for national park visitors, and nearby communities and schools;

"(x) providing service through a full-time, year-round youth corps program or full-time summer youth corps program, such as a conservation corps or youth service corps program that—

"(I) undertakes meaningful service projects with visible public benefits, including projects involving urban renewal, sustaining natural resources, or improving human services;

"(II) includes as participants youths and young adults who are age 16 through 25, including out-of-school youth and other disadvantaged youth (such as youth who are aging out of foster care, youth who have limited English proficiency, homeless youth, and youth who are individuals with disabilities), who are age 16 through 25; and

"(III) provides those participants who are youth and young adults with—

"(aa) team-based, highly structured, and adult-supervised work experience, life skills, education, career guidance and counseling, employment training, and support services including mentoring; and

"(bb) the opportunity to develop citizenship values and skills through service to their community and the United States;

"(xi) carrying out other activities, addressing unmet environmental and workforce needs, that the Corporation may designate.

"(C) CLEAN ENERGY SERVICE CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

"(i) the number of housing units of low-income households weatherized or retrofitted to significantly improve energy efficiency and reduce carbon emissions;

"(ii) annual energy costs (to determine savings in those costs) at facilities where participants have provided service;

"(iii) the number of students and youth receiving education or training in energy-efficient and environmentally conscious practices;

"(iv)(I) the number of acres of national parks, State parks, city parks, county parks, or other public lands, that are cleaned or improved; and

"(II) the number of acres of forest preserves, or miles of trails or rivers, owned or maintained by the Federal Government or a State, that are cleaned or improved;

"(v) any additional indicator relating to clean energy, the reduction of greenhouse gas emissions, or education and skill attainment for clean energy jobs, that the Corporation, in consultation (as appropriate) with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, or the Secretary of Labor, as appropriate, establishes; or

"(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to clean energy, the reduction of greenhouse gas emissions, or education or skill attainment for clean energy jobs, that is approved by the Corporation or a State Commission.

"(4) VETERANS CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service programs through a Veterans Corps that identifies and meets unmet needs of veterans and members of the Armed Forces who are on active duty through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—A Veterans Corps described in this paragraph may carry out activities such as—

"(i) promoting community-based efforts to meet the unique needs of military families while a family

member is deployed and upon that family member's return home;

"(ii) recruiting veterans, particularly returning veterans, into service opportunities, including opportunities that utilize their military experience;

"(iii) assisting veterans in developing their educational opportunities (including opportunities for professional certification, licensure, or credentials), coordinating activities with and assisting State and local agencies administering veterans education benefits, and coordinating activities with and assisting entities administering veterans programs with internships and fellowships that could lead to employment in the private and public sectors;

"(iv) promoting efforts within a community to serve the needs of veterans and members of the Armed Forces who are on active duty, including helping veterans file benefits claims and assisting Federal agencies in providing services to veterans, and sending care packages to Members of the Armed Forces who are deployed;

"(v) assisting veterans in developing mentoring relationships with economically disadvantaged students;

"(vi) developing projects to assist veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities, including assisting veterans described in this clause with transportation; or

"(vii) other activities, addressing unmet needs of veterans, that the Corporation may designate.

"(C) VETERANS' CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

"(i) the number of housing units created for veterans;

"(ii) the number of veterans who pursue educational opportunities;

"(iii) the number of veterans receiving professional certification, licensure, or credentials;

"(iv) the number of veterans engaged in service opportunities;

"(v) the number of military families assisted by organizations while a family member is deployed and upon that family member's return home;

"(vi) the number of economically disadvantaged students engaged in mentoring relationships with veterans;

"(vii) the number of projects designed to meet identifiable public needs of veterans, especially veterans with disabilities, veterans who are unemployed, older veterans, and veterans in rural communities;

"(viii) any additional indicator that relates to education or skill attainment that assists in providing veterans with the skills to address identifiable public needs, or that relates to improving the lives of veterans, of members of the Armed Forces on active duty, and of families of the veterans and the members on active

duty, and that the Corporation, in consultation (as appropriate) with the Secretary of Veterans Affairs, establishes; or

"(ix) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) relating to the education or skill attainment, or the improvement, described in clause (viii), that is approved by the Corporation or a State Commission.

"(5) OPPORTUNITY CORPS.—

"(A) IN GENERAL.—The recipient may carry out national service programs through an Opportunity Corps that identifies and meets unmet needs relating to economic opportunity for economically disadvantaged individuals within communities, through activities such as those described in subparagraph (B) and improves performance on the indicators described in subparagraph (C).

"(B) ACTIVITIES.—An Opportunity Corps described in this paragraph may carry out activities such as—

"(i) providing financial literacy education to economically disadvantaged individuals, including financial literacy education with regard to credit management, financial institutions including banks and credit unions, and utilization of savings plans;

"(ii) assisting in the construction, rehabilitation, or preservation of housing units, including energy efficient homes, for economically disadvantaged individuals;

"(iii) assisting economically disadvantaged individuals, including homeless individuals, in finding placement in and maintaining housing;

"(iv) assisting economically disadvantaged individuals in obtaining access to health services for themselves or their children;

"(v) assisting individuals in obtaining information about Federal, State, local, or private programs or benefits focused on assisting economically disadvantaged individuals, economically disadvantaged children, or low-income families;

"(vi) facilitating enrollment in and completion of job training for economically disadvantaged individuals;

"(vii) assisting economically disadvantaged individuals in obtaining access to job placement assistance;

"(viii) carrying out a program that seeks to eliminate hunger in low-income communities and rural areas through service in projects—

"(I) involving food banks, food pantries, and nonprofit organizations that provide food during emergencies;

"(II) seeking to address the long-term causes of hunger through education and the delivery of appropriate services;

"(III) providing training in basic health, nutrition, and life skills necessary to alleviate hunger in communities and rural areas; or

"(IV) assisting individuals in obtaining information about federally supported nutrition programs;

"(ix) addressing issues faced by homebound citizens, such as needs for food deliveries, legal and medical services, nutrition information, and transportation;

"(x) implementing an E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs that seek to increase access to technology and the benefits of technology in such community; and

"(xi) carrying out other activities, addressing unmet needs relating to economic opportunity for economically disadvantaged individuals, that the Corporation may designate.

"(C) OPPORTUNITY CORPS INDICATORS.—The indicators for a corps program described in this paragraph are—

"(i) the degree of financial literacy among economically disadvantaged individuals;

"(ii) the number of housing units built or improved for economically disadvantaged individuals or low-income families;

"(iii) the number of economically disadvantaged individuals with access to job training and other skill enhancement;

"(iv) the number of economically disadvantaged individuals with access to information about job placement services;

"(v) any additional indicator relating to improving economic opportunity for economically disadvantaged individuals that the Corporation, in consultation (as appropriate) with the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, establishes; or

"(vi) any additional local indicator (applicable to a particular recipient and on which an improvement in performance is needed) that is approved by the Corporation or a State Commission.

"(b) NATIONAL SERVICE PROGRAMS.—

"(1) IN GENERAL.—The recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may use the financial assistance or positions involved, directly or through subgrants to other entities, to carry out national service programs and model programs under this subsection that are focused on meeting community needs and improve performance on the indicators described in paragraph (3).

"(2) PROGRAMS.—The programs may include the following types of national service programs:

"(A) A community service program designed to meet the needs of rural communities, using teams or individual placements to address the development needs of rural communities, including addressing rural poverty, or the need for health services, education, or job training.

"(B) A program—

"(i) that engages participants in public health, emergency and disaster preparedness, and other public safety activities;

"(ii) that may include the recruitment of qualified participants for, and placement of the participants in, positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers; and

"(iii) that may engage Federal, State, and local stakeholders, in collaboration, to organize more effective responses to issues of public health, emergencies and disasters, and other public safety issues.

"(C) A program that seeks to expand the number of mentors for disadvantaged youths and other youths (including by recruiting high school-, and college-age individuals to enter into mentoring relationships), either through—

"(i) provision of direct mentoring services;

"(ii) provision of supportive services to direct mentoring service organizations (in the case of a partnership);

"(iii) the creative utilization of current and emerging technologies to connect youth with mentors; or

"(iv) supporting mentoring partnerships (including statewide and local mentoring partnerships that strengthen direct service mentoring programs) by—

"(I) increasing State resources dedicated to mentoring;

"(II) supporting the creation of statewide and local mentoring partnerships and programs of national scope through collaborative efforts between entities such as local or direct service mentoring partnerships, or units of State or local government; and

"(III) assisting direct service mentoring programs.

"(D) A program—

"(i) in which not less than 75 percent of the participants are disadvantaged youth;

"(ii) that may provide life skills training, employment training, educational counseling, assistance to complete a secondary school diploma or its recognized equivalent, counseling, or a mentoring relationship with an adult volunteer; and

"(iii) for which, in awarding financial assistance and approved national service positions, the Corporation shall give priority to programs that engage retirees to serve as mentors.

"(E) A program—

"(i) that reengages court-involved youth and adults with the goal of reducing recidivism;

"(ii) that may create support systems beginning in correctional facilities; and

"(iii) that may have life skills training, employment training, an education program (including a program

to complete a secondary school diploma or its recognized equivalent), educational and career counseling, and postprogram placement services.

"(F) A demonstration program—

"(i) that has as 1 of its primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members; and

"(ii) that may serve any purpose otherwise permitted under this Act.

"(G) A program that provides education or job training services that are designed to meet the needs of rural communities.

"(H) A program that seeks to expand the number of mentors for youth in foster care through—

"(i) the provision of direct academic mentoring services for youth in foster care;

"(ii) the provision of supportive services to mentoring service organizations that directly provide mentoring to youth in foster care, including providing training of mentors in child development, domestic violence, foster care, confidentiality requirements, and other matters related to working with youth in foster care; or

"(iii) supporting foster care mentoring partnerships, including statewide and local mentoring partnerships that strengthen direct service mentoring programs.

"(I) Such other national service programs addressing unmet human, educational, environmental, or public safety needs as the Corporation may designate.

"(3) INDICATORS.—The indicators for a program described in this subsection are the indicators described in subparagraph (C) of paragraphs (1), (2), (3), (4), or (5) of subsection (a) or any additional local indicator (applicable to a participant or recipient and on which an improvement in performance is needed) relating to meeting unmet community needs, that is approved by the Corporation or a State Commission.

"(c) PROGRAM MODELS FOR SERVICE CORPS.—

"(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

"(A) A community corps program that meets unmet health, veteran, and other human, educational, environmental, or public safety needs and promotes greater community unity through the use of organized teams of participants of varied social and economic backgrounds, skill levels, physical and developmental capabilities, ages, ethnic backgrounds, or genders.

"(B) A service program that—

"(i) recruits individuals with special skills or provides specialized preservice training to enable participants to be placed individually or in teams in positions

in which the participants can meet such unmet needs; and

"(ii) if consistent with the purposes of the program, brings participants together for additional training and other activities designed to foster civic responsibility, increase the skills of participants, and improve the quality of the service provided.

"(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

"(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.);

"(ii) teams composed of students described in clause (i); or

"(iii) teams composed of a combination of such students and community residents.

"(D) A professional corps program that recruits and places qualified participants in positions—

"(i) as teachers, nurses and other health care providers, police officers, early childhood development staff, engineers, or other professionals providing service to meet human, educational, environmental, or public safety needs in communities with an inadequate number of such professionals;

"(ii) for which the salary may exceed the maximum living allowance authorized in subsection (a)(2) of section 140, as provided in subsection (c) of such section; and

"(iii) that are sponsored by public or private employers who agree to pay 100 percent of the salaries and benefits (other than any national service educational award under subtitle D) of the participants.

"(E) A program that provides opportunities for veterans to participate in service projects.

"(F) A program carried out by an intermediary that builds the capacity of local nonprofit and faith-based organizations to expand and enhance services to meet local or national needs.

"(G) Such other program models as may be approved by the Corporation or a State Commission, as appropriate.

"(2) PROGRAM MODELS WITHIN CORPS.—A recipient of financial assistance or approved national service positions for a corps program described in subsection (a) may use the assistance or positions to carry out the corps program, in whole or in part, using a program model described in this subsection. The corps program shall meet the applicable requirements of subsection (a) and this subsection.

"(d) QUALIFICATION CRITERIA TO DETERMINE ELIGIBILITY.—

"(1) ESTABLISHMENT BY CORPORATION.—The Corporation shall establish qualification criteria for different types of national service programs for the purpose of determining

whether a particular national service program should be considered to be a national service program eligible to receive assistance or approved national service positions under this subtitle.

"(2) CONSULTATION.—In establishing qualification criteria under paragraph (1), the Corporation shall consult with organizations and individuals with extensive experience in developing and administering effective national service programs or regarding the delivery of veteran services, and other human, educational, environmental, or public safety services, to communities or persons.

"(3) APPLICATION TO SUBGRANTS.—The qualification criteria established by the Corporation under paragraph (1) shall also be used by each recipient of assistance under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(4) ENCOURAGEMENT OF INTERGENERATIONAL COMPONENTS OF PROGRAMS.—The Corporation shall encourage national service programs eligible to receive assistance or approved national service positions under this subtitle to establish, if consistent with the purposes of the program, an intergenerational component of the program that combines students, out-of-school youths, disadvantaged youth, and older adults as participants to provide services to address unmet human, educational, environmental, or public safety needs.

"(e) PRIORITIES FOR CERTAIN CORPS.—In awarding financial assistance and approved national service positions to eligible entities proposed to carry out the corps described in subsection (a)—

"(1) in the case of a corps described in subsection (a)(2)—

"(A) the Corporation may give priority to eligible entities that propose to provide support for participants who, after completing service under this section, will undertake careers to improve performance on health indicators described in subsection (a)(2)(C); and

"(B) the Corporation shall give priority to eligible entities that propose to carry out national service programs in medically underserved areas (as designated individually, by the Secretary of Health and Human Services as an area with a shortage of personal health services); and

"(2) in the case of a corps described in subsection (a)(3), the Corporation shall give priority to eligible entities that propose to recruit individuals for the Clean Energy Service Corps so that significant percentages of participants in the Corps are economically disadvantaged individuals, and provide to such individuals support services and education and training to develop skills needed for clean energy jobs for which there is current demand or projected future demand.

"(f) NATIONAL SERVICE PRIORITIES.—

"(1) ESTABLISHMENT.—

"(A) BY CORPORATION.—In order to concentrate national efforts on meeting human, educational, environmental, or public safety needs and to achieve the other purposes of this Act, the Corporation, after reviewing the strategic plan approved under section 192A(g)(1,) shall establish, and may periodically alter, priorities regarding the types of national service programs and corps to be assisted under section 129 and the purposes for which such assistance may be used.

"(B) BY STATES.—Consistent with paragraph (4), States shall establish, and through the national service plan process described in section 178(e)(1), periodically alter priorities as appropriate regarding the national service programs to be assisted under section 129(e). The State priorities shall be subject to Corporation review as part of the application process under section 130.

"(2) NOTICE TO APPLICANTS.—The Corporation shall provide advance notice to potential applicants of any national service priorities to be in effect under this subsection for a fiscal year. The notice shall specifically include—

"(A) a description of any alteration made in the priorities since the previous notice; and

"(B) a description of the national service programs that are designated by the Corporation under section 133(d)(2) as eligible for priority consideration in the next competitive distribution of assistance under section 121(a).

Procedures.

"(3) REGULATIONS.—The Corporation shall by regulation establish procedures to ensure the equitable treatment of national service programs that—

"(A) receive funding under this subtitle for multiple years; and

"(B) would be adversely affected by annual revisions in such national service priorities.

"(4) APPLICATION TO SUBGRANTS.—Any national service priorities established by the Corporation under this subsection shall also be used by each recipient of funds under section 121(a) that uses any portion of the assistance to conduct a grant program to support other national service programs.

"(g) CONSULTATION ON INDICATORS.—The Corporation shall consult with the Secretary of Education, the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, the Secretary of Energy, the Secretary of Veterans Affairs, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Secretary of Labor, the Secretary of Housing and Urban Development, and the Secretary of the Treasury, as appropriate, in developing additional indicators for the corps and programs described in subsections (a) and (b).

"(h) REQUIREMENTS FOR TUTORS.—

Certification.

"(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary school or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

"(A) obtained their high school diplomas; and

"(B) successfully completed pre- and in-service training for tutors.

"(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary school or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

"(i) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

"(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

"(2) offer high quality, research-based pre- and in-service training for tutors.

"(j) CITIZENSHIP TRAINING.—The Corporation shall establish guidelines for recipients of assistance under the national service laws, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, relating to the promotion of citizenship and civic engagement among participants in approved national service positions and approved summer of service positions, and appropriate to the age, education, and experience of the participants. Guidelines.

"(k) REPORT.—Not later than 60 days after the end of each fiscal year for which the Corporation makes grants under section 121(a), the Corporation shall prepare and submit to the authorizing committees a report containing—

"(1) information describing how the Corporation allocated financial assistance and approved national service positions among eligible entities proposed to carry out corps and national service programs described in this section for that fiscal year;

"(2) information describing the amount of financial assistance and the number of approved national service positions the Corporation provided to each corps and national service program described in this section for that fiscal year;

"(3) a measure of the extent to which the corps and national service programs improved performance on the corresponding indicators; and

"(4) information describing how the Corporation is coordinating—

"(A) the national service programs funded under this section; with

"(B) applicable programs, as determined by the Corporation, carried out under subtitle B of this title, and part A of title I and parts A and B of title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq., 5001, 5011) that improve performance on those indicators or otherwise address identified community needs.".

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (1)—

(A) by striking "section 122(a)" and inserting "subsection (a), (b), or (c) of section 122"; and

(B) by striking "or (b)";

(2) in paragraph (2)(A)—

(A) by inserting after "subdivision of a State," the following: "a territory,"; and

(B) by striking "Federal agency" and inserting "Federal agency (under an interagency agreement described in section 121(b))";

(3) in paragraph (4), by striking "section 122(a)(3)" and inserting "section 122(a)(1)(B)(vi)";

(4) in paragraph (5), by inserting "National" before "Civilian Community Corps";

(5) by redesignating paragraph (7) as paragraph (8); and

(6) by inserting after paragraph (6) the following:

"(7) A position involving service in the ServeAmerica Fellowship program carried out under section 198B.".

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 12575) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "$125,000 and $750,000" and inserting "$250,000 and $1,000,000"; and

(ii) by striking "501(a)(4)" and inserting "501(a)(5)"; and

(B) by striking paragraph (2) and inserting the following:

"(2) MATCHING REQUIREMENT.—In making a grant to a State under this subsection, the Corporation shall require the State to agree to provide matching funds from non-Federal sources of not less than $1 for every $1 provided by the Corporation through the grant.

"(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to meet alternative matching requirements for such a grant as follows:

"(A) FIRST $100,000.—For the first $100,000 of grant funds provided by the Corporation, the State involved shall not be required to provide matching funds.

"(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not more than $250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than $1 for every $2 provided by the Corporation, in excess of $100,000.

"(C) AMOUNTS GREATER THAN $250,000.—For grant amounts of more than $250,000 provided by the Corporation, the State shall agree to provide matching funds from non-Federal sources of not less than $1 for every $1 provided by the Corporation, in excess of $250,000.";

(2) by striking subsection (b) and inserting the following:

"(b) DISASTER SERVICE.—The Corporation may undertake activities, including activities carried out through part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), to involve programs that receive assistance under the national service laws in disaster relief efforts, and to support, including through mission assignments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), nonprofit organizations and public agencies responding to the needs of communities experiencing disasters."; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "to national service programs that receive assistance under section 121" and

inserting "to programs supported under the national service laws"; and

(B) by striking paragraph (3) and inserting the following:

"(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, a grant under this subsection may provide not more than $1 of assistance under this subsection for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds under this paragraph in lieu of cash raised from private sources if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.".

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

"SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

"(a) ONE PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The Corporation shall allot for a grant to each such territory under this subsection for a fiscal year an amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the territory bears to the total population of all such territories.

"(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes to be allotted by the Corporation on a competitive basis.

"(c) RESERVATION OF APPROVED POSITIONS.—The Corporation shall ensure that each individual selected during a fiscal year for assignment as a VISTA volunteer under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or as a participant in the National Civilian Community Corps Program under subtitle E shall receive the national service educational award described in subtitle D if the individual satisfies the eligibility requirements for the award. Funds for approved national service positions required by this paragraph for a fiscal year shall be deducted from the total funding for approved national service positions to be available for distribution under subsections (d) and (e) for that fiscal year.

"(d) ALLOTMENT FOR COMPETITIVE GRANTS.—

"(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve not more than 62.7 percent for grants awarded on a competitive basis to States specified in subsection (e)(1) for national service programs, to nonprofit organizations seeking to operate a national service program in 2 or more of those States, and to Indian tribes.

"(2) EQUITABLE TREATMENT.—In the consideration of applications for such grants, the Corporation shall ensure the equitable treatment of applicants from urban areas, applicants from rural areas, applicants of diverse sizes (as measured by the number of participants served), applicants from States, and applicants from national nonprofit organizations.

"(3) ENCORE SERVICE PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation shall make an effort to allocate not less than 10 percent of the financial assistance and approved national service positions provided through the grants for that fiscal year to eligible entities proposing to carry out encore service programs, unless the Corporation does not receive a sufficient number of applications of adequate quality to justify making that percentage available to those eligible entities.

"(4) CORPS PROGRAMS.—In making grants under this subsection for a fiscal year, the Corporation—

"(A) shall select 2 or more of the national service corps described in section 122(a) to receive grants under this subsection; and

"(B) may select national service programs described in section 122(b) to receive such grants.

"(e) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

"(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

"(2) ALLOTMENTS.—The Corporation shall allot for a grant to each such State under this subsection for a fiscal year an amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

"(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year shall be at least $600,000, or 0.5 percent of the amount allocated for the State formula under this subsection for the fiscal year, whichever is greater.

"(f) EFFECT OF FAILURE TO APPLY.—If a State or territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for, an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or territory to—

"(1) make grants (and provide approved national service positions in connection with such grants) to other community-based entities under section 121 that propose to carry out national service programs in such State or territory; and

"(2) make reallotments to other States or territories with approved applications submitted under section 130, from the allotment funds not used to make grants as described in paragraph (1).

"(g) APPLICATION REQUIRED.—The Corporation shall make an allotment of assistance (including the provision of approved national service positions) to a recipient under this section only pursuant to an application submitted by a State or other applicant under section 130.

"(h) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

"(i) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

"(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of those approved national service positions shall be made pursuant to the agreement, and the creation of those positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

"(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

"(j) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—

"(1) RESERVATION.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and allocated to carry out subtitle C and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under subsections (b) and (c) of section 126.

"(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed $10,000,000.

"(3) TIMING.—The Corporation shall reserve such amount, and any amount reserved under subsection (k) from funds appropriated and allocated to carry out subtitle C, before allocating funds for the provision of assistance under any other provision of this subtitle.

"(k) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—

"(1) RESERVATION.—To make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, and subject to the limitation in paragraph (2), the Chief Executive Officer shall reserve not less than 2 percent from the amounts, appropriated to carry out subtitles C, D, E, and H for each fiscal year.

"(2) LIMITATION.—The amount reserved under paragraph (1) for a fiscal year may not exceed $20,000,000.

"(3) REMAINDER.—The Chief Executive Officer may use the funds reserved under paragraph (1), and not distributed to make grants under this subsection for other activities described in section 501(a)(2).

"(l) AUTHORITY FOR FIXED-AMOUNT GRANTS.—

"(1) IN GENERAL.—

"(A) AUTHORITY.—From amounts appropriated for a fiscal year to provide financial assistance under the national service laws, the Corporation may provide assistance in the form of fixed-amount grants in an amount determined by the Corporation under paragraph (2) rather than on the basis of actual costs incurred by a program.

"(B) LIMITATION.—Other than fixed-amount grants to support programs described in section 129A, for the 1-year period beginning on the effective date of the Serve America Act, the Corporation may provide assistance in the form of fixed-amount grants to programs that only offer full-time positions.

"(2) DETERMINATION OF AMOUNT OF FIXED-AMOUNT GRANTS.—A fixed-amount grant authorized by this subsection shall be in an amount determined by the Corporation that is—

"(A) significantly less than the reasonable and necessary costs of administering the program supported by the grant; and

"(B) based on an amount per individual enrolled in the program receiving the grant, taking into account—

"(i) the capacity of the entity carrying out the program to manage funds and achieve programmatic results;

"(ii) the number of approved national service positions, approved silver scholar positions, or approved summer of service positions for the program, if applicable;

"(iii) the proposed design of the program;

"(iv) whether the program provides service to, or involves the participation of, disadvantaged youth or otherwise would reasonably incur a relatively higher level of costs; and

"(v) such other factors as the Corporation may consider under section 133 in considering applications for assistance.

"(3) REQUIREMENTS FOR GRANT RECIPIENTS.—In awarding a fixed-amount grant under this subsection, the Corporation—

"(A) shall require the grant recipient—

"(i) to return a pro rata amount of the grant funds based upon the difference between the number of hours served by a participant and the minimum number

of hours for completion of a term of service (as established by the Corporation);

"(ii) to report on the program's performance on standardized measures and performance levels established by the Corporation; Reports.

"(iii) to cooperate with any evaluation activities undertaken by the Corporation; and

"(iv) to provide assurances that additional funds will be raised in support of the program, in addition to those received under the national service laws; and

"(B) may adopt other terms and conditions that the Corporation considers necessary or appropriate based on the relative risks (as determined by the Corporation) associated with any application for a fixed-amount grant.

"(4) OTHER REQUIREMENTS NOT APPLICABLE.—Limitations on administrative costs and matching fund documentation requirements shall not apply to fixed-amount grants provided in accordance with this subsection.

"(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall relieve a grant recipient of the responsibility to comply with the requirements of chapter 75 of title 31, United States Code, or other requirements of Office of Management and Budget Circular A–133.".

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

"SEC. 129A. EDUCATIONAL AWARDS ONLY PROGRAM. 42 USC 12581a.

"(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed-amount grants (in accordance with section 129(l)), provide operational support to programs that receive approved national service positions but do not receive funds under section 121(a).

"(b) LIMIT ON CORPORATION GRANT FUNDS.—The Corporation may provide the operational support under this section for a program in an amount that is not more than $800 per individual enrolled in an approved national service position, or not more than $1,000 per such individual if at least 50 percent of the persons enrolled in the program are disadvantaged youth.

"(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

"(1) The limitation on administrative costs under section 121(d).

"(2) The matching funds requirements under section 121(e).

"(3) The living allowance and other benefits under sections 131(e) and 140 (other than individualized support services for participants with disabilities under section 140(f)).".

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by striking "section 121" and inserting "section 121(a)";

(B) by inserting after "assistance, a State," the following: "territory,"; and

(C) by striking "institution of higher education, or Federal agency" and inserting "or institution of higher education";

(2) in subsection (b)—

(A) in paragraph (9), by striking "section 122(c)" and inserting "section 122(f)"; and

(B) in paragraph (12), by inserting "municipalities and governments of counties in which such a community is located," after "providing services,";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "jobs or positions" and inserting "proposed positions"; and

(ii) by striking ", including" and all that follows through the period at the end and inserting a period;

(B) in paragraph (2), by inserting "proposed" before "minimum"; and

(C) by adding at the end the following:

"(3) In the case of a nonprofit organization intending to operate programs in 2 or more States, a description of the manner in which and extent to which the organization consulted with the State Commissions of each State in which the organization intends to operate and the nature of the consultation.";

(4) in subsection (d)(1)—

(A) in subparagraphs (A) and (B), by striking "subsection (a) or (b) of section 121" and inserting "section 121(a)";

(B) in subparagraph (B), by striking "section 122(a)" and inserting "subsection (a), (b), or (c) of section 122";

(5) by redesignating subsections (d) through (g) as subsections (e) through (h), respectively and inserting after subsection (c) the following:

"(d) ADDITIONAL REQUIRED APPLICATION INFORMATION.—An application submitted under subsection (a) for programs described in 122(a) shall also contain—

"(1) measurable goals, to be used for annual measurements of the program's performance on 1 or more of the corresponding indicators described in section 122;

"(2) information describing how the applicant proposes to utilize funds to improve performance on the corresponding indicators utilizing participants, including describing the activities in which such participants will engage to improve performance on those indicators;

"(3) information identifying the geographical area in which the eligible entity proposing to carry out the program proposes to use funds to improve performance on the corresponding indicators, and demographic information on the students or individuals, as appropriate, in such area, and statistics demonstrating the need to improve such indicators in such area; and

"(4) if applicable, information on how the eligible entity will work with other community-based entities to carry out activities to improve performance on the corresponding indicators using such funds.";

(6) in paragraph (2)(A) of subsection (f) (as so redesignated), by striking "were selected" and inserting "were or will be selected";

(7) in subsection (g) (as so redesignated)—

(A) in paragraph (1), by striking "a program applicant" and inserting "an applicant"; and

(B) in paragraph (2)—

(i) in the heading, by striking "PROGRAM APPLICANT" and inserting "APPLICANT";

(ii) in the matter preceding subparagraph (A), by striking "program applicant" and inserting "applicant";

(iii) in subparagraph (A)—

(I) by inserting after "subdivision of a State," the following: "territory,"; and

(II) by striking "institution of higher education, or Federal agency" and inserting "or institution of higher education"; and

(iv) in subparagraph (B)—

(I) by inserting after "subdivision of a State," the following: "territory,"; and

(II) by striking "institution of higher education, or Federal agency" and inserting "or institution of higher education"; and

(8) by amending subsection (h) (as so redesignated) to read as follows:

"(h) LIMITATION ON SAME PROJECT RECEIVING MULTIPLE GRANTS.—Unless specifically authorized by law, the Corporation may not provide more than 1 grant under the national service laws for a fiscal year to support the same project under the national service laws.".

SEC. 1309. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c) (42 U.S.C. 12583(c)) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following:

"(A) the community served, the municipality and government of the county (if appropriate) in which the community is located, and potential participants in the program; and"; and

(2) by striking paragraph (3) and inserting the following:

Consultation.

"(3) in the case of a program that is not funded through a State (including a national service program that a nonprofit organization seeks to operate in 2 or more States), consult with and coordinate activities with the State Commission for each State in which the program will operate, and the Corporation shall obtain confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate the program in that State.".

SEC. 1310. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

Subtitle C of title I (42 U.S.C. 12571 et seq.) is amended by inserting after section 132 the following:

42 USC 12584a.

"SEC. 132A. PROHIBITED ACTIVITIES AND INELIGIBLE ORGANIZATIONS.

"(a) PROHIBITED ACTIVITIES.—An approved national service position under this subtitle may not be used for the following activities:

Lobbying.

"(1) Attempting to influence legislation.

"(2) Organizing or engaging in protests, petitions, boycotts, or strikes.

"(3) Assisting, promoting, or deterring union organizing.

Contracts.

"(4) Impairing existing contracts for services or collective bargaining agreements.

"(5) Engaging in partisan political activities, or other activities designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

"(6) Participating in, or endorsing, events or activities that are likely to include advocacy for or against political parties, political platforms, political candidates, proposed legislation, or elected officials.

"(7) Engaging in religious instruction, conducting worship services, providing instruction as part of a program that includes mandatory religious instruction or worship, constructing or operating facilities devoted to religious instruction or worship, maintaining facilities primarily or inherently devoted to religious instruction or worship, or engaging in any form of proselytization, consistent with section 132.

"(8) Consistent with section 132, providing a direct benefit to any—

"(A) business organized for profit;

"(B) labor union;

"(C) partisan political organization;

"(D) nonprofit organization that fails to comply with the restrictions contained in section 501(c) of the Internal Revenue Code of 1986, except that nothing in this paragraph shall be construed to prevent participants from engaging in advocacy activities undertaken at their own initiative; and

"(E) organization engaged in the religious activities described in paragraph (7), unless the position is not used to support those religious activities.

Abortion.

"(9) Providing abortion services or referrals for receipt of such services.

"(10) Conducting a voter registration drive or using Corporation funds to conduct a voter registration drive.

"(11) Carrying out such other activities as the Corporation may prohibit.

"(b) INELIGIBILITY.—No assistance provided under this subtitle may be provided to any organization that has violated a Federal criminal statute.

"(c) NONDISPLACEMENT OF EMPLOYED WORKERS OR OTHER VOLUNTEERS.—A participant in an approved national service position under this subtitle may not be directed to perform any services or duties, or to engage in any activities, prohibited under the nonduplication, nondisplacement, or nonsupplantation requirements relating to employees and volunteers in section 177.".

SEC. 1311. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (b)(2)(B), by striking "jobs or";

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by striking "section 122(a)" and inserting "subsection (a), (b), or (c) of section 122"; and

(II) by striking "section 129(d)(2)" and inserting "section 129(d)";

(ii) by striking subparagraphs (A) through (G) and inserting the following:

"(A) national service programs that—

"(i) conform to the national service priorities in effect under section 122(f);

"(ii) are innovative; and

"(iii) are well established in 1 or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

"(B) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

"(C) professional corps programs described in section 122(c)(1)(D).."; and

(B) in paragraph (3), by striking "section 129(d)(2)" and inserting "section 129(d)";

(3) in subsection (e), by striking "subsections (a) and (d)(1) of section 129" and inserting "subsections (d) and (e) of section 129";

(4) in subsection (f)—

(A) in paragraph (1), by striking "section 129(a)(1)" and inserting "section 129(e)"; and

(B) in paragraph (3)—

(i) by striking "section 129(a)" and inserting "section 129(e)"; and

(ii) by striking "paragraph (3) of such subsection" and inserting "section 129(f)";

(5) by redesignating subsection (f) as subsection (g); and

(6) by inserting after subsection (e) the following:

"(f) VIEWS OF STATE COMMISSION.—In making competitive awards under section 129(d), the Corporation shall solicit and consider the views of a State Commission regarding any application for assistance to carry out a national service program within the State.".

SEC. 1312. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "section 122(a)(2) or a program described in section 122(a)(9)" and inserting "section 122(a)(3)(B)(x)"; and

(B) in paragraph (1), by striking "paragraph (4)" and inserting "paragraph (3)"; and

(3) in subsection (c), by striking "(a)(5)" and inserting "(a)(4)".

SEC. 1313. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a), by striking "conducted by the State" and all that follows through "or other entity" and inserting "conducted by the entity"; and

(2) in subsection (e)(2)(C), by inserting before the semicolon at the end the following: ", particularly those who were considered, at the time of their service, disadvantaged youth".

SEC. 1314. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "not less than 9 months and";

(B) in paragraph (2), by striking "during a period of—" and all that follows through the period at the end and inserting "during a period of not more than 2 years."; and

(C) by adding at the end the following:

"(4) EXTENSION OF TERM FOR DISASTER PURPOSES.—

"(A) EXTENSION.—An individual in an approved national service position performing service directly related to disaster relief efforts may continue in a term of service for a period of 90 days beyond the period otherwise specified in, as appropriate, this subsection or section 153(d) or in section 104 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4954).

"(B) SINGLE TERM OF SERVICE.—A period of service performed by an individual in an originally-agreed to term of service and service performed under this paragraph shall constitute a single term of service for purposes of subsections (b)(1) and (c) of section 146.

"(C) BENEFITS.—An individual performing service under this paragraph may continue to receive a living allowance and other benefits under section 140 but may not receive an additional national service educational award under section 141."; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "as demonstrated by the participant" and inserting "as determined by the organization responsible for granting the release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the term of service"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "provide to the participant that portion of the national service educational award" and inserting "certify the participant's eligibility for that portion of the national service educational award"; and

(ii) in subparagraph (B), by striking "to allow return to the program with which the individual was serving in order".

SEC. 1315. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "paragraph (3)" and inserting "paragraphs (2) and (3)";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

"(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 (42 U.S.C. 2751 et seq.) shall be reduced by the amount of the individual's Federal work study award."; and

(E) in paragraph (4), by striking "a reduced term of service under section 139(b)(3)" and inserting "a term of service that is less than 12 months";

(2) in subsection (b), by striking "shall include an amount sufficient to cover 85 percent of such taxes" and all that follows through the period at the end and inserting "may be used to pay the taxes described in this subsection.";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking "section 122(a)(8)" and inserting "section 122(c)(1)(D)"; and

(ii) by striking "subsection (a)(3)" and inserting "subsection (a)(2)";

(B) in paragraph (1), by adding "and" at the end;

(C) by striking paragraph (2); and

(D) by redesignating paragraph (3) as paragraph (2);

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "shall provide" and inserting "shall provide or make available"; and

(ii) by striking the second sentence; and

(B) in paragraph (2), by striking "provide from its own funds" and inserting "provide from its own funds or make available"; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

(a) SUBTITLE HEADING.—The subtitle heading for subtitle D of title I is amended to read as follows:

"Subtitle D—National Service Trust and Provision of Educational Awards".

(b) ESTABLISHMENT OF TRUST.—Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "pursuant to section 501(a)(2)"; and

(ii) in subparagraph (A), by inserting after "national service educational awards" the following: ", summer of service educational awards, and silver scholar educational awards";

(B) in paragraph (2)—

(i) by striking "pursuant to section 196(a)(2)" and inserting "pursuant to section 196(a)(2), if the terms of such donations direct that the donated amounts be deposited in the National Service Trust"; and

(ii) by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

"(3) any amounts recovered by the Corporation pursuant to section 146A; and";

(2) in subsection (c), by striking "for payments of national service educational awards in accordance with section 148." and inserting "for—

"(1) payments of national service educational awards, summer of service educational awards, and silver scholar educational awards in accordance with section 148; and

"(2) payments of interest in accordance with section 148(e).''; and

(3) in subsection (d)—

(A) in the subsection heading, by striking "CONGRESS" and inserting "THE AUTHORIZING COMMITTEES";

(B) in the matter preceding paragraph (1), by striking "the Congress" and inserting "the authorizing committees";

(C) in paragraphs (2), (3), and (4), by inserting ", summer of service educational awards, or silver scholar awards" after "national service educational awards" each place the term appears; and

(D) in paragraph (4)—

(i) by inserting ", additional approved summer of service positions, and additional approved silver scholar positions" after "additional approved national service positions"; and

(ii) by striking "under subtitle C".

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 146. INDIVIDUALS ELIGIBLE TO RECEIVE AN EDUCATIONAL AWARD FROM THE TRUST."; and 42 USC 12602.

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ", summer of service educational award, or silver scholar educational award" after "national service educational award"; and

(ii) by striking "if the individual" and inserting "if the organization responsible for the individual's supervision in a national service program certifies that the individual";

(B) by striking paragraphs (1), (2), and (3) and inserting the following:

"(1) met the applicable eligibility requirements for the approved national service position, approved silver scholar position, or approved summer of service position, as appropriate, in which the individual served;

"(2)(A) for a full-time or part-time national service educational award, successfully completed the required term of service described in subsection (b)(1) in the approved national service position;

"(B) for a partial educational award in accordance with section 139(c)—

"(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under such section; and

"(ii) completed at least 15 percent of the required term of service described in subsection (b) for the approved national service position;

"(C) for a summer of service educational award, successfully completed the required term of service described in subsection (b)(2) in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); or

"(D) for a silver scholar educational award, successfully completed the required term of service described in subsection (b)(3) in an approved silver scholar position, as certified through a process determined by the Corporation through regulations consistent with section 138(f); and".

(C) by redesignating paragraph (4) as paragraph (3);

(3) in subsection (b)—

(A) by striking "The term" and inserting the following:

"(1) APPROVED NATIONAL SERVICE POSITION.—The term"; and

(B) by adding at the end the following:

"(2) APPROVED SUMMER OF SERVICE POSITION.—The term of service for an approved summer of service position shall not be less than 100 hours of service during the summer months.

"(3) APPROVED SILVER SCHOLAR POSITION.—The term of service for an approved silver scholar position shall be not less than 350 hours during a 1-year period.";

(4) by striking subsection (c) and inserting the following:

"(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, through national service educational awards and silver scholar educational awards, more than an amount equal to the aggregate value of

2 such awards for full-time service. The value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of the national service educational awards the individual may receive.";

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "SEVEN-YEAR REQUIREMENT" and inserting "IN GENERAL";

(ii) by striking "An" and inserting "Subject to paragraph (2), an";

(iii) by inserting "or a silver scholar educational award" after "national service educational award";

(iv) by inserting "or an approved silver scholar position, as applicable," after "approved national service position"; and

(v) by adding at the end the following: "Subject to paragraph (2), an individual eligible to receive a summer of service educational award under this section may not use such award after the end of the 10-year period beginning on the date the individual completes the term of service in an approved summer of service position that is the basis of the award.";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) and in subparagraph (A), by inserting ", summer of service educational award, or silver scholar educational award" after "national service educational award";

(ii) in subparagraph (A), by inserting ", or 10-year period, as appropriate" after "7-year period"; and

(iii) in subparagraph (B), by inserting ", approved summer of service position, or approved silver scholar position" after "approved national service position"; and

(C) by adding at the end the following:

"(3) TERM FOR TRANSFERRED EDUCATIONAL AWARDS.—For purposes of applying paragraphs (1) and (2)(A) to an individual who is eligible to receive an educational award as a designated individual (as defined in section 148(f)(8)), references to a seven-year period shall be considered to be references to a 10-year period that begins on the date the individual who transferred the educational award to the designated individual completed the term of service in the approved national service position or approved silver scholar position that is the basis of the award."; and

(6) in subsection (e)(1)—

(A) by inserting after "qualifying under this section" the following: "or under section 119(c)(8)"; and

(B) by inserting after "to receive a national service educational award" the following: ", a summer of service educational award, or a silver scholar educational award".

SEC. 1403. CERTIFICATIONS.

The Act is amended by adding after section 146 (42 U.S.C. 12602) the following:

42 USC 12602a.

"SEC. 146A. CERTIFICATIONS OF SUCCESSFUL COMPLETION OF TERMS OF SERVICE.

"(a) CERTIFICATIONS.—In making any authorized disbursement from the National Service Trust in regard to an eligible individual

(including disbursement for a designated individual, as defined in section 148(f)(8), due to the service of an eligible individual) under section 146 who served in an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation shall rely on a certification. The certification shall be made by the entity that selected the individual for and supervised the individual in the approved national service position in which such individual successfully completed a required term of service, in a national service program.

"(b) EFFECT OF ERRONEOUS CERTIFICATIONS.—If the Corporation determines that the certification under subsection (a) is erroneous or incorrect, the Corporation shall assess against the national service program a charge for the amount of any associated payment or potential payment from the National Service Trust. In assessing the amount of the charge, the Corporation shall consider the full facts and circumstances surrounding the erroneous or incorrect certification.". Payment charge.

SEC. 1404. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD.

Section 147 (42 U.S.C. 12603) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 147. DETERMINATION OF THE AMOUNT OF THE EDUCATIONAL AWARD."; and

(2) by amending subsection (a) to read as follows:

"(a) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—Except as provided in subsection (c), an individual described in section 146(a) who successfully completes a required term of full-time national service in an approved national service position shall receive a national service educational award having a value equal to the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) that a student eligible for such Grant may receive in the aggregate (without regard to whether the funds are provided through discretionary or mandatory appropriations), for the award year for which the national service position is approved by the Corporation.";

(3) in subsection (b), by striking ", for each of not more than 2 of such terms of service,"; and

(4) by adding at the end the following:

"(d) AMOUNT FOR SUMMER OF SERVICE.—An individual described in section 146(a) who successfully completes a required summer of service term shall receive a summer of service educational award having a value, for each of not more than 2 of such terms of service, equal to $500 (or, at the discretion of the Chief Executive Officer, equal to $750 in the case of a participant who is economically disadvantaged).

"(e) AMOUNT FOR SILVER SCHOLARS.—An individual described in section 146(a) who successfully completes a required silver scholar term shall receive a silver scholar educational award having a value of $1,000.".

SEC. 1405. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 148. DISBURSEMENT OF EDUCATIONAL AWARDS.";

(2) in subsection (a)—

(A) in paragraph (2), by striking "cost of attendance" and inserting "cost of attendance or other educational expenses";

(B) in paragraph (3), by striking "and";

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) to pay expenses incurred in enrolling in an educational institution or training establishment that is approved under chapter 36 of title 38, United States Code, or other applicable provisions of law, for offering programs of education, apprenticeship, or on-job training for which educational assistance may be provided by the Secretary of Veterans Affairs; and";

(3) in subsection (b)—

(A) in paragraph (1), by inserting after "the national service educational award of the individual" the following: ", an eligible individual under section 146(a) who served in a summer of service program and desires to apply that individual's summer of service educational award, or an eligible individual under section 146(a) who served in a silver scholar program and desires to apply that individual's silver scholar educational award,";

(B) in paragraph (2), by inserting after "the national service educational award" the following: ", the summer of service educational award, or the silver scholar educational award, as applicable,";

(C) in paragraph (5), by inserting after "the national service educational award" the following: ", the summer of service educational award, or the silver scholar educational award, as applicable"; and

(D) in paragraph (7)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

"(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

"(ii) the direct student loan program under part D of title IV of such Act (20 U.S.C. 1087a et seq.);

"(iii) a State agency; or

"(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.";

(4) in subsection (c)—

(A) in paragraph (1), by inserting after "national service educational award" the following: ", an eligible individual under section 146(a) who desires to apply the individual's summer of service educational award, or an eligible individual under section 146(a) who served in a

silver scholar program and desires to apply that individual's silver scholar educational award,";

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting after "national service educational award" the following: ", summer of service educational award, or silver scholar educational award, as applicable,"; and

(ii) in subparagraph (C)(iii), by inserting after "national service educational awards" the following: ", summer of service educational awards, or silver scholar educational awards, as applicable,";

(C) in paragraph (3), by inserting after "national service educational awards" the following: "summer of service educational awards, or silver scholar educational awards";

(D) in paragraph (5)—

(i) in the first sentence, by inserting after "national service educational award" the following: ", summer of service educational award, or silver scholar educational award, as applicable,"; and

(ii) in the third sentence, by inserting before the period the following: ", additional approved summer of service positions, and additional approved silver scholar positions"; and

(E) in paragraph (6)—

(i) in the matter preceding subparagraph (A), by inserting after "national service educational award" the following: ", summer of service educational award, or silver scholar educational award";

(ii) in subparagraph (A), by inserting "and other educational expenses" after "cost of attendance"; and

(iii) by striking subparagraph (B) and inserting the following:

"(B) the student's estimated financial assistance for such period under part A of title IV of such Act (20 U.S.C. 1070 et seq.).";

(5) in subsection (d), by inserting after "national service educational awards" the following: ", summer of service educational awards, and silver scholar educational awards";

(6) in subsection (e), by striking "subsection (b)(6)" and inserting "subsection (b)(7)";

(7) in subsection (f)—

(A) by striking "Director" and inserting "Chief Executive Officer"; and

(B) by inserting ", summer of service educational award, or silver scholar educational award, as appropriate," after "national service educational award";

(8) by redesignating subsections (f) and (g) as subsections (g) and (h) respectively; and

(9) by inserting after subsection (e) the following:

"(f) TRANSFER OF EDUCATIONAL AWARDS.—

"(1) IN GENERAL.—An individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) may elect to receive the award (in the amount described in the corresponding provision of section 147) and transfer the award to a designated individual. Subsections (b), Applicability.

(c), and (d) shall apply to the designated individual in lieu of the individual who is eligible to receive the national service educational award or silver scholar educational award, except that amounts refunded to the account under subsection (c)(5) on behalf of a designated individual may be used by the Corporation to fund additional placements in the national service program in which the eligible individual who transferred the national service educational award or silver scholar educational award participated for such award.

"(2) CONDITIONS FOR TRANSFER.—An educational award may be transferred under this subsection if—

"(A)(i) the award is a national service educational award for service in a national service program that receives a grant under subtitle C; and

"(ii) before beginning the term of service involved, the eligible individual is age 55 or older; or

"(B) the award is a silver scholarship educational award under section 198C(a).

"(3) MODIFICATION OR REVOCATION.—

"(A) IN GENERAL.—An individual transferring an educational award under this subsection may, on any date on which a portion of the educational award remains unused, modify or revoke the transfer of the educational award with respect to that portion.

"(B) NOTICE.—A modification or revocation of the transfer of an educational award under this paragraph shall be made by the submission of written notice to the Corporation.

"(4) PROHIBITION ON TREATMENT OF TRANSFERRED AWARD AS MARITAL PROPERTY.—An educational award transferred under this subsection may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

"(5) DEATH OF TRANSFEROR.—The death of an individual transferring an educational award under this subsection shall not affect the use of the educational award by the child, foster child, or grandchild to whom the educational award is transferred if such educational award is transferred prior to the death of the individual.

"(6) PROCEDURES TO PREVENT WASTE, FRAUD, OR ABUSE.—The Corporation shall establish requirements to prevent waste, fraud, or abuse in connection with the transfer of an educational award and to protect the integrity of the educational award under this subsection.

"(7) TECHNICAL ASSISTANCE.—The Corporation may, as appropriate, provide technical assistance, to individuals and eligible entities carrying out national service programs, concerning carrying out this subsection.

"(8) DEFINITION OF A DESIGNATED INDIVIDUAL.—In this subsection, the term 'designated individual' is an individual—

"(A) whom an individual who is eligible to receive a national service educational award or silver scholar educational award due to service in a program described in paragraph (2) designates to receive the educational award;

"(B) who meets the eligibility requirements of paragraphs (3) and (4) of section 146(a); and

"(C) who is a child, foster child, or grandchild of the individual described in subparagraph (A).".

SEC. 1406. APPROVAL PROCESS FOR APPROVED POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is amended by adding at the end the following new section:

"SEC. 149. APPROVAL PROCESS FOR APPROVED POSITIONS. 42 USC 12606.

"(a) TIMING AND RECORDING REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding subtitles C, D, and H, and any other provision of law, in approving a position as an approved national service position, an approved summer of service position, or an approved silver scholar position, the Corporation—

"(A) shall approve the position at the time the Corporation—

"(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act, section 198B or 198C(a), or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), a summer of service program described in section 119(c)(8), or a silver scholarship program described in section 198C(a); or

"(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

"(B) shall record as an obligation an estimate of the net present value of the national service educational award, summer of service educational award, or silver scholar educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards, summer of service educational awards, or silver scholar educational awards, as appropriate, for such a program and remain available.

"(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

"(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the authorizing committees a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

"(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position, approved summer of service position, or approved silver scholarship position that the Corporation approves— Applicability.

"(A) during fiscal year 2010; and

"(B) during any subsequent fiscal year.

"(b) RESERVE ACCOUNT.—

"(1) ESTABLISHMENT AND CONTENTS.—

"(A) ESTABLISHMENT.—Notwithstanding subtitles C, D, and H, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

"(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions, approved summer of service positions, and approved silver scholar positions, for each fiscal year, the Corporation shall place in the account—

"(i) during fiscal year 2010, a portion of the funds that were appropriated for fiscal year 2010 or a previous fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available; and

"(ii) during fiscal year 2011 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501 of this Act or section 501 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081), were made available to carry out subtitle C, D, or E of this title, section 198B or 198C(a), subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service programs described in section 119(c)(8), and remain available.

"(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

"(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions, summer of service educational awards associated with previously approved summer of service positions, and silver scholar educational awards associated with previously approved silver scholar positions; or

"(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions, summer of service educational awards for such previously approved summer of service positions, or silver scholar educational awards for such previously approved silver scholar positions, as applicable.

"(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, approved summer of service positions, and approved silver scholar positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

Reports.

"(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards, summer of service educational awards, or silver scholar educational awards under section 148.".

(b) CONFORMING REPEAL.—The Strengthen AmeriCorps Program Act (42 U.S.C. 12605) is repealed.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

"SEC. 151. PURPOSE.

"It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. The needs to be met under such programs include those needs related to—

"(1) natural and other disasters;
"(2) infrastructure improvement;
"(3) environmental stewardship and conservation;
"(4) energy conservation; and
"(5) urban and rural development.".

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

"SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.";

(2) in subsection (a), by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program";

(3) in the matter preceding paragraph (1) of subsection (b)—

(A) by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program"; and

(B) by striking "a Civilian Community Corps" and inserting "a National Civilian Community Corps"; and

(4) by striking subsection (c) and inserting the following:

"(c) RESIDENTIAL COMPONENTS.—Both programs referred to in subsection (b) may include a residential component.".

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program"; and

(B) by striking "on Civilian Community Corps" and inserting "on National Civilian Community Corps";

(2) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) is, or will be, at least 18 years of age on or before December 31 of the calendar year in which the individual enrolls in the program, but is not more than 24 years of age as of the date the individual begins participating in the program; and";

(3) in subsection (c)—

(A) in the subsection heading, by striking "BACKROUNDS" and inserting "BACKGROUNDS"; and

(B) by adding at the end the following: "The Director shall take appropriate steps, including through outreach and recruitment activities, to increase the percentage of participants in the program who are disadvantaged youth to 50 percent of all participants by year 2012. The Director shall report to the authorizing committees biennially on such steps, any challenges faced, and the annual participation rates of disadvantaged youth in the program.";

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program"; and

(B) by striking "on Civilian Community Corps" and inserting "on National Civilian Community Corps"; and

(2) in subsection (b), by striking "shall be" and all that follows through the period at the end and inserting "shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.".

SEC. 1505. NATIONAL CIVILIAN COMMUNITY CORPS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

"SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.";

(2) in subsection (a)—

(A) by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program"; and

(B) by striking "the Civilian Community Corps shall" and inserting "the National Civilian Community Corps shall";

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

"(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—";

(B) in paragraph (1), by inserting "National" before "Civilian Community Corps";

(C) in paragraph (3)—

(i) by striking "superintendent" and inserting "campus director"; and

(ii) by striking "camp" and inserting "campus"; and

(D) by adding at the end the following:

"(4) TEAM LEADERS.—

"(A) IN GENERAL.—The Director may select individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps, to perform service that includes leading and supervising teams of Corps members. Each team leader shall

be selected without regard to the age limitation under section 153(b).

"(B) RIGHTS AND BENEFITS.—A team leader shall be provided the same rights and benefits applicable to other Corps members, except that the Director may increase the limitation on the amount of the living allowance under section 158(b) by not more than 10 percent for a team leader.";

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

"(d) CAMPUSES.—";

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

"(1) UNITS TO BE ASSIGNED TO CAMPUSES.—";

(ii) by striking "in camps" and inserting "in campuses";

(iii) by striking "Corps camp" and inserting "Corps campus"; and

(iv) by striking "in the camps" and inserting "in the campuses";

(C) by amending paragraphs (2) and (3) to read as follows:

"(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.

"(3) ELIGIBLE SITE FOR CAMPUS.—A campus shall be cost effective and may, upon the completion of a feasibility study, be located in a facility referred to in section 162(c).";

(5) in subsection (e)—

(A) by amending the subsection heading to read as follows:

"(e) DISTRIBUTION OF UNITS AND CAMPUSES.—";

(B) by striking "camps are distributed" and inserting "campuses are cost effective and are distributed"; and

(C) by striking "rural areas" and all that follows through the period at the end and inserting "rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region."; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking "superintendent" and inserting "campus director"; and

(ii) by striking "camp" both places such term appears and inserting "campus";

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "superintendent of a camp" and inserting "campus director of a campus";

(ii) in subparagraph (A)—

(I) by striking "superintendent" and inserting "campus director";

(II) by striking "superintendent's" and inserting "campus director's"; and

(III) by striking "camp" each place such term appears and inserting "campus"; and

(iii) in subparagraph (B), by striking "superintendent" and inserting "campus director"; and

(C) in paragraph (3), by striking "camp superintendent" and inserting "campus director".

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting "National" before "Civilian Community Corps"; and

(B) by adding at the end the following: "The Director shall ensure that, to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.";

(2) in subsection (b)(1), by inserting before the period at the end the following: ", including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs, as appropriate";

(3) by amending subsection (c)(2) to read as follows:

"(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skills described in such subsection."; and

(4) in subsection (d), by striking "section 162(a)(3)" and inserting "section 162(c)".

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "National" before "Civilian Community Corps";

(B) in paragraph (1), by inserting before the semicolon the following: ", with specific emphasis on projects in support of infrastructure improvement, energy conservation, and urban and rural development"; and

(C) in paragraph (2), by striking "service learning" and inserting "service-learning";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "and the Secretary of Housing and Urban Development" and inserting "the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the Forest Service"; and

(ii) in subparagraph (B)—

(I) by inserting "community-based entities and" before "representatives of local communities"; and

(II) by striking "camp" both places such term appears and inserting "campus"; and

(B) in paragraph (2), by inserting "State Commissions," before "and persons involved in other youth service programs."; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "superintendent" both places such term appears and inserting "campus director"; and

(ii) by striking "camp" both places such term appears and inserting "campus"; and

(B) in paragraph (2), by striking "camp superintendents" and inserting "campus directors".

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a), by inserting "National" before "Civilian Community Corps"; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "National" before "Civilian Community Corps"; and

(ii) by inserting before the colon the following: ", as the Director determines appropriate";

(B) in paragraph (6), by striking "Clothing" and inserting "Uniforms"; and

(C) in paragraph (7), by striking "Recreational services and supplies" and inserting "Supplies".

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program"; and

(B) in paragraph (1)—

(i) by inserting "including those" before "recommended"; and

(ii) by inserting "National" before "Civilian Community Corps";

(2) in subsection (b)(1), by inserting "National" before "Civilian Community Corps";

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting "National" before "Civilian Community Corps"; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "The Director shall establish a permanent cadre of" and inserting "The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed"; and

(II) by inserting "National" before "Civilian Community Corps";

(ii) in subparagraph (B), by striking "The Director shall appoint the members" and inserting "The Chief

Executive Officer shall consider the recommendations of the Director in appointing the other members";

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking "the Director" and inserting "the Chief Executive Officer";

(II) in clause (i), by striking "section 162(a)(2)" and inserting "section 162(b)";

(III) in clause (iii), by striking "and" at the end;

(IV) by redesignating clause (iv) as clause (v); and

(V) by inserting after clause (iii) the following:

"(iv) give consideration to retired and other former law enforcement, fire, rescue, and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and"; and

(iv) in subparagraph (E)—

(I) by striking "to members" and inserting "to other members";

(II) by inserting after "techniques" the following: ", including techniques for working with and enhancing the development of disadvantaged youth,"; and

(III) by striking "service learning" and inserting "service-learning"; and

(C) in paragraph (3)—

(i) in the first sentence, by striking "the members" and inserting "other members"; and

(ii) in the third sentence, by striking "section 162(a)(2)(A)" and inserting "162(b)(1)".

SEC. 1510. STATUS OF CORPS MEMBERS AND CORPS PERSONNEL UNDER FEDERAL LAW.

Section 160(a) (42 U.S.C. 12620(a)) is amended by inserting "National" before "Civilian Community Corps".

SEC. 1511. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking "perform any program function under this subtitle" and inserting "carry out the National Civilian Community Corps program"; and

(2) in subsection (b)—

(A) in paragraph (1)(B), by striking "section 162(a)(3)" and inserting "section 162(c)"; and

(B) in paragraph (2), by inserting "National" before "Civilian Community Corps".

SEC. 1512. OTHER DEPARTMENTS.

(a) IN GENERAL.—Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "National" before "Civilian Community Corps"; and

(ii) in subparagraph (B)(i), by striking "the registry established by" and all that follows through the semicolon and inserting "the registry established by section 1143a of title 10, United States Code;";

(B) in paragraph (2)(A), by striking "to be recommended for appointment" and inserting "from which individuals may be selected for appointment by the Director"; and

(C) in paragraph (3), by inserting "National" before "Civilian Community Corps"; and

(2) by striking subsection (b).

(b) TECHNICAL AMENDMENTS.—Section 162 (42 U.S.C. 12622), as amended by subsection (a), is further amended—

(1) in the section heading, by striking "**OTHER DEPARTMENTS**" and inserting "**DEPARTMENT OF DEFENSE**";

(2) by redesignating paragraphs (2), (3), and (4) of subsection (a) as subsections (b), (c), and (d), respectively, and aligning the margins of such subsections with the margins of section 161(a) of the Act;

(3) by striking "(a) SECRETARY" and all that follows through "OFFICE.—" and inserting the following:

"(a) LIAISON OFFICE.—";

(4) in subsection (a) (as amended by paragraph (3))—

(A) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act; and

(B) by redesignating clauses (i) and (ii) of paragraph (2) (as redesignated by subparagraph (A)) as subparagraphs (A) and (B), respectively, and aligning the margins of such subparagraphs with the margins of section 161(b)(1)(A) of the Act;

(5) in subsection (b) (as redesignated by paragraph (2))—

(A) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and aligning the margins of such paragraphs with the margins of section 161(b)(1) of the Act;

(B) in paragraph (1) (as redesignated by subparagraph (A)), by striking "paragraph (1)" and inserting "subsection (a)"; and

(C) in paragraph (2) (as redesignated by subparagraph (A)), by striking "paragraph" and inserting "subsection"; and

(6) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking "this paragraph" and inserting "this subsection"; and

(B) by striking "paragraph (1)" and inserting "subsection (a)".

SEC. 1513. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking "Upon the establishment of the Program, there shall also be" and inserting "There shall be";

(B) by inserting "National" before "Civilian Community Corps Advisory Board"; and

(C) by striking "to assist" and all that follows through the period at the end and inserting "to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. The Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination

of volunteer centers to help local communities recover from the effects of natural and other disasters.";

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

"(8) The Administrator of the Federal Emergency Management Agency.

"(9) The Secretary of Transportation.

"(10) The Chief of the Forest Service.

"(11) The Administrator of the Environmental Protection Agency.

"(12) The Secretary of Energy."; and

(C) in paragraph (13), as so redesignated, by striking "industry," and inserting "public and private organizations,".

SEC. 1514. EVALUATIONS.

Section 164 (42 U.S.C. 12624) is amended—

(1) in the section heading, by striking "**ANNUAL EVALUATION**" and inserting "**EVALUATIONS**";

(2) by striking "an annual evaluation" and inserting "periodic evaluations";

(3) by striking "Civilian Community Corps programs" and inserting "National Civilian Community Corps Program"; and

(4) by adding at the end the following: "Upon completing each such evaluation, the Corporation shall transmit to the authorizing committees a report on the evaluation.".

SEC. 1515. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1516. DEFINITIONS.

Subtitle E of title I (42 U.S.C. 12611 et seq.), as amended by this subtitle, is further amended—

42 USC 12626.

(1) by redesignating section 166 as 165; and

(2) in section 165 (as redesignated by paragraph (1))—

(A) by striking paragraphs (2), (3), and (9);

(B) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(C) by inserting after paragraph (1) the following:

"(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

"(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the National Civilian Community Corps Program.

"(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.";

(D) in paragraph (5) (as so redesignated), by striking "Civilian Community Corps Demonstration Program" and inserting "National Civilian Community Corps Program";

(E) in paragraph (6) (as so redesignated), by inserting "National" before "Civilian Community Corps";

(F) in paragraph (8) (as so redesignated), by striking "The terms" and all that follows through "Demonstration

Program" and inserting "The term 'Program' means the National Civilian Community Corps Program"; and

(G) in paragraph (9) (as so redesignated)—

(i) in the paragraph heading, by striking "SERVICE LEARNING" and inserting "SERVICE-LEARNING"; and

(ii) in the matter preceding subparagraph (A), by striking "service learning" and inserting "service-learning".

SEC. 1517. TERMINOLOGY.

Subtitle E of title I (as so amended) (42 U.S.C. 12611 et seq.) is further amended by striking the subtitle heading and inserting the following:

"Subtitle E—National Civilian Community Corps".

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking "with respect to a project" and inserting "with respect to a project authorized under the national service laws".

SEC. 1602. REPORTS.

Section 172 (42 U.S.C. 12632) is amended—

(1) in subsection (b)(1), by striking "appropriate authorizing and appropriations Committees of Congress" and inserting "authorizing committees, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate"; and

(2) in subsection (c)(2), by striking "the appropriate committees of Congress" and inserting "the authorizing committees, the Committee on Armed Services of the House of Representatives, and the Committee on Armed Services of the Senate".

SEC. 1603. USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

"(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal Government.".

SEC. 1604. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking "30 days" and inserting "1 or more periods of 30 days not to exceed a total of 90 days"; and

(2) in subsection (f)—

(A) in paragraph (1), by striking "A State or local applicant" and inserting "An entity"; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking "and";

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

"(D) in a case in which the grievance is filed by an individual applicant or participant—

"(i) the applicant's selection or the participant's reinstatement, as the case may be; and

"(ii) other changes in the terms and conditions of service applicable to the individual; and".

SEC. 1605. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking "under this title" each place it appears and inserting "under the national service laws";

(2) in subsection (b)(1), by striking "employee or position" and inserting "employee, position, or volunteer (other than a participant under the national service laws)"; and

(3) by adding at the end the following:

"(f) PARENTAL INVOLVEMENT.—

"(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

"(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, before transporting minor children, provide the children's parents with the reason for the transportation and obtain the parents' written permission for such transportation, consistent with State law.".

SEC. 1606. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (a)(2), by striking "sections 117B and 130" and inserting "section 130";

(2) in subsection (c)(1)—

(A) in subparagraph (I), by striking "section 122(a)" and all that follows through the period at the end and inserting "subsection (a), (b), or (c) of section 122."; and

(B) by adding at the end the following:

"(J) A representative of the volunteer sector.";

(3) in subsection (c)(3), by striking ", unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity";

(4) in subsection (d)(6)(B), by striking "section 193A(b)(11)" and inserting "section 193A(b)(12)";

(5) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) Preparation of a national service plan for the State that—

"(A) is developed, through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from the private sector, organizations, and public agencies, using service and volunteerism as strategies to meet critical

community needs, including service through programs funded under the national service laws;

"(B) covers a 3-year period, the beginning of which may be set by the State;

"(C) is subject to approval by the chief executive officer of the State;

"(D) includes measurable goals and outcomes for the State national service programs in the State consistent with the performance levels for national service programs as described in section 179(k);

"(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, through established networks and registries at the State level, or through the development of such networks and registries;

"(F) provides for effective coordination of funding applications submitted by the State and other organizations within the State under the national service laws;

"(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State;

"(H) ensures outreach to, and coordination with, municipalities (including large cities) and county governments regarding the national service laws; and

"(I) contains such information as the State Commission considers to be appropriate or as the Corporation may require."; and

(B) in paragraph (2), by striking "sections 117B and 130" and inserting "section 130";

(6) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively; and

(7) by inserting after subsection (e) the following:

"(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive for the State, or specify alternatives for the State to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by the State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State. Waiver authority.

"(g) STATE SERVICE PLAN FOR ADULTS AGE 55 OR OLDER.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State shall work with appropriate State agencies and private entities to develop a comprehensive State service plan for service by adults age 55 or older.

"(2) MATTERS INCLUDED.—The State service plan shall include—

"(A) recommendations for policies to increase service for adults age 55 or older, including how to best use such adults as sources of social capital, and how to utilize their skills and experience to address community needs;

"(B) recommendations to the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) on—

"(i) a marketing outreach plan to businesses; and

"(ii) outreach to—

"(I) nonprofit organizations;

"(II) the State educational agency;

"(III) institutions of higher education; and

"(IV) other State agencies;

"(C) recommendations for civic engagement and multigenerational activities, such as—

"(i) early childhood education and care, family literacy, and after school programs;

"(ii) respite services for adults age 55 or older and caregivers; and

"(iii) transitions for older adults age 55 or older to purposeful work in their post-career lives; and

"(D) recommendations for encouraging the development of Encore service programs in the State.

"(3) KNOWLEDGE BASE.—The State service plan shall incorporate the current knowledge base (as of the time of the plan) regarding—

"(A) the economic impact of the roles of workers age 55 or older in the economy;

"(B) the social impact of the roles of such workers in the community; and

"(C) the health and social benefits of active engagement for adults age 55 or older.

Public information.

"(4) PUBLICATION.—The State service plan shall be made available to the public and be transmitted to the Chief Executive Officer.".

SEC. 1607. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

Grants. Contracts.

"(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

"(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such programs, including an evaluation of each such program's performance based on the performance levels established under subsection (k); and

"(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost effectiveness and the impact of such programs.";

(2) in subsection (g)—

(A) in paragraph (3), by striking "National Senior Volunteer Corps" and inserting "National Senior Service Corps"; and

(B) in paragraph (9), by striking "to public service" and all that follows through the period at the end and

inserting "to engage in service that benefits the community.";

(3) in the matter preceding subparagraph (A) of subsection (i)(2), by striking "Congress" and inserting "the authorizing committees"; and

(4) by adding at the end the following:

"(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—Notwithstanding any other provision of law, in addition to amounts appropriated to carry out this section, the Corporation may reserve not more than 1 percent of the total funds appropriated for a fiscal year under section 501 of this Act and sections 501 and 502 of the Domestic Volunteer Service Act of 1973 to support program accountability activities under this section.

"(k) PERFORMANCE LEVELS.—The Corporation shall, in consultation with each recipient of assistance under the national service laws, establish performance levels for such recipient to meet during the term of the assistance. The performance levels may include, for each national service program carried out by the recipient, performance levels based on the following performance measures:

"(1) Number of participants enrolled in the program and completing terms of service, as compared to the stated participation and retention goals of the program.

"(2) Number of volunteers recruited from the community in which the program was implemented.

"(3) If applicable based on the program design, the number of individuals receiving or benefitting from the service conducted.

"(4) Number of disadvantaged and underrepresented youth participants.

"(5) Measures of the sustainability of the program and the projects supported by the program, including measures to ascertain the level of community support for the program or projects.

"(6) Measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service.

"(7) Other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance and the Corporation.

"(l) CORRECTIVE ACTION PLANS.—

"(1) IN GENERAL.—A recipient of assistance under the national service laws that fails, as determined by the Corporation, to meet or exceed the performance levels agreed upon under subsection (k) for a national service program, shall reach an agreement with the Corporation on a corrective action plan to meet such performance levels.

"(2) ASSISTANCE.—

"(A) NEW PROGRAM.—For a program that has received assistance under the national service laws for less than 3 years and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall—

"(i) provide technical assistance to the recipient to address targeted performance problems relating to the performance levels for the program; and

"(ii) require the recipient to submit quarterly reports on the program's progress toward meeting the performance levels for the program to the—

"(I) appropriate State, territory, or Indian tribe; and

"(II) the Corporation.

"(B) ESTABLISHED PROGRAMS.—For a program that has received assistance under the national service laws for 3 years or more and for which the recipient is failing to meet or exceed the performance levels agreed upon under subsection (k), the Corporation shall require the recipient to submit quarterly reports on the program's progress toward the performance levels for the program to—

"(i) the appropriate State, territory, or Indian tribe; and

"(ii) the Corporation.

"(m) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation in accordance with subsection (l), a recipient of assistance under the national service laws fails to meet or exceed the performance levels for a national service program, the Corporation shall—

"(1) reduce the annual amount of the assistance received by the underperforming recipient by at least 25 percent, for each remaining year of the grant period for that program; or

"(2) terminate assistance to the underperforming recipient for that program, in accordance with section 176(a).

"(n) REPORTS.—The Corporation shall submit to the authorizing committees not later than 2 years after the date of enactment of the Serve America Act, and annually thereafter, a report containing information on the number of—

"(1) recipients of assistance under the national service laws implementing corrective action plans under subsection (l)(1);

"(2) recipients for which the Corporation provides technical assistance for a program under subsection (l)(2)(A)(i);

"(3) recipients for which the Corporation terminates assistance for a program under subsection (m);

"(4) entities whose application for assistance under a national service law was rejected; and

"(5) recipients meeting or exceeding their performance levels under subsection (k).".

SEC. 1608. CIVIC HEALTH ASSESSMENT.

(a) IN GENERAL.—Subtitle F of title I (42 U.S.C. 12631 et seq.), as amended by this subtitle, is further amended by inserting after section 179 the following:

42 USC 12639a.

"SEC. 179A. CIVIC HEALTH ASSESSMENT AND VOLUNTEERING RESEARCH AND EVALUATION.

"(a) DEFINITION OF PARTNERSHIP.—In this section, the term 'partnership' means the Corporation, acting in conjunction with (consistent with the terms of an agreement entered into between the Corporation and the National Conference) the National Conference on Citizenship referred to in section 150701 of title 36, United States Code, to carry out this section.

"(b) IN GENERAL.—The partnership shall facilitate the establishment of a Civic Health Assessment by—

"(1) after identifying public and private sources of civic health data, selecting a set of civic health indicators, in accordance with subsection (c), that shall comprise the Civic Health Assessment;

"(2) obtaining civic health data relating to the Civic Health Assessment, in accordance with subsection (d); and

"(3) conducting related analyses, and reporting the data and analyses, as described in paragraphs (4) and (5) of subsection (d) and subsections (e) and (f).

"(c) SELECTION OF INDICATORS FOR CIVIC HEALTH ASSESSMENT.—

"(1) IDENTIFYING SOURCES.—The partnership shall select a set of civic health indicators that shall comprise the Civic Health Assessment. In making such selection, the partnership—

"(A) shall identify public and private sources of civic health data;

"(B) shall explore collaborating with other similar efforts to develop national indicators in the civic health domain; and

"(C) may sponsor a panel of experts, such as one convened by the National Academy of Sciences, to recommend civic health indicators and data sources for the Civic Health Assessment.

"(2) TECHNICAL ADVICE.—At the request of the partnership, the Director of the Bureau of the Census and the Commissioner of Labor Statistics shall provide technical advice to the partnership on the selection of the indicators for the Civic Health Assessment.

"(3) UPDATES.—The partnership shall periodically evaluate and update the Civic Health Assessment, and may expand or modify the indicators described in subsection (d)(1) as necessary to carry out the purposes of this section. Evaluations.

"(d) DATA ON THE INDICATORS.—

"(1) SPONSORED DATA COLLECTION.—In identifying the civic health indicators for the Civic Health Assessment, and obtaining data for the Assessment, the partnership may sponsor the collection of data for the Assessment or for the various civic health indicators being considered for inclusion in the Assessment, including indicators related to—

"(A) volunteering and community service;

"(B) voting and other forms of political and civic engagement;

"(C) charitable giving;

"(D) connecting to civic groups and faith-based organizations;

"(E) interest in employment, and careers, in public service in the nonprofit sector or government;

"(F) understanding and obtaining knowledge of United States history and government; and

"(G) social enterprise and innovation.

"(2) DATA FROM STATISTICAL AGENCIES.—The Director of the Bureau of the Census and the Commissioner of Labor Statistics shall collect annually, to the extent practicable, data to inform the Civic Health Assessment, and shall report data from such collection to the partnership. In determining the data to be collected, the Director and the Commissioner shall Reports.

examine privacy issues, response rates, and other relevant issues.

"(3) SOURCES OF DATA.—To obtain data for the Civic Health Assessment, the partnership shall consider—

"(A) data collected through public and private sources; and

"(B) data collected by the Bureau of the Census, through the Current Population Survey, or by the Bureau of Labor Statistics, in accordance with paragraph (2).

"(4) DEMOGRAPHIC CHARACTERISTICS.—The partnership shall seek to obtain data for the Civic Health Assessment that will permit the partnership to analyze the data by age group, race and ethnicity, education level, and other demographic characteristics of the individuals involved.

"(5) OTHER ISSUES.—In obtaining data for the Civic Health Assessment, the partnership may also obtain such information as may be necessary to analyze—

"(A) the role of Internet technology in strengthening and inhibiting civic activities;

"(B) the role of specific programs in strengthening civic activities;

"(C) the civic attitudes and activities of new citizens and immigrants; and

"(D) other areas related to civic activities.

"(e) REPORTING OF DATA.—

"(1) IN GENERAL.—The partnership shall, not less often than once each year, prepare a report containing—

"(A) detailed data obtained under subsection (d), including data on the indicators comprising the Civic Health Assessment; and

"(B) the analyses described in paragraphs (4) and (5) of subsection (d), to the extent practicable based on the data the partnership is able to obtain.

"(2) AGGREGATION AND PRESENTATION.—The partnership shall, to the extent practicable, aggregate the data on the civic health indicators comprising the Civic Health Assessment by community, by State, and nationally. The report described in paragraph (1) shall present the aggregated data in a form that enables communities and States to assess their civic health, as measured on each of the indicators comprising the Civic Health Assessment, and compare those measures with comparable measures of other communities and States.

Public information. Web posting.

"(3) SUBMISSION.—The partnership shall submit the report to the authorizing committees, and make the report available to the general public on the Corporation's website.

"(f) PUBLIC INPUT.—The partnership shall—

"(1) identify opportunities for public dialogue and input on the Civic Health Assessment; and

"(2) hold conferences and forums to discuss the implications of the data and analyses reported under subsection (e).

"(g) VOLUNTEERING RESEARCH AND EVALUATION.—

"(1) RESEARCH.—The partnership shall provide for baseline research and tracking of domestic and international volunteering, and baseline research and tracking related to relevant data on the indicators described in subsection (d). In providing

for the research and tracking under this subsection, the partnership shall consider data from the Supplements to the Current Populations Surveys conducted by the Bureau of the Census for the Bureau of Labor Statistics, and data from other public and private sources, including other data collected by the Bureau of the Census and the Bureau of Labor Statistics.

"(2) IMPACT RESEARCH AND EVALUATION.—The partnership shall sponsor an independent evaluation of the impact of domestic and international volunteering, including an assessment of best practices for such volunteering, and methods of improving such volunteering through enhanced collaboration among—

"(A) entities that recruit, manage, support, and utilize volunteers;

"(B) institutions of higher education; and

"(C) research institutions.

"(h) DATABASE PROHIBITION.—Nothing in this Act shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals participating in data collection for sources of information under this section.".

SEC. 1609. CONTINGENT EXTENSION.

Section 181 (42 U.S.C. 12641) is amended by striking "Section 414" and inserting "Section 422".

SEC. 1610. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

"(b) REPORT.—

"(1) FEDERAL AGENCY SUBMISSION.—The head of each Federal agency and department shall prepare and submit to the Corporation a report concerning the implementation of this section, including an evaluation of the agency or department's performance on performance goals and benchmarks for each partnership program of the agency or department.

"(2) REPORT TO CONGRESS.—The Corporation shall prepare and submit to the authorizing committees a compilation of the information received under paragraph (1).".

SEC. 1611. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "The" and inserting "Consistent with otherwise applicable law, the"; and

(B) in paragraph (1), by inserting "territory," after "local government,";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "The" and inserting "Consistent with otherwise applicable law, the"; and

(B) in paragraph (1), by inserting "territory" after "local government,"; and

(3) by adding at the end the following:

"(c) INSPECTOR GENERAL.—Consistent with otherwise applicable law, the Inspector General of the Corporation shall have access

to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

"(1) within the possession or control of the Corporation or any State or local government, territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under the national service laws; and

"(2) that relates to—

"(A) such assistance; and

"(B) the duties of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.).".

SEC. 1612. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

42 USC 12644b.

"SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

"(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs, projects, and activities funded under the national service laws.

"(b) REPORT TO CONGRESS.—Not later than 18 months after the effective date of the Serve America Act, the Corporation shall submit to the authorizing committees a report containing information on the actions taken to consolidate or modify the application procedures and reporting requirements for programs, projects, and activities funded under the national service laws, including a description of the procedures for consultation with recipients of the funding.

42 USC 12645.

"SEC. 186. SUSTAINABILITY.

"The Corporation, after consultation with State Commissions and recipients of assistance, may set sustainability goals for projects or programs under the national service laws, so that recipients of assistance under the national service laws are carrying out sustainable projects or programs. Such sustainability goals shall be in writing and shall be used—

"(1) to build the capacity of the projects or programs that receive assistance under the national service laws to meet community needs;

"(2) in providing technical assistance to recipients of assistance under the national service laws regarding acquiring and leveraging non-Federal funds for support of the projects or programs that receive such assistance; and

"(3) to determine whether the projects or programs, receiving such assistance, are generating sufficient community support.

42 USC 12645a.

"SEC. 187. GRANT PERIODS.

"Unless otherwise specifically provided, the Corporation has authority to award a grant or contract, or enter into a cooperative agreement, under the national service laws for a period of 3 years.

42 USC 12645b.

"SEC. 188. GENERATION OF VOLUNTEERS.

"In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers

in meeting community needs. In reviewing the application for this purpose, the Corporation may take into account the mission of the applicant.

"SEC. 189. LIMITATION ON PROGRAM GRANT COSTS. 42 USC 12645c.

"(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation for a grant to operate a program authorized under the national service laws, for supporting individuals serving in approved national service positions, may not exceed $18,000 per full-time equivalent position.

"(b) COSTS SUBJECT TO LIMITATION.—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall apply to the Corporation's share of the member support costs, staff costs, and other costs to operate a program authorized under the national service laws incurred, by the recipient of the grant. Applicability.

"(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation under subsection (a), and the increased limitation under subsection (e)(1), shall not apply to expenses under a grant authorized under the national service laws to operate a program that are not included in the grant award for operating the program.

"(d) ADJUSTMENTS FOR INFLATION.—The amounts specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor. Publication.

"(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

"(1) WAIVER.—The Chief Executive Officer may increase the limitation under subsection (a) to not more than $19,500 per full-time equivalent position if necessary to meet the compelling needs of a particular program, such as—

"(A) exceptional training needs for a program serving disadvantaged youth;

"(B) the need to pay for increased costs relating to the participation of individuals with disabilities;

"(C) the needs of tribal programs or programs located in the territories; and

"(D) the need to pay for start-up costs associated with a first-time recipient of assistance under a program of the national service laws.

"(2) REPORTS.—The Chief Executive Officer shall report to the authorizing committees annually on all limitations increased under this subsection, with an explanation of the compelling needs justifying such increases.

"SEC. 189A. MATCHING FUNDS FOR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES. 42 USC 12645d.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a severely economically distressed community that receives assistance from the Corporation for any program under the national service laws shall not be subject to any requirements to provide matching funds for any such program, and the Federal share of such assistance for such a community may be 100 percent.

"(b) SEVERELY ECONOMICALLY DISTRESSED COMMUNITY.—For the purposes of this section, the term 'severely economically distressed community' means— Definition.

"(1) an area that has a mortgage foreclosure rate, home price decline, and unemployment rate all of which are above

the national average for such rates or level, for the most recent 12 months for which satisfactory data are available; or

"(2) a residential area that lacks basic living necessities, such as water and sewer systems, electricity, paved roads, and safe, sanitary housing.

42 USC 12645e.

"SEC. 189B. AUDITS AND REPORTS.

"The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 901 note; Public Law 101–576) and chapter 91 of title 31, United States Code (commonly known as the 'Government Corporation Control Act'). The Corporation shall report to the authorizing committees any failure to comply with such requirements.

42 USC 12645f.

"SEC. 189C. RESTRICTIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

"(a) GENERAL PROHIBITION.—Nothing in the national service laws shall be construed to authorize an officer or employee of the Federal Government to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

"(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other prohibition of Federal law, no funds provided to the Corporation under this Act may be used by the Corporation to endorse, approve, or sanction any curriculum designed to be used in an elementary school or secondary school.

"(c) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION STANDARDS.—Notwithstanding any other provision of Federal law, not State shall be required to have academic content or student academic achievement standards approved or certified by the Federal Government, in order to receive assistance under this Act.

42 USC 12645g.

"SEC. 189D. CRIMINAL HISTORY CHECKS.

"(a) IN GENERAL.—Each entity selecting individuals to serve in a position in which the individuals receive a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

"(b) REQUIREMENTS.—A criminal history check under subsection (a) shall, except in cases approved for good cause by the Corporation, include—

"(1) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); and

"(2)(A) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

"(B) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

"(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

"(1) refuses to consent to the criminal history check described in subsection (b);

"(2) makes a false statement in connection with such criminal history check;

"(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

"(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.".

SEC. 1613. AVAILABILITY OF ASSISTANCE.

(a) AMENDMENT.—Subtitle F of title I is further amended by inserting after section 184 the following:

"SEC. 184A. AVAILABILITY OF ASSISTANCE. 42 USC 12644a.

"A reference in subtitle C, D, E, or H of title I regarding an entity eligible to receive direct or indirect assistance to carry out a national service program shall include a non-profit organization promoting competitive and non-competitive sporting events involving individuals with disabilities (including the Special Olympics), which enhance the quality of life for individuals with disabilities.".

SEC. 1614. CRIMINAL HISTORY CHECKS FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS. 42 USC 12645g.

(a) AMENDMENT.—Section 189D, as added by section 1612, is further amended by adding at the end the following:

"(d) SPECIAL RULE FOR INDIVIDUALS WORKING WITH VULNERABLE POPULATIONS.—

"(1) IN GENERAL.—Notwithstanding subsection (b), on and after the date that is 2 years after the date of enactment of the Serve America Act, a criminal history check under subsection (a) for each individual described in paragraph (2) shall, except for an entity described in paragraph (3), include— Effective date.

"(A) a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.);

"(B) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; and

"(C) submitting fingerprints to the Federal Bureau of Investigation for a national criminal history background check.

"(2) INDIVIDUALS WITH ACCESS TO VULNERABLE POPULATIONS.—An individual described in this paragraph is an individual age 18 or older who—

"(A) serves in a position in which the individual receives a living allowance, stipend, national service educational award, or salary through a program receiving assistance under the national service laws; and

"(B) as a result of such individual's service in such position, has or will have access, on a recurring basis, to—

"(i) children age 17 years or younger;

"(ii) individuals age 60 years or older; or

"(iii) individuals with disabilities.

"(3) EXCEPTIONS.—The provisions of this subsection shall not apply to an entity—

"(A) where the service provided by individuals serving with the entity to a vulnerable population described in paragraph (2)(B) is episodic in nature or for a 1-day period;

"(B) where the cost to the entity of complying with this subsection is prohibitive;

"(C) where the entity is not authorized, or is otherwise unable, under State law, to access the national criminal history background check system of the Federal Bureau of Investigation;

"(D) where the entity is not authorized, or is otherwise unable, under Federal law, to access the national criminal history background check system of the Federal Bureau of Investigation; or

"(E) to which the Corporation otherwise provides an exemption from this subsection for good cause.".

(b) FEASIBILITY STUDY FOR A SYSTEM OF CRIMINAL HISTORY CHECKS FOR EMPLOYEES AND VOLUNTEERS.—

(1) FEASIBILITY STUDY ON EFFICIENCY AND EFFECTIVENESS REGARDING CRIMINAL HISTORY CHECK.—The Attorney General of the United States shall conduct a study that shall examine, to the extent discernible and as of the date of the study, the following:

(A) The state of criminal history checks (including the use of fingerprint collection) at the State and local level, including—

(i) the available infrastructure for conducting criminal history checks;

(ii) the State system capacities to conduct such criminal history checks; and

(iii) the time required for each State to process an individual's fingerprints for a national criminal history background check through the Federal Bureau of Investigation, from the time of fingerprint collection to the submission to the Federal Bureau of Investigation.

(B) The likelihood that each State would participate in a nationwide system of criminal history checks to provide information regarding participants to entities receiving assistance under the national service laws.

(C) The number of participants that would require a fingerprint-based national criminal history background check under the national service laws.

(D) The impact of the national service laws on the Integrated Automated Fingerprint Identification System of the Federal Bureau of Investigation in terms of capacity and impact on other users of the system, including the effect on the work practices and staffing levels of the Federal Bureau of Investigation.

(E) The fees charged by the Federal Bureau of Investigation, States, local agencies, and private companies to collect and process fingerprints and conduct criminal history checks.

(F) The existence of model or best practice programs regarding conducting criminal history checks that could easily be expanded and duplicated in other States.

(G) The extent to which private companies are currently performing criminal history checks, and the possibility of using private companies in the future to perform any of the criminal history check process, including the collection and transmission of fingerprints and fitness determinations.

(H) The cost of development and operation of the technology and the infrastructure necessary to establish a nationwide fingerprint-based and other criminal background check system.

(I) The extent of State participation in the procedures for background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

(J) The extent to which States provide access to nationwide criminal history checks to organizations that serve children.

(K) The extent to which States permit volunteers and other individuals to appeal adverse fitness determinations, and whether similar procedures are required at the Federal level.

(L) Any privacy concerns that may arise from nationwide criminal background checks for participants.

(M) Any other information determined relevant by the Attorney General.

(2) INTERIM REPORT.—Based on the findings of the study under paragraph (1), the Attorney General shall, not later than 6 months after the date of the enactment of this Act, submit to the appropriate committees of Congress an interim report, which may include recommendations regarding criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities.

(3) FINAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on the Judiciary and the Committee on Education and Labor of the House of Representatives, a final report including recommendations regarding criminal history checks for participants under the national service laws, which may include—

(A) a proposal for grants to States to develop or improve programs to collect fingerprints and perform criminal history checks for individuals that seek to volunteer with organizations that work with children, the elderly, or individuals with disabilities; and

(B) recommendations for amendments to the National Child Protection Act of 1993 and the Volunteers for Children Act so that entities receiving assistance under the national service laws can promptly and affordably conduct nationwide criminal history background checks on their employees and volunteers.

(4) DEFINITIONS.—In this subsection, the terms "authorizing committees", "participants", and "national service laws" have the meanings given such terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(c) EFFECTIVE DATE.—Notwithstanding section 6101, subsection (b) shall take effect on the date of enactment of this Act.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

"(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years."; and

(2) by adding at the end the following:

"(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve on the Board until the date on which the member's successor takes office, which period shall not exceed 1 year.".

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1), by striking "shall—" and inserting "shall have responsibility for setting overall policy for the Corporation and shall—";

(2) in paragraph (1), by inserting before the semicolon at the end the following: ", and review the budget proposal in advance of submission to the Office of Management and Budget";

(3) in paragraph (5)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;";

(4) in paragraph (8), by striking "the Congress" each place it appears and inserting "the authorizing committees";

(5) by striking paragraph (10) and inserting the following:

"(10) notwithstanding any other provision of law—

"(A) make grants to or contracts with Federal and other public departments or agencies, and private nonprofit organizations, for the assignment or referral of volunteers under the provisions of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (except as provided in section 108 of such Act), which may provide that the agency or organization shall pay all or a part of the costs of the program; and

"(B) enter into agreements with other Federal agencies or private nonprofit organizations for the support of programs under the national service laws, which—

"(i) may provide that the agency or organization shall pay all or a part of the costs of the program, except as is provided in section 121(b); and

"(ii) shall provide that the program (including any program operated by another Federal agency) will comply with all requirements related to evaluation,

performance, and other goals applicable to similar programs under the national service laws, as determined by the Corporation,"; and

(6) in paragraph (11)—

(A) by striking "Congress" each place it appears and inserting "authorizing committees";

(B) by striking "section 193A(b)(10)" and inserting "section 193A(b)(11)"; and

(C) by striking "September 30, 1995" and inserting "January 1, 2012".

SEC. 1703. CHIEF EXECUTIVE OFFICER COMPENSATION.

Section 193(b) (42 U.S.C. 12651c(b)) is amended by striking the period and inserting ", plus 3 percent.".

SEC. 1704. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "shall—" and inserting ", in collaboration with the State Commissions, shall—";

(B) in paragraph (1), by inserting after "a strategic plan" the following: ", including a plan for having 50 percent of all approved national service positions be full-time positions by 2012,";

(C) in paragraph (2)(B), by inserting ", approved summer of service positions, and approved silver scholar positions" after "approved national service positions";

(D) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(E) by inserting after paragraph (6) the following:

"(7) prepare and submit to the authorizing committees and the Board an annual report on actions taken to achieve the goal of having 50 percent of all approved national service positions be full-time positions by 2012 as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;";

(F) in the matter preceding subparagraph (A) of paragraph (10) (as so redesignated), by striking "appropriate committees of Congress" and inserting "authorizing committees";

(G) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking "by June 30, 1995," and inserting "periodically,";

(ii) in subparagraph (A)(i)—

(I) by striking "described in section 122(c)(1)"; and

(II) by striking "national priorities designed to meet the" and inserting "national priorities, as described in section 122(f)(1), designed to meet"; and

(iii) in subparagraph (B), by striking "and" after a semicolon;

(H) in paragraph (12) (as so redesignated), by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

"(13) bolster the public awareness of and recruitment efforts for the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

"(A) print media;

"(B) the Internet and related emerging technologies;

"(C) television;

"(D) radio;

"(E) presentations at public or private forums;

"(F) other innovative methods of communication; and

"(G) outreach to offices of economic development, State employment security agencies, labor organizations and trade associations, local educational agencies, institutions of higher education, agencies and organizations serving veterans and individuals with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

"(14) identify and implement methods of recruitment to—

"(A) increase the diversity of participants in the programs receiving assistance under the national service laws; and

"(B) increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

"(15) coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

"(16) collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants who are individuals with disabilities in the programs receiving assistance under the national service laws;

"(17) identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

"(18) collaborate with organizations that have established volunteer recruitment programs to increase the recruitment capacity of the Corporation;

"(19) where practicable, provide application materials in languages other than English for individuals with limited English proficiency who wish to participate in a national service program;

"(20) collaborate with the training and technical assistance programs described in subtitle J with respect to the activities described in section 199N(b));

"(21) coordinate the clearinghouses described in section 198O;

"(22) coordinate with entities receiving funds under subtitle C in establishing the National Service Reserve Corps under section 198H, through which alumni of the national service

programs and veterans can serve in disasters and emergencies (as such terms are defined in section 198H(a));

"(23) identify and implement strategies to increase awareness among Indian tribes of the types and availability of assistance under the national service laws, increase Native American participation in programs under the national service laws, collect information on challenges facing Native American communities, and designate a Strategic Advisor for Native American Affairs to be responsible for the execution of those activities under the national service laws;

"(24) conduct outreach to ensure the inclusion of economically disadvantaged individuals in national service programs and activities authorized under the national service laws; and

"(25) ensure that outreach, awareness, and recruitment efforts are consistent with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).";

(2) in subsection (c)—

(A) in paragraph (9)—

(i) by striking "Congress" each place the term occurs and inserting "the authorizing committees"; and

(ii) by striking "and" at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

"(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and";

(3) in subsection (f)(2)(B), by striking "date specified in subsection (b)(10)" and inserting "the first date that a report is submitted under subsection (b)(11) after the effective date of the Serve America Act"; and

(4) by adding at the end the following:

"(h) AUTHORITY TO CONTRACT WITH BUSINESSES.—The Chief Executive Officer may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(13), with priority given to those entities that have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and older adults.

"(i) CAMPAIGN TO SOLICIT FUNDS.—The Chief Executive Officer may conduct a campaign to solicit funds to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of, and participants in, programs and projects receiving assistance under the national service laws.".

SEC. 1705. CHIEF FINANCIAL OFFICER STATUS.

Section 194(c) (42 U.S.C. 12651e(c)) is amended—

(1) by striking paragraphs (1) and (2) and inserting the following:

"(1) IN GENERAL.—There shall be in the Corporation a Chief Financial Officer, who shall be appointed by the Chief Executive Officer pursuant to subsections (a) and (b) of section 195."; and Appointment.

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 1706. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after "subdivision of a State," the following: "territory,"; and

(B) in paragraph (3)—

(i) in the heading, by striking "MEMBER" and inserting "NONVOTING MEMBER"; and

(ii) by inserting "nonvoting" before "member"; and

(2) by adding at the end the following new subsection:

"(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.".

SEC. 1707. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

"(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).";

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking "Such a volunteer" and inserting "A person who provides assistance, either individually or as a member of an organization, in accordance with subparagraph (A)";

(ii) in clause (i), by striking "a volunteer under this subtitle" and inserting "such a person";

(iii) in clause (ii), by striking "volunteers under this subtitle" and inserting "such persons"; and

(iv) in clause (iii), by striking "such a volunteer" and inserting "such a person"; and

(C) in subparagraph (C)(i), by striking "Such a volunteer" and inserting "Such a person"; and

(2) by striking paragraph (3).

SEC. 1708. ASSIGNMENT TO STATE COMMISSIONS.

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

42 USC 12651j.

"SEC. 196B. ASSIGNMENT TO STATE COMMISSIONS.

"(a) ASSIGNMENT.—In accordance with section 193A(c)(1), the Chief Executive Officer may assign to State Commissions specific programmatic functions upon a determination that such an assignment will increase efficiency in the operation or oversight of a program under the national service laws. In carrying out this section, and before executing any assignment of authority, the Corporation shall seek input from and consult Corporation employees, State Commissions, State educational agencies, and other interested stakeholders.

Consultation.

"(b) REPORT.—Not later than 2 years after the effective date of the Serve America Act, the Corporation shall submit a report to the authorizing committees describing the consultation process described in subsection (a), including the stakeholders consulted,

the recommendation of stakeholders, and any actions taken by the Corporation under this section.".

SEC. 1709. STUDY OF INVOLVEMENT OF VETERANS.

Subtitle G of title I (42 U.S.C. 12651 et seq.) is further amended by adding at the end the following:

"SEC. 196C. STUDY OF INVOLVEMENT OF VETERANS. 42 USC 12651k.

"(a) STUDY AND REPORT.—The Corporation shall conduct a study and submit a report to the authorizing committees, not later than 3 years after the effective date of the Serve America Act, on—

"(1) the number of veterans serving in national service programs historically by year;

"(2) strategies being undertaken to identify the specific areas of need of veterans, including any goals set by the Corporation for veterans participating in the service programs;

"(3) the impact of the strategies described in paragraph (2) and the Veterans Corps on enabling greater participation by veterans in the national service programs carried out under the national service laws;

"(4) how existing programs and activities carried out under the national service laws could be improved to serve veterans, veterans service organizations, families of active-duty military, including gaps in services to veterans;

"(5) the extent to which existing programs and activities carried out under the national service laws are coordinated and recommendations to improve such coordination including the methods for ensuring the efficient financial organization of services directed towards veterans; and

"(6) how to improve utilization of veterans as resources and volunteers.

"(b) CONSULTATION.—In conducting the studies and preparing the reports required under this subsection, the Corporation shall consult with veterans' service organizations, the Secretary of Veterans Affairs, State veterans agencies, the Secretary of Defense, as appropriate, and other individuals and entities the Corporation considers appropriate.".

SEC. 1710. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY. 42 USC 12651 note.

(a) PLANNING STUDY.—The Corporation shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities (as of the time of the study) carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of displaced workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Secretary of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings and plan in the report submitted under subsection (c).

(e) DEFINITIONS.—In this section, the terms "Corporation", "authorizing committees", and "national service laws" have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2010 through 2014.

42 USC 12602 note.

SEC. 1711. STUDY TO EVALUATE THE EFFECTIVENESS OF AGENCY COORDINATION.

(a) STUDY.—In order to reduce administrative burdens and lower costs for national service programs carried out under the national service laws, the Corporation shall conduct a study to determine the feasibility and effectiveness of implementing a data matching system under which the statements of an individual declaring that such individual is in compliance with the requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3)) shall be verified by the Corporation by comparing information provided by the individual with information relevant to such a declaration in the possession of other Federal agencies. Such study shall—

(1) review the feasibility of—

(A) expanding, and participating in, the data matching conducted by the Department of Education with the Social Security Administration and the Department of Homeland Security, pursuant to section 484(g) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)); or

(B) establishing a comparable system of data matching with the Social Security Administration and the Department of Homeland Security; and

(2) identify—

(A) the costs, for both the Corporation and the other Federal agencies identified in paragraph (1), associated with expanding or establishing such a system of data matching;

(B) the benefits or detriments of such an expanded or comparable system both for the Corporation and for the other Federal agencies so identified;

(C) strategies for ensuring the privacy and security of participant information that is shared between Federal agencies and organizations receiving assistance under the national service laws;

(D) the information that needs to be shared in order to fulfill the eligibility requirements of section 146(a)(3) of the National and Community Service Act of 1990 (42 U.S.C. 12602(a)(3));

(E) an alternative system through which an individual's compliance with section 146(a)(3) of such Act may be verified, should such an expanded or comparable system fail to verify the individual's declaration of compliance; and

(F) recommendations for implementation of such an expanded or comparable system.

(b) CONSULTATION.—The Corporation shall carry out the study in consultation with the Secretary of Education, the Commissioner of the Social Security Administration, the Secretary of Homeland Security, and other Federal agencies, entities, and individuals that the Corporation considers appropriate.

(c) REPORT.—Not later than 9 months after the effective date of this Act, the Corporation shall submit to the authorizing committees a report on the results of the study required by subsection (a) and a plan for implementation of a pilot data matching program using promising strategies and approaches identified in such study, if the Corporation determines such program to be feasible.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation may develop and carry out a pilot data matching program based on the report submitted under subsection (c).

(e) DEFINITIONS.—In this section, the terms "Corporation", "authorizing committees", and "national service laws" have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

SEC. 1712. STUDY OF PROGRAM EFFECTIVENESS.

42 USC 12513.

Deadline.
Performance measures.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States shall develop performance measures for each program receiving Federal assistance under the national service laws.

(b) CONTENTS.—The performance measures developed under subsection (a) shall—

(1) to the maximum extent practicable draw on research-based, quantitative data;

(2) take into account program purpose and program design;

(3) include criteria to evaluate the cost effectiveness of programs receiving assistance under the national service laws;

(4) include criteria to evaluate the administration and management of programs receiving Federal assistance under the national service laws; and

(5) include criteria to evaluate oversight and accountability of recipients of assistance through such programs under the national service laws.

(c) REPORT.—Not later than 2 years after the development of the performance measures under subsection (a), and every 5 years thereafter, the Comptroller General of the United States shall prepare and submit to the authorizing committees and the Corporation's Board of Directors a report containing an assessment of each such program with respect to the performance measures developed under subsection (a).

(d) DEFINITIONS.—In this section:

(1) IN GENERAL.—The terms "authorizing committees", "Corporation", and "national service laws" have the meanings given the terms in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(2) PROGRAM.—The term "program" means an entire program carried out by the Corporation under the national service laws, such as the entire AmeriCorps program carried out under subtitle C.

SEC. 1713. VOLUNTEER MANAGEMENT CORPS STUDY.

(a) FINDINGS.—Congress finds the following:

(1) Many managers seek opportunities to give back to their communities and address the Nation's challenges.

(2) Managers possess business and technical skills that make them especially suited to help nonprofit organizations and State and local governments create efficiencies and cost savings and develop programs to serve communities in need.

(3) There are currently a large number of businesses and firms who are seeking to identify savings through sabbatical opportunities for senior employees.

Deadline.

(b) STUDY AND PLAN.—Not later than 6 months after the date of enactment of this Act, the Corporation shall—

(1) conduct a study on how best to establish and implement a Volunteer Management Corps program; and

(2) submit a plan regarding the establishment of such program to Congress and to the President.

(c) CONSULTATION.—In carrying out the study described in subsection (b)(1), the Corporation may consult with experts in the private and nonprofit sectors.

(d) EFFECTIVE DATE.—Notwithstanding section 6101, this section shall take effect on the date of enactment of this Act.

Subtitle H—Amendments to Subtitle H (Investment for Quality and Innovation)

SEC. 1801. TECHNICAL AMENDMENT TO SUBTITLE H.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by inserting after the subtitle heading and before section 198 the following:

"PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE".

SEC. 1802. ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.

(a) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking "subsection (r)" and inserting "subsection (g)";

(2) in the matter preceding paragraph (1) of subsection (b), by striking "to improve the quality" and all that follows through "including—" and inserting "to address emergent needs through summer programs and other activities, and to support service-learning programs and national service programs, including—";

(3) by striking subsections (c), (d), (e), (f), (h), (i), (j), (l), (m), and (p) and redesignating subsections (g), (k), (n), (o), (q), (r), and (s) as subsections (c), (d), (e), (f), (g), (h), and (i), respectively.

(b) GLOBAL YOUTH SERVICE DAYS.—Section 198 (42 U.S.C. 12653), as amended in subsection (a), is further amended—

(1) in subsection (g) (as redesignated by subsection (a)(3))—

(A) in the subsection heading, by striking "NATIONAL" and inserting "GLOBAL";

(B) by striking "National Youth" each place it appears and inserting "Global Youth";

(C) in paragraph (1)—

(i) by striking the first sentence and inserting "April 24, 2009, and April 23, 2010, are each designated as 'Global Youth Service Days'."; and

(ii) in the second sentence, by striking "appropriate ceremonies and activities" and inserting "appropriate youth-led community improvement and service-learning activities";

(D) in paragraph (2)—

(i) by inserting "and other Federal departments and agencies" after "Corporation"; and

(ii) by striking "ceremonies and activities" and inserting "youth-led community improvement and service-learning activities"; and

(E) in paragraph (3), by inserting "and other Federal departments and agencies" after "Corporation".

(c) CALL TO SERVICE CAMPAIGN AND SEPTEMBER 11TH DAY OF SERVICE.—Section 198 (42 U.S.C. 12653), as amended by subsection (a), is further amended by adding at the end the following:

"(j) CALL TO SERVICE CAMPAIGN.—Not later than 180 days after the date of enactment of the Serve America Act, the Corporation shall conduct a nationwide 'Call To Service' campaign, to encourage all people of the United States, regardless of age, race, ethnicity, religion, or economic status, to engage in full- or part-time national service, long- or short-term public service in the nonprofit sector or government, or volunteering. In conducting the campaign, the Corporation may collaborate with other Federal agencies and entities, State Commissions, Governors, nonprofit and faith-based organizations, businesses, institutions of higher education, elementary schools, and secondary schools. Deadline.

"(k) SEPTEMBER 11TH DAY OF SERVICE.—

"(1) FEDERAL ACTIVITIES.—The Corporation may organize and carry out appropriate ceremonies and activities, which may include activities that are part of the broader Call to Service Campaign under subsection (j), in order to observe the September 11th National Day of Service and Remembrance at the Federal level.

"(2) ACTIVITIES.—The Corporation may make grants and provide other support to community-based organizations to assist in planning and carrying out appropriate service, charity, and remembrance opportunities in conjunction with the September 11th National Day of Service and Remembrance.

"(3) CONSULTATION.—The Corporation may consult with and make grants or provide other forms of support to nonprofit organizations with expertise in representing families of victims of the September 11, 2001 terrorist attacks and other impacted constituencies, and in promoting the establishment of September 11 as an annually recognized National Day of Service and Remembrance.".

SEC. 1803. REPEALS.

(a) REPEALS.—The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

(b) REDESIGNATION.—Section 198B (42 U.S.C. 12653b) is redesignated as section 198A.

SEC. 1804. PRESIDENTIAL AWARDS.

42 USC 12653a.

Section 198A(a)(2) (as redesignated by section 1803(b)) (42 U.S.C. 12653b(a)(2)) is further amended by striking "section 101(19)" and inserting "section 101".

SEC. 1805. NEW FELLOWSHIPS.

Part I of subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following new sections:

42 USC 12653b.

"SEC. 198B. SERVEAMERICA FELLOWSHIPS.

"(a) DEFINITIONS.—In this section:

"(1) AREA OF NATIONAL NEED.—The term 'area of national need' means an area involved in efforts to—

"(A) improve education in schools for economically disadvantaged students;

"(B) expand and improve access to health care;

"(C) improve energy efficiency and conserve natural resources;

"(D) improve economic opportunities for economically disadvantaged individuals; or

"(E) improve disaster preparedness and response.

"(2) ELIGIBLE FELLOWSHIP RECIPIENT.—The term 'eligible fellowship recipient' means an individual who is selected by a State Commission under subsection (c) and, as a result of such selection, is eligible for a ServeAmerica Fellowship.

"(3) FELLOW.—The term 'fellow' means an eligible fellowship recipient who is awarded a ServeAmerica Fellowship and is designated a fellow under subsection (e)(2).

"(4) SMALL SERVICE SPONSOR ORGANIZATION.—The term 'small service sponsor organization' means a service sponsor organization described in subsection (d)(1) that has not more than 10 full-time employees and 10 part-time employees.

"(b) GRANTS.—

"(1) IN GENERAL.—From the amounts appropriated under section 501(a)(4)(B) and allotted under paragraph (2)(A), the Corporation shall make grants (including financial assistance and a corresponding allotment of approved national service positions), to the State Commission of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico with an application approved under this section, to enable such State Commissions to award ServeAmerica Fellowships under subsection (e).

"(2) ALLOTMENT; ADMINISTRATIVE COSTS.—

"(A) ALLOTMENT.—The amount allotted to a State Commission for a fiscal year shall be equal to an amount that bears the same ratio to the amount appropriated under section 501(a)(4)(B), as the population of the State bears

to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

"(B) REALLOTMENT.—If a State Commission does not apply for an allotment under this subsection for any fiscal year, or if the State Commission's application is not approved, the Corporation shall reallot the amount of the State Commission's allotment to the remaining State Commissions in accordance with subparagraph (A).

"(C) ADMINISTRATIVE COSTS.—Of the amount allotted to a State Commission under subparagraph (A), not more than 1.5 percent of such amount may be used for administrative costs.

"(3) NUMBER OF POSITIONS.—The Corporation shall—

"(A) establish or increase the number of approved national service positions under this subsection during each of fiscal years 2010 through 2014;

"(B) establish the number of approved positions at 500 for fiscal year 2010; and

"(C) increase the number of the approved positions to—

"(i) 750 for fiscal year 2011;

"(ii) 1,000 for fiscal year 2012;

"(iii) 1,250 for fiscal year 2013; and

"(iv) 1,500 for fiscal year 2014.

"(4) USES OF GRANT FUNDS.—

"(A) REQUIRED USES.—A grant awarded under this subsection shall be used to enable fellows to carry out service projects in areas of national need.

"(B) PERMITTED USES.—A grant awarded under this subsection may be used for—

"(i) oversight activities and mechanisms for the service sites of the fellows, as determined necessary by the State Commission or the Corporation, which may include site visits;

"(ii) activities to augment the experience of fellows, including activities to engage the fellows in networking opportunities with other national service participants; and

"(iii) recruitment or training activities for fellows.

"(5) APPLICATIONS.—To be eligible to receive a grant under this subsection, a State Commission shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including information on the criteria and procedures that the State Commission will use for overseeing ServeAmerica Fellowship placements for service projects, under subsection (e).

"(c) ELIGIBLE FELLOWSHIP RECIPIENTS.—

"(1) APPLICATION.—

"(A) IN GENERAL.—An applicant desiring to become an eligible fellowship recipient shall submit an application to a State Commission that has elected to participate in the program authorized under this section, at such time and in such manner as the Commission may require, and containing the information described in subparagraph (B) and such additional information as the Commission may require. An applicant may submit such application to only 1 State Commission for a fiscal year.

"(B) CONTENTS.—The Corporation shall specify information to be provided in an application submitted under this subsection, which—

"(i) shall include—

"(I) a description of the area of national need that the applicant intends to address in the service project;

"(II) a description of the skills and experience the applicant has to address the area of national need;

"(III) a description of the type of service the applicant plans to provide as a fellow; and

"(IV) information identifying the local area within the State served by the Commission in which the applicant plans to serve for the service project; and

"(ii) may include, if the applicant chooses, the size of the registered service sponsor organization with which the applicant hopes to serve.

"(2) SELECTION.—Each State Commission shall—

"(A) select, from the applications received by the State Commission for a fiscal year, the number of eligible fellowship recipients that may be supported for that fiscal year based on the amount of the grant received by the State Commission under subsection (b); and

"(B) make an effort to award one-third of the fellowships available to the State Commission for a fiscal year, based on the amount of the grant received under subsection (b), to applicants who propose to serve the fellowship with small service sponsor organizations registered under subsection (d).

"(d) SERVICE SPONSOR ORGANIZATIONS.—

"(1) IN GENERAL.—Each service sponsor organization shall—

"(A) be a nonprofit organization;

Criteria.

"(B) satisfy qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight;

"(C) not be a recipient of other assistance, approved national service positions, or approved summer of service positions under the national service laws; and

Contracts.

"(D) at the time of registration with a State Commission, enter into an agreement providing that the service sponsor organization shall—

"(i) abide by all program requirements;

"(ii) provide an amount described in subsection (e)(3)(b) for each fellow serving with the organization through the ServeAmerica Fellowship;

Certification.

"(iii) be responsible for certifying whether each fellow serving with the organization successfully completed the ServeAmerica Fellowship, and record and certify in a manner specified by the Corporation the number of hours served by a fellow for purposes of determining the fellow's eligibility for benefits; and

Records.

"(iv) provide timely access to records relating to the ServeAmerica Fellowship to the State Commission,

the Corporation, and the Inspector General of the Corporation.

"(2) REGISTRATION.—

"(A) REQUIREMENT.—No service sponsor organization may receive a fellow under this section until the organization registers with the State Commission.

"(B) CLEARINGHOUSE.—The State Commission shall maintain a list of registered service sponsor organizations on a public website. Records. Web posting.

"(C) REVOCATION.—If a State Commission determines that a service sponsor organization is in violation of any of the applicable provisions of this section—

"(i) the State Commission shall revoke the registration of the organization;

"(ii) the organization shall not be eligible to receive assistance, approved national service positions, or approved summer of service positions under this title for not less than 5 years; and

"(iii) the State Commission shall have the right to remove a fellow from the organization and relocate the fellow to another site.

"(e) FELLOWS.—

"(1) IN GENERAL.—To be eligible to participate in a service project as a fellow and receive a ServeAmerica Fellowship, an eligible fellowship recipient shall—

"(A) within 3 months after being selected as an eligible fellowship recipient by a State Commission, select a registered service sponsor organization described in subsection (d)— Deadline.

"(i) with which the recipient is interested in serving under this section; and

"(ii) that is located in the State served by the State Commission;

"(B) enter into an agreement with the organization— Contracts.

"(i) that specifies the service the recipient will provide if the placement is approved; and

"(ii) in which the recipient agrees to serve for 1 year on a full-time or part-time basis (as determined by the Corporation); and

"(C) submit such agreement to the State Commission.

"(2) AWARD.—Upon receiving the eligible fellowship recipient's agreement under paragraph (1), the State Commission shall award a ServeAmerica Fellowship to the recipient and designate the recipient as a fellow.

"(3) FELLOWSHIP AMOUNT.—

"(A) IN GENERAL.—From amounts received under subsection (b), each State Commission shall award each of the State's fellows a ServeAmerica Fellowship amount that is equal to 50 percent of the amount of the average annual VISTA subsistence allowance.

"(B) AMOUNT FROM SERVICE SPONSOR ORGANIZATION.—

"(i) IN GENERAL.—Except as provided in clause (ii) and subparagraph (E), the service sponsor organization shall award to the fellow serving such organization an amount that will ensure that the total award received by the fellow for service in the service project (consisting of such amount and the ServeAmerica

Fellowship amount the fellow receives under subparagraph (A)) is equal to or greater than 70 percent of the average annual VISTA subsistence allowance.

"(ii) SMALL SERVICE SPONSOR ORGANIZATIONS.—In the case of a small service sponsor organization, the small service sponsor organization may decrease the amount of the service sponsor organization award required under clause (i) to not less than an amount that will ensure that the total award received by the fellow for service in the service project (as calculated in clause (i)) is equal to or greater than 60 percent of the average annual VISTA subsistence allowance.

"(C) MAXIMUM LIVING ALLOWANCE.—The total amount that may be provided to a fellow under this subparagraph shall not exceed 100 percent of the average annual VISTA subsistence allowance.

"(D) PRORATION OF AMOUNT.—In the case of a fellow who is authorized to serve a part-time term of service under the agreement described in paragraph (1)(B)(ii), the amount provided to a fellow under this paragraph shall be prorated accordingly.

"(E) WAIVER.—The Corporation may allow a State Commission to waive the amount required under subparagraph (B) from the service sponsor organization for a fellow serving the organization if—

"(i) such requirement is inconsistent with the objectives of the ServeAmerica Fellowship program; and

"(ii) the amount provided to the fellow under subparagraph (A) is sufficient to meet the necessary costs of living (including food, housing, and transportation) in the area in which the ServeAmerica Fellowship program is located.

"(F) DEFINITION.—In this paragraph, the term 'average annual VISTA subsistence allowance' means the total average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955).

"(f) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service under a ServeAmerica Fellowship shall comply with section 132(a). For purposes of applying that section to this subsection, a reference to assistance shall be considered to be a reference to assistance provided under this section.

"(g) REPORTS.—Each service sponsor organization that receives a fellow under this section shall, on a biweekly basis, report to the Corporation on the number of hours served and the services provided by that fellow. The Corporation shall establish a web portal for the organizations to use in reporting the information.

Web site.

"(h) EDUCATIONAL AWARDS.—A fellow who serves in a service project under this section shall be considered to have served in an approved national service position and, upon meeting the requirements of section 147 for full-time or part-time national service, shall be eligible for a national service educational award described in such section. The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for such fellow.

"SEC. 198C. SILVER SCHOLARSHIPS AND ENCORE FELLOWSHIPS. 42 USC 12653c.

"(a) SILVER SCHOLARSHIP GRANT PROGRAM.—

"(1) ESTABLISHMENT.—The Corporation may award fixed-amount grants (in accordance with section 129(l)) to community-based entities to carry out a Silver Scholarship Grant Program for individuals age 55 or older, in which such individuals complete not less than 350 hours of service in a year carrying out projects of national need and receive a Silver Scholarship in the form of a $1,000 national service educational award. Criteria.
Under such a program, the Corporation shall establish criteria for the types of the service required to be performed to receive such award.

"(2) TERM.—Each program funded under this subsection shall be carried out over a period of 3 years (which may include 1 planning year), with a 1-year extension possible, if the program meets performance levels developed in accordance with section 179(k) and any other criteria determined by the Corporation.

"(3) APPLICATIONS.—To be eligible for a grant under this subsection, a community-based entity shall—

"(A) submit to the Corporation an application at such time and in such manner as the Chief Executive Officer may reasonably require; and

"(B) be a listed organization as described in subsection (b)(4).

"(4) COLLABORATION ENCOURAGED.—A community-based entity awarded a grant under this subsection is encouraged to collaborate with programs funded under title II of the Domestic Volunteer Service Act of 1973 in carrying out this program.

"(5) ELIGIBILITY FOR FELLOWSHIP.—An individual is eligible to receive a Silver Scholarship if the community-based entity certifies to the Corporation that the individual has completed not less than 350 hours of service under this section in a 1-year period.

"(6) TRANSFER TO TRUST.—The Corporation shall transfer an appropriate amount of funds to the National Service Trust to provide for the national service educational award for each silver scholar under this subsection.

"(7) SUPPORT SERVICES.—A community-based entity receiving a fixed-amount grant under this subsection may use a portion of the grant to provide transportation services to an eligible individual to allow such individual to participate in a service project.

"(b) ENCORE FELLOWSHIPS.—

"(1) ESTABLISHMENT.—The Corporation may award 1-year Encore Fellowships to enable individuals age 55 or older to—

"(A) carry out service projects in areas of national need; and

"(B) receive training and development in order to transition to full- or part-time public service in the nonprofit sector or government.

"(2) PROGRAM.—In carrying out the program, the Corporation shall—

"(A) maintain a list of eligible organizations for which Records.
Encore Fellows may be placed to carry out service projects

through the program and shall provide the list to all Fellowship recipients; and

"(B) at the request of a Fellowship recipient—

"(i) determine whether the requesting recipient is able to meet the service needs of a listed organization, or another organization that the recipient requests in accordance with paragraph (5)(B), for a service project; and

"(ii) upon making a favorable determination under clause (i), award the recipient with an Encore Fellowship, and place the recipient with the organization as an Encore Fellow under paragraph (5)(C).

"(3) ELIGIBLE RECIPIENTS.—

"(A) IN GENERAL.—An individual desiring to be selected as a Fellowship recipient shall—

"(i) be an individual who—

"(I) is age 55 or older as of the time the individual applies for the program; and

"(II) is not engaged in, but who wishes to engage in, full- or part-time public service in the nonprofit sector or government; and

"(ii) submit an application to the Corporation, at such time, in such manner, and containing such information as the Corporation may require, including—

"(I) a description of the area of national need that the applicant hopes to address through the service project;

"(II) a description of the skills and experience the applicant has to address an area of national need; and

"(III) information identifying the region of the United States in which the applicant wishes to serve.

"(B) SELECTION BASIS.—In determining which individuals to select as Fellowship recipients, the Corporation shall—

"(i) select not more than 10 individuals from each State; and

"(ii) give priority to individuals with skills and experience for which there is an ongoing high demand in the nonprofit sector and government.

"(4) LISTED ORGANIZATIONS.—To be listed under paragraph (2)(A), an organization shall—

"(A) be a nonprofit organization; and

"(B) submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require, including—

"(i) a description of—

"(I) the services and activities the organization carries out generally;

"(II) the area of national need that the organization seeks to address through a service project; and

"(III) the services and activities the organization seeks to carry out through the proposed service project;

"(ii) a description of the skills and experience that an eligible Encore Fellowship recipient needs to be placed with the organization as an Encore Fellow for the service project;

"(iii) a description of the training and leadership development the organization shall provide an Encore Fellow placed with the organization to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

"(iv) evidence of the organization's financial stability.

"(5) PLACEMENT.—

"(A) REQUEST FOR PLACEMENT WITH LISTED ORGANIZATIONS.—To be placed with a listed organization in accordance with paragraph (2)(B) for a service project, an eligible Encore Fellowship recipient shall submit an application for such placement to the Corporation at such time, in such manner, and containing such information as the Corporation may require.

"(B) REQUEST FOR PLACEMENT WITH OTHER ORGANIZATION.—An eligible Encore Fellowship recipient may apply to the Corporation to serve the recipient's Encore Fellowship year with a nonprofit organization that is not a listed organization. Such application shall be submitted to the Corporation at such time, in such manner, and containing such information as the Corporation shall require, and shall include—

"(i) an identification and description of—

"(I) the organization;

"(II) the area of national need the organization seeks to address; and

"(III) the services or activities the organization carries out to address such area of national need;

"(ii) a description of the services the eligible Encore Fellowship recipient shall provide for the organization as an Encore Fellow; and

"(iii) a letter of support from the leader of the organization, including—

"(I) a description of the organization's need for the eligible Encore Fellowship recipient's services;

"(II) evidence that the organization is financially sound;

"(III) an assurance that the organization will provide training and leadership development to the eligible Encore Fellowship recipient if placed with the organization as an Encore Fellow, to assist the Encore Fellow in obtaining a public service job in the nonprofit sector or government after the period of the Encore Fellowship; and

"(IV) a description of the training and leadership development to be provided to the Encore Fellowship recipient if so placed.

"(C) PLACEMENT AND AWARD OF FELLOWSHIP.—If the Corporation determines that the eligible Encore Fellowship recipient is able to meet the service needs (including skills

and experience to address an area of national need) of the organization that the eligible fellowship recipient requests under subparagraph (A) or (B), the Corporation shall—

"(i) approve the placement of the eligible Encore Fellowship recipient with the organization;

"(ii) award the eligible Encore Fellowship recipient an Encore Fellowship for a period of 1 year and designate the eligible Encore Fellowship recipient as an Encore Fellow; and

"(iii) in awarding the Encore Fellowship, make a payment, in the amount of $11,000, to the organization to enable the organization to provide living expenses to the Encore Fellow for the year in which the Encore Fellow agrees to serve.

"(6) MATCHING FUNDS.—An organization that receives an Encore Fellow under this subsection shall agree to provide, for the living expenses of the Encore Fellow during the year of service, non-Federal contributions in an amount equal to not less than $1 for every $1 of Federal funds provided to the organization for the Encore Fellow through the Encore Fellowship.

"(7) TRAINING AND ASSISTANCE.—Each organization that receives an Encore Fellow under this subsection shall provide training, leadership development, and assistance to the Encore Fellow, and conduct oversight of the service provided by the Encore Fellow.

"(8) LEADERSHIP DEVELOPMENT.—Each year, the Corporation shall convene current and former Encore Fellows to discuss the Encore Fellows' experiences related to service under this subsection and discuss strategies for increasing leadership and careers in public service in the nonprofit sector or government.

"(c) EVALUATIONS.—The Corporation shall conduct an independent evaluation of the programs authorized under subsections (a) and (b) and widely disseminate the results, including recommendations for improvement, to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies.".

SEC. 1806. NATIONAL SERVICE RESERVE CORPS.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

"PART II—NATIONAL SERVICE RESERVE CORPS

42 USC 12653h.

"SEC. 198H. NATIONAL SERVICE RESERVE CORPS.

"(a) DEFINITIONS.—In this section—

"(1) the term 'National Service Reserve Corps member' means an individual who—

"(A) has completed a term of national service or is a veteran;

"(B) has successfully completed training described in subsection (c) within the previous 2 years;

"(C) completes not less than 10 hours of volunteering each year (which may include the training session described in subparagraph (B)); and

"(D) has indicated interest to the Corporation in responding to disasters and emergencies in a timely manner through the National Service Reserve Corps; and

"(2) the term 'term of national service' means a term or period of service under section 123.

"(b) ESTABLISHMENT OF NATIONAL SERVICE RESERVE CORPS.—

"(1) IN GENERAL.—In consultation with the Federal Emergency Management Agency, the Corporation shall establish a National Service Reserve Corps to prepare and deploy National Service Reserve Corps members to respond to disasters and emergencies in support of national service programs and other requesting programs and agencies.

"(2) GRANTS OR CONTRACTS.—In carrying out this section, the Corporation may enter into a grant or contract with an organization experienced in responding to disasters or in coordinating individuals who have completed a term of national service or are veterans, or may directly deploy National Service Reserve Corps members, as the Corporation determines necessary.

"(c) ANNUAL TRAINING.—The Corporation shall conduct or coordinate annual training sessions, consistent with the training requirements of the Federal Emergency Management Agency, for individuals who have completed a term of national service or are veterans, and who wish to join the National Service Reserve Corps.

"(d) DESIGNATION OF ORGANIZATIONS.—

"(1) IN GENERAL.—The Corporation shall designate organizations with demonstrated experience in responding to disasters or emergencies, including through using volunteers, for participation in the program under this section.

"(2) REQUIREMENTS.—The Corporation shall ensure that every designated organization is—

"(A) prepared to respond to disasters or emergencies;

"(B) prepared and able to utilize National Service Reserve Corps members in responding to disasters or emergencies; and

"(C) willing to respond in a timely manner when notified by the Corporation of a disaster or emergency.

"(e) DATABASES.—The Corporation shall develop or contract with an outside organization to develop—

"(1) a database of all National Service Reserve Corps members; and

"(2) a database of all nonprofit organizations that have been designated by the Corporation under subsection (d).

"(f) DEPLOYMENT OF NATIONAL SERVICE RESERVE CORPS.—

"(1) MAJOR DISASTERS OR EMERGENCIES.—If a major disaster or emergency is declared by the President pursuant to section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Administrator of the Federal Emergency Management Agency, in consultation with the Corporation, may task the National Service Reserve Corps to assist in response.

"(2) OTHER DISASTERS OR EMERGENCIES.—For a disaster or emergency that is not declared a major disaster or emergency under section 102 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5122), the Corporation may directly, or through a grant or contract, deploy the National Service Reserve Corps.

"(3) DEPLOYMENT.—Under paragraph (1) or (2), the Corporation may—

"(A) deploy interested National Service Reserve Corps members on assignments of not more than 30 days to assist with local needs related to preparing or recovering from the incident in the affected area, either directly or through organizations designated under subsection (d);

"(B) make travel arrangements for the deployed National Service Reserve Corps members to the site of the incident; and

"(C) provide funds to those organizations that are responding to the incident with deployed National Service Reserve Corps members, to enable the organizations to coordinate and provide housing, living stipends, and insurance for those deployed members.

"(4) ALLOWANCE.—Any amounts that are utilized by the Corporation from funds appropriated under section 501(a)(4)(D) to carry out paragraph (1) for a fiscal year shall be kept in a separate fund. Any amounts in such fund that are not used during a fiscal year shall remain available to use to pay National Service Reserve Corps members an allowance, determined by the Corporation, for out-of-pocket expenses.

"(5) INFORMATION.—

"(A) NATIONAL SERVICE PARTICIPANTS.—The Corporation, the State Commissions, and entities receiving financial assistance for programs under subtitle C of this Act, or under part A of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), shall inform participants about the National Service Reserve Corps upon the participants' completion of their term of national service.

"(B) VETERANS.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall inform veterans who are recently discharged, released, or separated from the Armed Forces about the National Service Reserve Corps.

"(6) COORDINATION.—In deploying National Service Reserve Corps members under this subsection, the Corporation shall—

"(A) avoid duplication of activities directed by the Federal Emergency Management Agency; and

"(B) consult and, as appropriate, partner with Citizen Corps programs and other local disaster agencies, including State and local emergency management agencies, voluntary organizations active in disaster, State Commissions, and similar organizations, in the affected area.".

SEC. 1807. SOCIAL INNOVATION FUNDS PILOT PROGRAM.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

"PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM

42 USC 12653k.

"SEC. 198K. FUNDS.

"(a) FINDINGS.—Congress finds the following:

"(1) Social entrepreneurs and other nonprofit community organizations are developing innovative and effective solutions to national and local challenges.

"(2) Increased public and private investment in replicating and expanding proven effective solutions, and supporting new solutions, developed by social entrepreneurs and other nonprofit community organizations could allow those entrepreneurs and organizations to replicate and expand proven initiatives, and support new initiatives, in communities.

"(3) A network of Social Innovation Funds could leverage Federal investments to increase State, local, business, and philanthropic resources to replicate and expand proven solutions and invest in supporting new innovations to tackle specific identified community challenges.

"(b) PURPOSES.—The purposes of this section are—

"(1) to recognize and increase the impact of social entrepreneurs and other nonprofit community organizations in tackling national and local challenges;

"(2) to stimulate the development of a network of Social Innovation Funds that will increase private and public investment in nonprofit community organizations that are effectively addressing national and local challenges to allow such organizations to replicate and expand proven initiatives or support new initiatives;

"(3) to assess the effectiveness of such Funds in—

"(A) leveraging Federal investments to increase State, local, business, and philanthropic resources to address national and local challenges;

"(B) providing resources to replicate and expand effective initiatives; and

"(C) seeding experimental initiatives focused on improving outcomes in the areas described in subsection (f)(3); and

"(4) to strengthen the infrastructure to identify, invest in, replicate, and expand initiatives with effective solutions to national and local challenges.

"(c) DEFINITIONS.—In this section:

"(1) COMMUNITY ORGANIZATION.—The term 'community organization' means a nonprofit organization that carries out innovative, effective initiatives to address community challenges.

"(2) COVERED ENTITY.—The term 'covered entity' means—

"(A) an existing grantmaking institution (existing as of the date on which the institution applies for a grant under this section); or

"(B) a partnership between—

"(i) such an existing grantmaking institution; and

"(ii) an additional grantmaking institution, a State Commission, or a chief executive officer of a unit of general local government.

"(3) ISSUE AREA.—The term 'issue area' means an area described in subsection (f)(3).

"(d) PROGRAM.—From the amounts appropriated to carry out this section that are not reserved under subsections (l) and (m), the Corporation shall establish a Social Innovation Funds grant program to make grants on a competitive basis to eligible entities for Social Innovation Funds.

"(e) PERIODS; AMOUNTS.—The Corporation shall make such grants for periods of 5 years, and may renew the grants for additional periods of 5 years, in amounts of not less than $1,000,000 and not more than $10,000,000 per year.

"(f) ELIGIBILITY.—To be eligible to receive a grant under subsection (d), an entity shall—

"(1) be a covered entity;

"(2) propose to focus on—

"(A) serving a specific local geographical area; or

"(B) addressing a specific issue area;

"(3) propose to focus on improving measurable outcomes relating to—

"(A) education for economically disadvantaged elementary or secondary school students;

"(B) child and youth development;

"(C) reductions in poverty or increases in economic opportunity for economically disadvantaged individuals;

"(D) health, including access to health services and health education;

"(E) resource conservation and local environmental quality;

"(F) individual or community energy efficiency;

"(G) civic engagement; or

"(H) reductions in crime;

"(4) have an evidence-based decisionmaking strategy, including—

"(A) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; and

"(B) a well-articulated plan to—

"(i)(I) replicate and expand research-proven initiatives that have been shown to produce sizeable, sustained benefits to participants or society; or

"(II) support new initiatives with a substantial likelihood of significant impact; or

"(ii) partner with a research organization to carry out rigorous evaluations to assess the effectiveness of such initiatives; and

"(5) have appropriate policies, as determined by the Corporation, that protect against conflict of interest, self-dealing, and other improper practices.

"(g) APPLICATION.—To be eligible to receive a grant under subsection (d) for national leveraging capital, an eligible entity shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may specify, including, at a minimum—

"(1) an assurance that the eligible entity will—

"(A) use the funds received through that capital in order to make subgrants to community organizations that will use the funds to replicate or expand proven initiatives, or support new initiatives, in low-income communities;

"(B) in making decisions about subgrants for communities, consult with a diverse cross section of community representatives in the decisions, including individuals from the public, nonprofit private, and for-profit private sectors; and

"(C) make subgrants of a sufficient size and scope to enable the community organizations to build their capacity to manage initiatives, and sustain replication or expansion of the initiatives;

"(2) an assurance that the eligible entity will not make any subgrants to the parent organizations of the eligible entity, a subsidiary organization of the parent organization, or, if the eligible entity applied for funds under this section as a partnership, any member of the partnership;

"(3) an identification of, as appropriate—

"(A) the specific local geographical area referred to in subsection (f)(2)(A) that the eligible entity is proposing to serve; or

"(B) the issue area referred to in subsection (f)(2)(B) that the eligible entity will address, and the geographical areas that the eligible entity is likely to serve in addressing such issue area;

"(4)(A) information identifying the issue areas in which the eligible entity will work to improve measurable outcomes;

"(B) statistics on the needs related to those issue areas in, as appropriate—

"(i) the specific local geographical area described in paragraph (3)(A); or

"(ii) the geographical areas described in paragraph (3)(B), including statistics demonstrating that those geographical areas have high need in the specific issue area that the eligible entity is proposing to address; and

"(C) information on the specific measurable outcomes related to the issue areas involved that the eligible entity will seek to improve;

"(5) information describing the process by which the eligible entity selected, or will select, community organizations to receive the subgrants, to ensure that the community organizations—

"(A) are institutions—

"(i) with proven initiatives and a demonstrated track record of achieving specific outcomes related to the measurable outcomes for the eligible entity; or

"(ii) that articulate a new solution with a significant likelihood for substantial impact;

"(B) articulate measurable outcomes for the use of the subgrant funds that are connected to the measurable outcomes for the eligible entity;

"(C) will use the funds to replicate, expand, or support their initiatives;

"(D) provide a well-defined plan for replicating, expanding, or supporting the initiatives funded;

"(E) can sustain the initiatives after the subgrant period concludes through reliable public revenues, earned income, or private sector funding;

"(F) have strong leadership and financial and management systems;

"(G) are committed to the use of data collection and evaluation for improvement of the initiatives;

"(H) will implement and evaluate innovative initiatives, to be important contributors to knowledge in their fields; and

"(I) will meet the requirements for providing matching funds specified in subsection (k);

"(6) information about the eligible entity, including its experience managing collaborative initiatives, or assessing applicants for grants and evaluating the performance of grant recipients for outcome-focused initiatives, and any other relevant information;

"(7) a commitment to meet the requirements of subsection (i) and a plan for meeting the requirements, including information on any funding that the eligible entity has secured to provide the matching funds required under that subsection;

"(8) a description of the eligible entity's plan for providing technical assistance and support, other than financial support, to the community organizations that will increase the ability of the community organizations to achieve their measurable outcomes;

"(9) information on the commitment, institutional capacity, and expertise of the eligible entity concerning—

"(A) collecting and analyzing data required for evaluations, compliance efforts, and other purposes;

"(B) supporting relevant research; and

"(C) submitting regular reports to the Corporation, including information on the initiatives of the community organizations, and the replication or expansion of such initiatives;

"(10) a commitment to use data and evaluations to improve the eligible entity's own model and to improve the initiatives funded by the eligible entity; and

"(11) a commitment to cooperate with any evaluation activities undertaken by the Corporation.

"(h) SELECTION CRITERIA.—In selecting eligible entities to receive grants under subsection (d), the Corporation shall—

"(1) select eligible entities on a competitive basis;

"(2) select eligible entities on the basis of the quality of their selection process, as described in subsection (g)(5), the capacity of the eligible entities to manage Social Innovation Funds, and the potential of the eligible entities to sustain the Funds after the conclusion of the grant period;

"(3) include among the grant recipients eligible entities that propose to provide subgrants to serve communities (such as rural low-income communities) that the eligible entities can demonstrate are significantly philanthropically underserved;

"(4) select a geographically diverse set of eligible entities; and

"(5) take into account broad community perspectives and support.

"(i) MATCHING FUNDS FOR GRANTS.—

"(1) IN GENERAL.—The Corporation may not make a grant to an eligible entity under subsection (d) for a Social Innovation Fund unless the entity agrees that, with respect to the cost described in subsection (d) for that Fund, the entity will make available matching funds in an amount equal to not less than $1 for every $1 of funds provided under the grant.

"(2) ADDITIONAL REQUIREMENTS.—

"(A) TYPE AND SOURCES.—The eligible entity shall provide the matching funds in cash. The eligible entity shall provide the matching funds from State, local, or private

sources, which may include State or local agencies, businesses, private philanthropic organizations, or individuals.

"(B) ELIGIBLE ENTITIES INCLUDING STATE COMMISSIONS OR LOCAL GOVERNMENT OFFICES.—

"(i) IN GENERAL.—In a case in which a State Commission, a local government office, or both entities are a part of the eligible entity, the State involved, the local government involved, or both entities, respectively, shall contribute not less than 30 percent and not more than 50 percent of the matching funds.

"(ii) LOCAL GOVERNMENT OFFICE.—In this subparagraph, the term 'local government office' means the office of the chief executive officer of a unit of general local government. Definition.

"(3) REDUCTION.—The Corporation may reduce by 50 percent the matching funds required by paragraph (1) for an eligible entity serving a community (such as a rural low-income community) that the eligible entity can demonstrate is significantly philanthropically underserved.

"(j) SUBGRANTS.—

"(1) SUBGRANTS AUTHORIZED.—An eligible entity receiving a grant under subsection (d) is authorized to use the funds made available through the grant to award, on a competitive basis, subgrants to expand or replicate proven initiatives, or support new initiatives with a substantial likelihood of success, to—

"(A) community organizations serving low-income communities within the specific local geographical area described in the eligible entity's application in accordance with subsection (g)(3)(A); or

"(B) community organizations addressing a specific issue area described in the eligible entity's application in accordance with subsection (g)(3)(B), in low-income communities in the geographical areas described in the application.

"(2) PERIODS; AMOUNTS.—The eligible entity shall make such subgrants for periods of not less than 3 and not more than 5 years, and may renew the subgrants for such periods, in amounts of not less than $100,000 per year.

"(3) APPLICATIONS.—To be eligible to receive a subgrant from an eligible entity under this section, including receiving a payment for that subgrant each year, a community organization shall submit an application to an eligible entity that serves the specific local geographical area, or geographical areas, that the community organization proposes to serve, at such time, in such manner, and containing such information as the eligible entity may require, including—

"(A) a description of the initiative the community organization carries out and plans to replicate or expand, or of the new initiative the community organization intends to support, using funds received from the eligible entity, and how the initiative relates to the issue areas in which the eligible entity has committed to work in the eligible entity's application, in accordance with subsection (g)(4)(A);

"(B) data on the measurable outcomes the community organization has improved, and information on the measurable outcomes the community organization seeks to improve by replicating or expanding a proven initiative or supporting a new initiative, which shall be among the measurable outcomes that the eligible entity identified in the eligible entity's application, in accordance with subsection (g)(4)(C);

"(C) an identification of the community in which the community organization proposes to carry out an initiative, which shall be within a local geographical area described in the eligible entity's application in accordance with subparagraph (A) or (B) of subsection (g)(3), as applicable;

"(D) a description of the evidence-based decisionmaking strategies the community organization uses to improve the measurable outcomes, including—

"(i) use of evidence produced by prior rigorous evaluations of program effectiveness including, where available, well-implemented randomized controlled trials; or

"(ii) a well-articulated plan to conduct, or partner with a research organization to conduct, rigorous evaluations to assess the effectiveness of initiatives addressing national or local challenges;

"(E) a description of how the community organization uses data to analyze and improve its initiatives;

"(F) specific evidence of how the community organization will meet the requirements for providing matching funds specified in subsection (k);

"(G) a description of how the community organization will sustain the replicated or expanded initiative after the conclusion of the subgrant period; and

"(H) any other information the eligible entity may require, including information necessary for the eligible entity to fulfill the requirements of subsection (g)(5).

"(k) MATCHING FUNDS FOR SUBGRANTS.—

"(1) IN GENERAL.—An eligible entity may not make a subgrant to a community organization under this section for an initiative described in subsection (j)(3)(A) unless the organization agrees that, with respect to the cost of carrying out that initiative, the organization will make available, on an annual basis, matching funds in an amount equal to not less than $1 for every $1 of funds provided under the subgrant. If the community organization fails to make such matching funds available for a fiscal year, the eligible entity shall not make payments for the remaining fiscal years of the subgrant period, notwithstanding any other provision of this part.

"(2) TYPES AND SOURCES.—The community organization shall provide the matching funds in cash. The community organization shall provide the matching funds from State, local, or private sources, which may include funds from State or local agencies or private sector funding.

"(l) DIRECT SUPPORT.—

"(1) PROGRAM AUTHORIZED.—The Corporation may use not more than 10 percent of the funds appropriated for this section to award grants to community organizations serving low-income communities or addressing a specific issue area in geographical

areas that have the highest need in that issue area, to enable such community organizations to replicate or expand proven initiatives or support new initiatives.

"(2) TERMS AND CONDITIONS.—A grant awarded under this subsection shall be subject to the same terms and conditions as a subgrant awarded under subsection (j).

"(3) APPLICATION; MATCHING FUNDS.—Paragraphs (2) and (3) of subsection (j) and subsection (k) shall apply to a community organization receiving or applying for a grant under this subsection in the same manner as such subsections apply to a community organization receiving or applying for a subgrant under subsection (j), except that references to a subgrant shall mean a grant and references to an eligible entity shall mean the Corporation. Applicability.

"(m) RESEARCH AND EVALUATION.—

"(1) IN GENERAL.—The Corporation may reserve not more than 5 percent of the funds appropriated for this section for a fiscal year to support, directly or through contract with an independent entity, research and evaluation activities to evaluate the eligible entities and community organizations receiving grants under subsections (d) and (l) and the initiatives supported by the grants.

"(2) RESEARCH AND EVALUATION ACTIVITIES.—

"(A) RESEARCH AND REPORTS.—

"(i) IN GENERAL.—The entity carrying out this subsection shall collect data and conduct or support research with respect to the eligible entities and community organizations receiving grants under subsections (d) and (l), and the initiatives supported by such eligible entities and community organizations, to determine the success of the program carried out under this section in replicating, expanding, and supporting initiatives, including—

"(I) the success of the initiatives in improving measurable outcomes; and

"(II) the success of the program in increasing philanthropic investments in philanthropically underserved communities.

"(ii) REPORTS.—The Corporation shall submit periodic reports to the authorizing committees including—

"(I) the data collected and the results of the research under this subsection;

"(II) information on lessons learned about best practices from the activities carried out under this section, to improve those activities; and

"(III) a list of all eligible entities and community organizations receiving funds under this section.

"(iii) PUBLIC INFORMATION.—The Corporation shall annually post the list described in clause (ii)(III) on the Corporation's website. Web posting.

"(B) TECHNICAL ASSISTANCE.—The Corporation shall, directly or through contract, provide technical assistance to the eligible entities and community organizations that receive grants under subsections (d) and (l). Contracts.

Contracts.

"(C) KNOWLEDGE MANAGEMENT.—The Corporation shall, directly or through contract, maintain a clearinghouse for information on best practices resulting from initiatives supported by the eligible entities and community organizations.

"(D) RESERVATION.—Of the funds appropriated under section 501(a)(4)(E) for a fiscal year, not more than 5 percent may be used to carry out this subsection.".

SEC. 1808. CLEARINGHOUSES.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is further amended by adding at the end the following:

"PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND

42 USC 12653.

"SEC. 198O. NATIONAL SERVICE PROGRAMS CLEARINGHOUSES.

Grants.
Contracts.

"(a) IN GENERAL.—The Corporation shall provide assistance, by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish 1 or more clearinghouses for information regarding the national service laws, which shall include information on service-learning and on service through other programs receiving assistance under the national service laws.

"(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

"(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

"(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws, except that such clearinghouse may not conduct such research and evaluations if the recipient of the grant, contract, or cooperative agreement establishing the clearinghouse under this section is receiving funds for such purpose under part III of subtitle B or under this subtitle (not including this section);

"(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

"(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

"(4) facilitate communication among—

"(A) entities carrying out service-learning programs and programs offered under the national service laws; and

"(B) participants in such programs;

"(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

"(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

"(7) disseminate applications in languages other than English;

"(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

"(B) coordinate the activities of the clearinghouse with appropriate entities to avoid duplication of effort;

"(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

"(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

"(11) disseminate effective strategies for working with disadvantaged youth in national service programs, as determined by organizations with an established expertise in working with such youth; and

"(12) carry out such other activities as the Chief Executive Officer determines to be appropriate.

"SEC. 198P. VOLUNTEER GENERATION FUND. 42 USC 12653p.

"(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations for this section, the Corporation may make grants to State Commissions and nonprofit organizations for the purpose of assisting the State Commissions and nonprofit organizations to—

"(1) develop and carry out volunteer programs described in subsection (c); and

"(2) make subgrants to support and create new local community-based entities that recruit, manage, or support volunteers as described in such subsection.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each State Commission or nonprofit organization desiring a grant under this section shall submit an application to the Corporation at such time, in such manner, and accompanied by such information as the Corporation may reasonably require.

"(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain—

"(A)(i) a description of the program that the applicant will provide;

"(B) an assurance that the applicant will annually collect information on—

"(i) the number of volunteers recruited for activities carried out under this section, using funds received under this section, and the type and amount of activities carried out by such volunteers; and

"(ii) the number of volunteers managed or supported using funds received under this section, and the type and amount of activities carried out by such volunteers;

"(C) a description of the outcomes the applicant will use to annually measure and track performance with regard to—

"(i) activities carried out by volunteers; and

"(ii) volunteers recruited, managed, or supported; and

"(D) such additional assurances as the Corporation determines to be essential to ensure compliance with the requirements of this section.

"(c) ELIGIBLE VOLUNTEER PROGRAMS.—A State Commission or nonprofit organization receiving a grant under this section shall use the assistance—

"(1) directly to carry out volunteer programs or to develop and support community-based entities that recruit, manage, or support volunteers, by carrying out activities consistent with the goals of the subgrants described in paragraph (2); or

"(2) through subgrants to community-based entities to carry out volunteer programs or develop and support such entities that recruit, manage, or support volunteers, through 1 or more of the following types of subgrants:

"(A) A subgrant to a community-based entity for activities that are consistent with the priorities set by the State's national service plan as described in section 178(e), or by the Corporation.

"(B) A subgrant to recruit, manage, or support volunteers to a community-based entity such as a volunteer coordinating agency, a nonprofit resource center, a volunteer training clearinghouse, an institution of higher education, or a collaborative partnership of faith-based and community-based organizations.

"(C) A subgrant to a community-based entity that provides technical assistance and support to—

"(i) strengthen the capacity of local volunteer infrastructure organizations;

"(ii) address areas of national need (as defined in section 198B(a)); and

"(iii) expand the number of volunteers nationally.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—Of the funds allocated by the Corporation for provision of assistance under this section for a fiscal year—

"(A) the Corporation shall use 50 percent of such funds to award grants, on a competitive basis, to State Commissions and nonprofit organizations for such fiscal year; and

"(B) the Corporation shall use 50 percent of such funds make an allotment to the State Commissions of each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico based on the formula described in subsections (e) and (f) of section 129, subject to paragraph (2).

"(2) MINIMUM GRANT AMOUNT.—In order to ensure that each State Commission is able to improve efforts to recruit, manage, or support volunteers, the Corporation may determine a minimum grant amount for allotments under paragraph (1)(B).

"(e) LIMITATION ON ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount of any grant provided under this section for a fiscal year may be used to pay for administrative costs incurred by either the recipient of the grant or any community-based entity receiving assistance or a subgrant under such grant.

"(f) MATCHING FUND REQUIREMENTS.—The Corporation share of the cost of carrying out a program that receives assistance

under this section, whether the assistance is provided directly or as a subgrant from the original recipient of the assistance, may not exceed—

"(1) 80 percent of such cost for the first year in which the recipient receives such assistance;

"(2) 70 percent of such cost for the second year in which the recipient receives such assistance;

"(3) 60 percent of such cost for the third year in which the recipient receives such assistance; and

"(4) 50 percent of such cost for the fourth year in which the recipient receives such assistance and each year thereafter.".

SEC. 1809. NONPROFIT CAPACITY BUILDING PROGRAM.

Subtitle H of title I (42 U.S.C. 12653 et seq.) is amended by adding at the end the following:

"PART V—NONPROFIT CAPACITY BUILDING PROGRAM

"SEC. 198S. NONPROFIT CAPACITY BUILDING. 42 USC 12653s.

"(a) DEFINITIONS.—In this section:

"(1) INTERMEDIARY NONPROFIT GRANTEE.—The term 'intermediary nonprofit grantee' means an intermediary nonprofit organization that receives a grant under subsection (b).

"(2) INTERMEDIARY NONPROFIT ORGANIZATION.—The term 'intermediary nonprofit organization' means an experienced and capable nonprofit entity with meaningful prior experience in providing organizational development assistance, or capacity building assistance, focused on small and midsize nonprofit organizations.

"(3) NONPROFIT.—The term 'nonprofit', used with respect to an entity or organization, means—

"(A) an entity or organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and

"(B) an entity or organization described in paragraph (1) or (2) of section 170(c) of such Code.

"(4) STATE.—The term 'State' means each of the several States, and the District of Columbia.

"(b) GRANTS.—The Corporation shall establish a Nonprofit Capacity Building Program to make grants to intermediary nonprofit organizations to serve as intermediary nonprofit grantees. The Corporation shall make the grants to enable the intermediary nonprofit grantees to pay for the Federal share of the cost of delivering organizational development assistance, including training on best practices, financial planning, grantwriting, and compliance with the applicable tax laws, for small and midsize nonprofit organizations, especially those nonprofit organizations facing resource hardship challenges. Each of the grantees shall match the grant funds by providing a non-Federal share as described in subsection (f).

"(c) AMOUNT.—To the extent practicable, the Corporation shall make such a grant to an intermediary nonprofit organization in each State, and shall make such grant in an amount of not less than $200,000.

"(d) APPLICATION.—To be eligible to receive a grant under this section, an intermediary nonprofit organization shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation may require. The intermediary nonprofit organization shall submit in the application information demonstrating that the organization has secured sufficient resources to meet the requirements of subsection (f).

"(e) PREFERENCE AND CONSIDERATIONS.—

"(1) PREFERENCE.—In making such grants, the Corporation shall give preference to intermediary nonprofit organizations seeking to become intermediary nonprofit grantees in areas where nonprofit organizations face significant resource hardship challenges.

"(2) CONSIDERATIONS.—In determining whether to make a grant the Corporation shall consider—

"(A) the number of small and midsize nonprofit organizations that will be served by the grant;

"(B) the degree to which the activities proposed to be provided through the grant will assist a wide number of nonprofit organizations within a State, relative to the proposed amount of the grant; and

"(C) the quality of the organizational development assistance to be delivered by the intermediary nonprofit grantee, including the qualifications of its administrators and representatives, and its record in providing services to small and midsize nonprofit organizations.

"(f) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost as referenced in subsection (b) shall be 50 percent.

"(2) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The non-Federal share of the cost as referenced in subsection (b) shall be 50 percent and shall be provided in cash.

"(B) THIRD PARTY CONTRIBUTIONS.—

"(i) IN GENERAL.—Except as provided in clause (ii), an intermediary nonprofit grantee shall provide the non-Federal share of the cost through contributions from third parties. The third parties may include charitable grantmaking entities and grantmaking vehicles within existing organizations, entities of corporate philanthropy, corporations, individual donors, and regional, State, or local government agencies, or other non-Federal sources.

"(ii) EXCEPTION.—If the intermediary nonprofit grantee is a private foundation (as defined in section 509(a) of the Internal Revenue Code of 1986), a donor advised fund (as defined in section 4966(d)(2) of such Code), an organization which is described in section 4966(d)(4)(A)(i) of such Code, or an organization which is described in section 4966(d)(4)(B) of such Code, the grantee shall provide the non-Federal share from within that grantee's own funds.

"(iii) MAINTENANCE OF EFFORT, PRIOR YEAR THIRD-PARTY FUNDING LEVELS.—For purposes of maintaining private sector support levels for the activities specified by this program, a non-Federal share that includes donations by third parties shall be composed in a way

that does not decrease prior levels of funding from the same third parties granted to the nonprofit intermediary grantee in the preceding year.

"(g) RESERVATION.—Of the amount authorized to provide financial assistance under this subtitle, there shall be made available to carry out this section $5,000,000 for each of fiscal years 2010 through 2014.".

Subtitle I—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

"Subtitle J—Training and Technical Assistance

"SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

42 USC 12657.

Grants.
Contracts.

"(a) IN GENERAL.—The Corporation shall, directly or through grants, contracts, or cooperative agreements (including through State Commissions), conduct appropriate training for and provide technical assistance to—

"(1) programs receiving assistance under the national service laws; and

"(2) entities (particularly entities in rural areas and underserved communities) that desire to—

"(A) carry out or establish national service programs; or

"(B) apply for assistance (including subgrants) under the national service laws.

"(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

"(1) providing technical assistance to entities applying to carry out national service programs or entities carrying out national service programs;

"(2) promoting leadership development in national service programs;

"(3) improving the instructional and programmatic quality of national service programs;

"(4) developing the management and budgetary skills of individuals operating or overseeing national service programs, including developing skills to increase the cost effectiveness of the programs under the national service laws;

"(5) providing for or improving the training provided to the participants in programs under the national service laws;

"(6) facilitating the education of individuals participating in national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

"(7) training individuals operating or overseeing national service programs—

"(A) in volunteer recruitment, management, and retention to improve the abilities of such individuals to use

participants and other volunteers in an effective manner, which training results in high-quality service and the desire of participants and volunteers to continue to serve in other capacities after the program is completed;

"(B) in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the national service programs; or

"(C) to effectively accommodate individuals with disabilities to increase the participation of individuals with disabilities in national service programs, which training may utilize funding from the reservation of funds under section 129(k) to increase the participation of individuals with disabilities;

"(8) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation in national service programs, and to coordinate community-wide planning and service with respect to national service programs;

"(9) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001); and

"(10) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

"(c) PRIORITY.—In carrying out this section, the Corporation shall give priority to programs under the national service laws and entities eligible to establish such programs that seek training or technical assistance and that—

"(1) seek to carry out high-quality programs where the services are needed most;

"(2) seek to carry out high-quality programs where national service programs do not exist or where the programs are too limited to meet community needs;

"(3) seek to carry out high-quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

"(4) seek to assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.".

Subtitle J—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

42 USC 12661–12664, 12501 note.

(a) IN GENERAL.—Title III (42 U.S.C. 12661 et seq.) is repealed.

(b) CONFORMING AMENDMENTS.—Section 401 (42 U.S.C. 12671) is amended—

(1) in subsection (a), by striking "term" and all that follows through the period and inserting the following: "term 'administrative organization' means a nonprofit private organization that enters into an agreement with the Corporation to carry out this section."; and

(2) by striking "Foundation" each place it appears and inserting "administrative organization".

Subtitle K—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TITLE I.—

"(1) SUBTITLE B.—

"(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

"(i) $97,000,000 for fiscal year 2010; and

"(ii) such sums as may be necessary for each of fiscal years 2011 through 2014.

"(B) PART IV RESERVATION.—Of the amount appropriated under subparagraph (A) for a fiscal year, the Corporation may reserve such sums as may be necessary to carry out part IV of subtitle B of title I.

"(C) SECTION 118A.—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than $7,000,000 shall be made available for awards to Campuses of Service under section 118A.

"(D) SECTION 119(C)(8).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than $10,000,000 shall be made available for summer of service program grants under section 119(c)(8), and not more than $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 119(c)(8).

"(E) SECTION 119(C)(9).—Of the amount appropriated under subparagraph (A) and not reserved under subparagraph (B) for a fiscal year, not more than $20,000,000 shall be made available for youth engagement zone programs under section 119(c)(9).

"(F) GENERAL PROGRAMS.—Of the amount remaining after the application of subparagraphs (A) through (E) for a fiscal year—

"(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

"(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

"(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

"(2) SUBTITLES C AND D.—There are authorized to be appropriated, for each of fiscal years 2010 through 2014, such sums as may be necessary to provide financial assistance under subtitle C of title I and to provide national service educational awards under subtitle D of title I for the number of participants described in section 121(f)(1) for each such fiscal year.

"(3) SUBTITLE E.—

"(A) IN GENERAL.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, such sums as may be necessary for each of fiscal years 2010 through 2014.

"(B) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in this paragraph, priority shall be given to programs carrying out activities in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), including a major disaster as a consequence of Hurricane Katrina or Rita.

"(4) SUBTITLE H.—

"(A) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2014 to provide financial assistance under subtitle H of title I.

"(B) SECTION 198B.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198B and to provide national service educational awards under subtitle D of title I to the number of participants in national service positions established or increased as provided in section 198B(b)(3) for such year.

"(C) SECTION 198C.—Of the amount authorized under subparagraph (A) for a fiscal year, $12,000,000 shall be made available to provide financial assistance under section 198C.

"(D) SECTION 198H.—Of the amount authorized under subparagraph (A) for a fiscal year, such sums as may be necessary shall be made available to provide financial assistance under section 198H.

"(E) SECTION 198K.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198K—

"(i) $50,000,000 for fiscal year 2010;
"(ii) $60,000,000 for fiscal year 2011;
"(iii) $70,000,000 for fiscal year 2012;
"(iv) $80,000,000 for fiscal year 2013; and
"(v) $100,000,000 for fiscal year 2014.

"(F) SECTION 198P.—Of the amount authorized under subparagraph (A), there shall be made available to carry out section 198P—

"(i) $50,000,000 for fiscal year 2010;
"(ii) $60,000,000 for fiscal year 2011;
"(iii) $70,000,000 for fiscal year 2012;
"(iv) $80,000,000 for fiscal year 2013; and
"(v) $100,000,000 for fiscal year 2014.

"(5) ADMINISTRATION.—

"(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under section 126(a), such sums as may be necessary for each of fiscal years 2010 through 2014.

"(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year, a portion shall be made available to provide financial assistance under section 126(a).

"(6) EVALUATION, TRAINING, AND TECHNICAL ASSISTANCE.—Notwithstanding paragraphs (1), (2), and (4) and any other provision of law, of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve not more than 2.5 percent to carry out sections 112(e) and 179A and subtitle J, of which $1,000,000 shall be used by the Corporation to carry out section 179A. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which the amounts are reserved.";

(2) by striking subsections (b) and (d); and

(3) by redesignating subsection (c) as subsection (b).

TITLE II—DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

SEC. 2002. VOLUNTEERISM POLICY.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking "both young" and all that follows through the period and inserting "individuals of all ages and backgrounds."; and

(2) in subsection (b), by inserting after "State, and local agencies" the following: ", expand relationships with, and support for, the efforts of civic, community, and educational organizations,".

Subtitle A—National Volunteer Antipoverty Programs

CHAPTER 1—VOLUNTEERS IN SERVICE TO AMERICA

SEC. 2101. STATEMENT OF PURPOSE.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking "exploit" and all that follows through the period and inserting "increase opportunities for self-advancement by persons affected by such problems."; and

(2) in the third sentence, by striking "at the local level" and all that follows through the period and inserting "at the local level, to support efforts by local agencies and community organizations to achieve long-term sustainability of projects, and to strengthen local agencies and community organizations to carry out the objectives of this part.".

SEC. 2102. SELECTION AND ASSIGNMENT OF VOLUNTEERS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "the Commonwealth of the Northern Mariana Islands," after "American Samoa,";

(B) in paragraph (2), by striking "handicapped individuals" and all that follows through the semicolon and inserting "individuals with disabilities, especially individuals with severe disabilities;";

(C) in paragraph (3), by striking "the jobless, the hungry," and inserting "unemployed individuals,";

(D) in paragraph (4), by striking "prevention, education," and inserting "through prevention, education, rehabilitation, treatment,";

(E) in paragraph (5), by striking "chronic and life-threatening illnesses" and inserting "mental illness, chronic and life-threatening illnesses,";

(F) in paragraph (6)—

(i) by striking "Headstart act" and inserting "Head Start Act"; and

(ii) by striking "and" after the semicolon at the end;

(G) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(H) by adding at the end the following:

"(8) in assisting with the reentry and reintegration of formerly incarcerated youth and adults into society, including providing training and counseling in education, employment, and life skills;

"(9) in developing and carrying out financial literacy, financial planning, budgeting, saving, and reputable credit accessibility programs in low-income communities, including those programs that educate individuals about financing home ownership and higher education;

"(10) in initiating and supporting before-school and after-school programs, serving children in low-income communities, that may engage participants in mentoring, tutoring, life skills and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children;

"(11) in establishing and supporting community economic development initiatives, with a priority on work on such initiatives in rural areas and the other areas where such initiatives are needed most;

"(12) in assisting veterans and their family members through establishing or augmenting programs that assist such persons with access to legal assistance, health care (including mental health care), employment counseling or training, education counseling or training, affordable housing, and other support services; and

"(13) in addressing the health and wellness of individuals in low-income communities and individuals in underserved communities, including programs to increase access to preventive services, insurance, and health services.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "recruitment and placement procedures" and inserting "placement procedures that involve sponsoring organizations and";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "Community Service Trust Act of 1993" and all that follows through the period at the end of the fourth sentence and inserting "Community Service Act of 1990.";

(ii) in subparagraph (B), by striking "central information system that shall, on request, promptly provide" and inserting "database that provides"; and

(iii) in subparagraph (C), in the second sentence, by inserting "and management" after "the recruitment"; and

(C) in paragraph (5)(B), by striking "information system" and inserting "database";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting "the Internet and related technologies," before "radio,";

(ii) in subparagraph (B), by inserting "Internet and related technologies," before "print media,";

(iii) in subparagraph (C), by inserting "State or local offices of economic development, State employment security agencies, employment offices," before "and other institutions"; and

(iv) in subparagraph (F), by striking "Community Service Trust Act of 1993" and inserting "Community Service Act of 1990"; and

(B) by striking paragraph (4);

(4) in subsection (d), in the second sentence, by striking "private industry council established under the Job Training Partnership Act or";

(5) in subsection (g), in the first sentence, by striking ", and such" and all that follows through the period and inserting a period; and

(6) by adding at the end the following:

"(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this part.".

SEC. 2103. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended—

(1) by striking the first sentence and inserting the following: "Such stipend shall be set at a rate that is not less than a minimum of $125 per month and not more than a maximum of $150 per month, subject to the availability of funds to provide such a maximum rate."; and

(2) in the second sentence, by striking "stipend of a maximum of $200 per month" and inserting "stipend set at a rate that is not more than a maximum of $250 per month".

SEC. 2104. REPEAL.

Section 109 (42 U.S.C. 4959) is repealed.

SEC. 2105. REDESIGNATION.

Section 110 (42 U.S.C. 4960) is redesignated as section 109.

CHAPTER 2—UNIVERSITY YEAR FOR VISTA

SEC. 2121. UNIVERSITY YEAR FOR VISTA.

42 USC 4971–4973.

Part B of title I (42 U.S.C. 4971 et seq.) is repealed.

CHAPTER 3—SPECIAL VOLUNTEER PROGRAMS

SEC. 2131. STATEMENT OF PURPOSE.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking "situations" and inserting "organizations".

SEC. 2132. LITERACY CHALLENGE GRANTS.

Section 124 (42 U.S.C. 4995) is repealed.

Subtitle B—National Senior Service Corps

SEC. 2141. TITLE.

Title II (42 U.S.C. 5000 et seq.) is amended by striking the title heading and inserting the following:

"TITLE II—NATIONAL SENIOR SERVICE CORPS".

SEC. 2142. STATEMENT OF PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

"SEC. 200. STATEMENT OF PURPOSE.

"It is the purpose of this title to provide—

"(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

"(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs, to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

"(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

"(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need; and

"(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide support services and companionship to other older individuals through volunteer service.".

SEC. 2143. RETIRED AND SENIOR VOLUNTEER PROGRAM.

Section 201 (42 U.S.C. 5001(a)) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "avail" and all that follows through "community," and inserting "share their experiences, abilities, and skills to

improve their communities and themselves through service in their communities,";

(B) in paragraph (2), by striking ", and individuals 60 years of age or older will be given priority for enrollment,"; and

(C) in paragraph (4)—

(i) by striking "established and will be carried out" and inserting "designed and implemented"; and

(ii) by striking "field of service" and all that follows through the period at the end and inserting "field of service to be provided, as well as persons who have expertise in the management of volunteers and the needs of older individuals."; and

(2) by adding at the end the following:

Effective date. Grants. Contracts.

"(e)(1) Beginning with fiscal year 2013 and for each fiscal year thereafter, each grant or contract awarded under this section, for such a year, shall be—

"(A) awarded for a period of 3 years, with an option for a grant renewal of 3 years if the grantee meets the performances measures established under subsection (g); and

"(B) awarded through a competitive process described in paragraph (2).

Regulations. Public information. Deadline.

"(2)(A) The Corporation shall promulgate regulations establishing the competitive process required under paragraph (1)(B), and make such regulations available to the public, not later than 18 months after the date of the enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the competitive process.

Consultation.

"(B) The competitive process required by subparagraph (A) shall—

"(i) include the use of a peer review panel, including members with expertise in senior service and aging, to review applications;

"(ii) include site inspections of programs assisted under this section, as appropriate;

"(iii) in the case of an applicant who has previously received a grant or contract for a program under this section, include an evaluation of the program conducted by a review team, as described in subsection (f);

"(iv) ensure that—

"(I) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle support an aggregate number of volunteer service years for a given geographic service area that is not less than the aggregate number of volunteer service years supported under this section for such service area for the previous grant or contract cycle;

"(II) the grants or contracts awarded under this section through the competitive process for a grant or contract cycle maintain a similar program distribution, as compared to the program distribution for the previous grant or contract cycle; and

"(III) every effort is made to minimize the disruption to volunteers; and

"(v) include the use of performance measures, outcomes, and other criteria established under subsection (g).

Effective date. Grants. Contracts. Evaluation.

"(f)(1) Notwithstanding section 412, and effective beginning 180 days after the date of enactment of the Serve America Act, each grant or contract under this section that expires in fiscal year 2011, 2012, or 2013 shall be subject to an evaluation process conducted by a review team described in paragraph (4). The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2010, 2011, and 2012, respectively.

Regulations. Public information. Deadline. Consultation.

"(2) The Corporation shall promulgate regulations establishing the evaluation process required under paragraph (1), and make such regulations available to the public, not later than 18 months after the date of enactment of the Serve America Act. The Corporation shall consult with the directors of programs receiving grants under this section during the development and implementation of the evaluation process.

"(3) The evaluation process required under paragraph (1) shall—

"(A) include performance measures, outcomes, and other criteria established under subsection (g); and

"(B) evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria through a review of the recipient.

"(4) To the maximum extent practicable, the Corporation shall provide that each evaluation required by this subsection is conducted by a review team that—

"(A) includes individuals who are knowledgeable about programs assisted under this section;

"(B) includes current or former employees of the Corporation who are knowledgeable about programs assisted under this section;

"(C) includes representatives of communities served by volunteers of programs assisted under this section; and

"(D) shall receive periodic training to ensure quality and consistency across evaluations.

"(5) The findings of an evaluation described in this subsection of a program described in paragraph (1) shall—

"(A) be presented to the recipient of the grant or contract for such program in a timely, transparent, and uniform manner that conveys information of program strengths and weaknesses and assists with program improvement; and

"(B) be used as the basis for program improvement, and for the provision of training and technical assistance.

Performance measures. Criteria.

"(g)(1) The Corporation shall, with particular attention to the different needs of rural and urban programs assisted under this section, develop performance measures, outcomes, and other criteria for programs assisted under this section that—

"(A) include an assessment of the strengths and areas in need of improvement of a program assisted under this section;

"(B) include an assessment of whether such program has adequately addressed population and community-wide needs;

"(C) include an assessment of the efforts of such program to collaborate with other community-based organizations, units of government, and entities providing services to seniors, taking into account barriers to such collaboration that such program may encounter;

"(D) include a protocol for fiscal management that shall be used to assess such program's compliance with the program requirements for the appropriate use of Federal funds;

"(E) include an assessment of whether the program is in conformity with the eligibility, outreach, enrollment, and other requirements for programs assisted under this section; and

"(F) contain other measures of performance developed by the Corporation, in consultation with the review teams described in subsection (f)(4).

"(2)(A) The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with directors of programs under this section, but not earlier than fiscal year 2014.

"(B) For each fiscal year preceding fiscal year 2014, the Corporation may, after consulting with directors of the programs under this section, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with such directors and after notifying the authorizing committees— Notification.

"(i) eliminate the use of that performance measure, outcome or criterion; or

"(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

"(3) In the event that a program does not meet one or more of the performance measures, outcome, or criteria established under this subsection, the Corporation shall initiate procedures to terminate the program in accordance with section 412.

"(h) The Chief Executive Officer shall develop procedures by which programs assisted under this section may receive training and technical assistance, which may include regular monitoring visits to assist programs in meeting the performance measures, outcomes, and criteria. Procedures.

"(i)(1) Notwithstanding subsection (g)(3) or section 412, the Corporation shall continue to fund a program assisted under this section that has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for not more than 12 months if the competitive process established under subsection (e) does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and the disruption of services.

"(2) In the case where a program is continued under paragraph (1), the Corporation shall conduct outreach regarding the availability of a grant under this section for the area served by such program and establish a new competition for awarding the successor program to the continued program. The recipient operating the continued program shall remain eligible for the new competition.

"(3) The Corporation may monitor the recipient of a grant or contract supporting a program continued under paragraph (1) during this period and may provide training and technical assistance to assist such recipient in meeting the performance measures for such program.

"(j) The Corporation shall develop and disseminate an online resource guide for programs under this section not later than 180 days after the date of enactment of the Serve America Act, which shall include— Web posting. Deadline.

"(1) examples of high-performing programs assisted under this section;

"(2) corrective actions for underperforming programs; and

"(3) examples of meaningful outcome-based performance measures, outcomes, and criteria that capture a program's mission and priorities.".

SEC. 2144. FOSTER GRANDPARENT PROGRAM.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "aged sixty" and inserting "age 55"; and

(ii) by striking "children having exceptional needs" and inserting "children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development"; and

(B) in the second sentence—

(i) by striking "any of a variety of"; and

(ii) by striking "children with special or exceptional needs" and inserting "children having special or exceptional needs or circumstances identified as limiting their academic, social, or emotional development";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "shall have" and all that follows through "(2) of the subsection" and inserting "may determine";

(ii) in subparagraph (A), by striking "and" after the semicolon at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(C) whether it is in the best interest of the child receiving, and the particular foster grandparent providing, services in such a project, to continue the relationship between the child and the grandparent under this part after the child reaches the age of 21, if such child is an individual with a disability who was receiving such services prior to attaining the age of 21."; and

(B) by striking paragraph (2) and inserting the following:

"(2) If an assignment of a foster grandparent under this part is suspended or discontinued, the replacement of that foster grandparent shall be determined in a manner consistent with paragraph (3).";

(3) in subsection (d), by striking "$2.45 per hour" and all that follows through "five cents, except" and inserting "$3.00 per hour, except";

(4) in subsection (e)—

(A) in paragraph (1), by striking "125 per centum" and inserting "200 percent"; and

(B) in paragraph (2), by striking "per centum" and inserting "percent"; and

(5) in subsection (f)(1)—

(A) in subparagraph (A), by striking "subparagraphs (B) and (C)" and inserting "subparagraph (B)"; and

(B) by striking subparagraph (C).

SEC. 2145. SENIOR COMPANION PROGRAM.

Section 213(a) (42 U.S.C. 5013(a)) is amended by striking "aged 60 or over" and inserting "age 55 or older".

SEC. 2146. GENERAL PROVISIONS.

(a) PROMOTION OF NATIONAL SENIOR SERVICE CORPS.—Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking "VOLUNTEER" and inserting "SERVICE"; and

(2) in subsection (b)(2), by striking "participation of volunteers" and inserting "participation of volunteers of all ages and backgrounds, living in urban or rural communities".

(b) MINORITY POPULATION PARTICIPATION.—Section 223 (42 U.S.C. 5023) is amended—

(1) in the section heading, by striking "GROUP" and inserting "POPULATION"; and

(2) by striking "sixty years and older from minority groups" and inserting "age 55 years or older from minority populations".

(c) USE OF LOCALLY GENERATED CONTRIBUTIONS IN NATIONAL SENIOR SERVICE CORPS.—Section 224 (42 U.S.C. 5024) is amended—

(1) in the section heading, by striking "VOLUNTEER" and inserting "SERVICE"; and

(2) by striking "Volunteer Corps" and inserting "Service Corps".

(d) NATIONAL PROBLEMS OF LOCAL CONCERN.—Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "(10), (12), (15), and (16)" and inserting "(9), (11), and (14)"; and

(ii) in subparagraph (C), by striking "(10)" and inserting "(9)";

(B) by amending paragraph (2) to read as follows:

"(2) An applicant for a grant under paragraph (1) shall determine whether the program to be supported by the grant is a program under part A, B, or C, and shall submit an application as required for such program."; and

(C) by adding at the end the following:

"(4) To the maximum extent practicable, the Director shall ensure that not less than 25 percent of the funds appropriated under this section are used to award grants—

"(A) to applicants for grants under this section that are not receiving assistance from the Corporation at the time of such grant award; or

"(B) to applicants from locations where no programs supported under part A, B, or C are in effect at the time of such grant award.

"(5) Notwithstanding paragraph (4), if, for a fiscal year, less than 25 percent of the applicants for grants under this section are applicants described in paragraph (4), the Director may use an amount that is greater than 75 percent of the funds appropriated under this subsection to award grants to applicants that are already receiving assistance from the Corporation at the time of such grant award.";

(2) in subsection (b)—

(A) in paragraph (2), by inserting "through education, prevention, treatment, and rehabilitation" before the period at the end;

(B) by striking paragraph (4) and inserting the following:

"(4) Programs that establish and support mentoring programs for low-income youth, including mentoring programs that match such youth with mentors and match such youth with employment and training programs, including apprenticeship programs.";

(C) in paragraph (5), by inserting ", including literacy programs that serve youth, and adults, with limited English proficiency" before the period at the end;

(D) by striking paragraphs (6) and (7) and inserting the following:

"(6) Programs that provide respite care, including care for elderly individuals and for children and individuals with disabilities or chronic illnesses who are living at home.

"(7) Programs that provide before-school and after-school activities, serving children in low-income communities, that may engage participants in mentoring relationships, tutoring, life skills, and study skills programs, service-learning, physical, nutrition, and health education programs, and other activities addressing the needs of the children in the communities, including children of working parents.";

(E) by striking paragraph (8);

(F) by redesignating paragraphs (9) through (15) as paragraphs (8) through (14), respectively;

(G) in paragraph (10) (as redesignated by subparagraph (F))—

(i) by striking "educationally disadvantaged children" and inserting "students"; and

(ii) by striking "the basic skills of such children" and inserting "the academic achievement of such students";

(H) by striking paragraph (11) (as redesignated by subparagraph (F)) and inserting the following:

"(11) Programs that engage older individuals with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community, including service relating to conducting energy audits, insulating homes, or conducting other activities to promote energy efficiency.";

(I) by striking paragraph (14) (as redesignated by subparagraph (F)) and inserting the following:

"(14) Programs in which the grant recipients involved collaborate with criminal justice professionals and organizations in order to provide prevention programs that serve low-income youth or youth reentering society after incarceration and their families, which prevention programs may include mentoring, counseling, or employment counseling.";

(J) by striking paragraph (16); and

(K) by redesignating paragraphs (17) and (18) as paragraphs (15) and (16), respectively;

(3) in subsection (c)(1), by inserting "and that such applicant has expertise applicable to implementing the proposed

program for which the applicant is requesting the grant" before the period at the end; and

(4) in subsection (e), by inserting "widely" after "shall".

(e) ACCEPTANCE OF DONATIONS.—Part D of title II (42 U.S.C. 5021 et seq.) is amended by adding at the end the following:

"SEC. 228. ACCEPTANCE OF DONATIONS. 42 USC 5027a.

"(a) IN GENERAL.—Except as provided in subsection (b), an entity receiving assistance under this title may accept donations, including donations in cash or in kind fairly evaluated, including plant, equipment, or services.

"(b) EXCEPTION.—An entity receiving assistance under this title to carry out an activity shall not accept donations from the beneficiaries of the activity.".

Subtitle C—Administration and Coordination

SEC. 2151. SPECIAL LIMITATIONS.

Section 404(a) (42 U.S.C. 5044(a)) is amended by inserting "or other volunteers (not including participants under this Act and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.))," after "employed workers" both places such term appears.

SEC. 2152. APPLICATION OF FEDERAL LAW.

Section 415 (42 U.S.C. 5055) is amended—

(1) in subsection (c), by inserting "(as such part was in effect on the day before the date of enactment of the Serve America Act)" after "part B"; and

(2) in subsection (e), by inserting "(as such part was in effect on the day before the date of enactment of the Serve America Act)" after "A, B".

SEC. 2153. EVALUATION.

Section 416 (42 U.S.C. 5056) is amended—

(1) in subsection (a), in the first sentence, by striking "(including" and all that follows through "3 years)"; and

(2) in subsection (f)(3), by striking "Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate" and inserting "authorizing committees".

SEC. 2154. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting ", the Commonwealth of the Northern Mariana Islands," after "American Samoa";

(2) by striking paragraph (7);

(3) in paragraph (13), by striking "Volunteer Corps" and inserting "Service Corps";

(4) in paragraph (14), by striking "Volunteer Corps" and inserting "Service Corps";

(5) by redesignating paragraphs (8) through (20) as paragraphs (7) through (19), respectively;

(6) in paragraph (18) (as redesignated by paragraph (5)), by striking "and" after the semicolon at the end;

(7) in paragraph (19) (as redesignated by paragraph (5)), by striking the period at the end and inserting "; and"; and

(8) by adding at the end the following:

"(20) the term 'authorizing committees' means the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.".

SEC. 2155. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended, in the matter following paragraph (2), by striking "Volunteer Corps" and inserting "Service Corps".

SEC. 2156. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Title IV (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

42 USC 5066.

"SEC. 426. PROVISIONS UNDER THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

"The Corporation shall carry out this Act in accordance with the provisions of this Act and the relevant provisions of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.), particularly the provisions of section 122 and subtitle F of title I of the National and Community Service Act of 1990 (42 U.S.C. 12572, 12631 et seq.) relating to the national service laws.".

Subtitle D—Authorization of Appropriations

SEC. 2161. AUTHORIZATIONS OF APPROPRIATIONS.

(a) NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS.—Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) through (4) and inserting the following:

"(1) VOLUNTEERS IN SERVICE TO AMERICA.—There are authorized to be appropriated to carry out part A of title I $100,000,000 for fiscal year 2010 and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(2) SPECIAL VOLUNTEER PROGRAMS.—There are authorized to be appropriated to carry out part C of title I such sums as may be necessary for each of fiscal years 2010 through 2014."; and

(B) by redesignating paragraph (5) as paragraph (3);

(2) in subsection (c), by striking "part B or C" and inserting "part C"; and

(3) by striking subsection (e).

(b) NATIONAL SENIOR SERVICE CORPS.—Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR SERVICE CORPS.

"(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $70,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry out part C of title II, $55,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

"(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, such sums as may be necessary for each of the fiscal years 2010 through 2014.".

(c) ADMINISTRATION AND COORDINATION.—Section 504 (42 U.S.C. 5084) is amended—

(1) in subsection (a), by striking "fiscal years 1994 through 1996" and inserting "fiscal years 2010 through 2014"; and

(2) in subsection (b), by striking "fiscal years 1994 through 1996" and inserting "fiscal years 2010 through 2014".

TITLE III—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 3101. TABLE OF CONTENTS OF THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 is amended to read as follows:

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title and table of contents.
"Sec. 2. Findings and purpose.

"TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

"Subtitle A—General Provisions

"Sec. 101. Definitions.
"Sec. 102. Authority to make State grants.

"Subtitle B—School-Based and Community-Based Service-Learning Programs

"PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS

"Sec. 111. Purpose.
"Sec. 111A. Definitions.
"Sec. 112. Assistance to States, territories, and Indian tribes.
"Sec. 112A. Allotments.
"Sec. 113. Applications.
"Sec. 114. Consideration of applications.
"Sec. 115. Participation of students and teachers from private schools.
"Sec. 116. Federal, State, and local contributions.
"Sec. 117. Limitations on uses of funds.

"PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

"Sec. 118. Higher education innovative programs for community service.
"Sec. 118A. Campuses of Service.

"PART III—INNOVATIVE AND COMMUNITY-BASED SERVICE-LEARNING PROGRAMS AND RESEARCH

"Sec. 119. Innovative and community-based service-learning programs and research.

"PART IV—SERVICE-LEARNING IMPACT STUDY

"Sec. 120. Study and report.

"Subtitle C—National Service Trust Program

"PART I—INVESTMENT IN NATIONAL SERVICE

"Sec. 121. Authority to provide assistance and approved national service positions.
"Sec. 122. National service programs eligible for program assistance.
"Sec. 123. Types of national service positions eligible for approval for national service educational awards.
"Sec. 124. Types of program assistance.
"Sec. 126. Other special assistance.

"PART II—APPLICATION AND APPROVAL PROCESS

"Sec. 129. Provision of assistance and approved national service positions.
"Sec. 129A. Educational awards only program.
"Sec. 130. Application for assistance and approved national service positions.
"Sec. 131. National service program assistance requirements.
"Sec. 132. Ineligible service categories.
"Sec. 132A. Prohibited activities and ineligible organizations.
"Sec. 133. Consideration of applications.

"PART III—NATIONAL SERVICE PARTICIPANTS

"Sec. 137. Description of participants.
"Sec. 138. Selection of national service participants.
"Sec. 139. Terms of service.
"Sec. 140. Living allowances for national service participants.
"Sec. 141. National service educational awards.

"Subtitle D—National Service Trust and Provision of Educational Awards

"Sec. 145. Establishment of the National Service Trust.
"Sec. 146. Individuals eligible to receive an educational award from the Trust.
"Sec. 146A. Certifications of successful completion of terms of service.
"Sec. 147. Determination of the amount of the educational award.
"Sec. 148. Disbursement of educational awards.
"Sec. 149. Approval process for approved positions.

"Subtitle E—National Civilian Community Corps

"Sec. 151. Purpose.
"Sec. 152. Establishment of National Civilian Community Corps Program.
"Sec. 153. National service program.
"Sec. 154. Summer national service program.
"Sec. 155. National Civilian Community Corps.
"Sec. 156. Training.
"Sec. 157. Service projects.
"Sec. 158. Authorized benefits for Corps members.
"Sec. 159. Administrative provisions.
"Sec. 160. Status of Corps members and Corps personnel under Federal law.
"Sec. 161. Contract and grant authority.
"Sec. 162. Responsibilities of Department of Defense.
"Sec. 163. Advisory board.
"Sec. 164. Evaluations.
"Sec. 165. Definitions.

"Subtitle F—Administrative Provisions

"Sec. 171. Family and medical leave.
"Sec. 172. Reports.
"Sec. 173. Supplementation.
"Sec. 174. Prohibition on use of funds.
"Sec. 175. Nondiscrimination.
"Sec. 176. Notice, hearing, and grievance procedures.
"Sec. 177. Nonduplication and nondisplacement.
"Sec. 178. State Commissions on National and Community Service.
"Sec. 179. Evaluation.
"Sec. 179A. Civic Health Assessment and volunteering research and evaluation.
"Sec. 180. Engagement of participants.
"Sec. 181. Contingent extension.
"Sec. 182. Partnerships with schools.
"Sec. 183. Rights of access, examination, and copying.
"Sec. 184. Drug-free workplace requirements.
"Sec. 184A. Availability of assistance.
"Sec. 185. Consolidated application and reporting requirements.
"Sec. 186. Sustainability.

"Sec. 187. Grant periods.
"Sec. 188. Generation of volunteers.
"Sec. 189. Limitation on program grant costs.
"Sec. 189A. Matching requirements for severely economically distressed communities.
"Sec. 189B. Audits and reports.
"Sec. 189C. Restrictions on Federal Government and uses of Federal funds.
"Sec. 189D. Criminal history checks.

"Subtitle G—Corporation for National and Community Service

"Sec. 191. Corporation for National and Community Service.
"Sec. 192. Board of Directors.
"Sec. 192A. Authorities and duties of the Board of Directors.
"Sec. 193. Chief Executive Officer.
"Sec. 193A. Authorities and duties of the Chief Executive Officer.
"Sec. 194. Officers.
"Sec. 195. Employees, consultants, and other personnel.
"Sec. 196. Administration.
"Sec. 196A. Corporation State offices.
"Sec. 196B. Assignment to State Commissions.
"Sec. 196C. Study of involvement of veterans.

"Subtitle H—Investment for Quality and Innovation

"PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE

"Sec. 198. Additional corporation activities to support national service.
"Sec. 198A. Presidential awards for service.
"Sec. 198B. ServeAmerica Fellowships.
"Sec. 198C. Silver Scholarships and Encore Fellowships.

"PART II—NATIONAL SERVICE RESERVE CORPS

"Sec. 198H. National Service Reserve Corps.

"PART III—SOCIAL INNOVATION FUNDS PILOT PROGRAM

"Sec. 198K. Funds.

"PART IV—NATIONAL SERVICE PROGRAMS CLEARINGHOUSES; VOLUNTEER GENERATION FUND

"Sec. 198O. National service programs clearinghouses.
"Sec. 198P. Volunteer generation fund.

""PART V—NONPROFIT CAPACITY BUILDING PROGRAM

""Sec. 198S. Nonprofit capacity building.

"Subtitle I—American Conservation and Youth Corps

"Sec. 199. Short title.
"Sec. 199A. General authority.
"Sec. 199B. Limitation on purchase of capital equipment.
"Sec. 199C. State application.
"Sec. 199D. Focus of programs.
"Sec. 199E. Related programs.
"Sec. 199F. Public lands or Indian lands.
"Sec. 199G. Training and education services.
"Sec. 199H. Preference for certain projects.
"Sec. 199I. Age and citizenship criteria for enrollment.
"Sec. 199J. Use of volunteers.
"Sec. 199K. Living allowance.
"Sec. 199L. Joint programs.
"Sec. 199M. Federal and State employee status.

"Subtitle J—Training and Technical Assistance

"Sec. 199N. Training and technical assistance.

"TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

"Subtitle A—Publication

"Sec. 201. Information for students.
"Sec. 202. Exit counseling for borrowers.
"Sec. 203. Department information on deferments and cancellations.
"Sec. 204. Data on deferments and cancellations.

"Subtitle B—Youthbuild Projects

"Sec. 211. Youthbuild projects.

"Subtitle C—Amendments to Student Literacy Corps

"Sec. 221. Amendments to Student Literacy Corps.

"TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

"Sec. 401. Projects.

"TITLE V—AUTHORIZATION OF APPROPRIATIONS

"Sec. 501. Authorization of appropriations.

"TITLE VI—MISCELLANEOUS PROVISIONS

"Sec. 601. Amtrak waste disposal.
"Sec. 602. Exchange program with countries in transition from totalitarianism to democracy.".

SEC. 3102. TABLE OF CONTENTS OF THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 is amended to read as follows:

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Volunteerism policy.

"TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

"PART A—VOLUNTEERS IN SERVICE TO AMERICA

"Sec. 101. Statement of purpose.
"Sec. 102. Authority to operate VISTA program.
"Sec. 103. Selection and assignment of volunteers.
"Sec. 104. Terms and periods of service.
"Sec. 105. Support service.
"Sec. 106. Participation of beneficiaries.
"Sec. 107. Participation of younger and older persons.
"Sec. 108. Limitation.
"Sec. 109. Applications for assistance.

"PART C—SPECIAL VOLUNTEER PROGRAMS

"Sec. 121. Statement of purpose.
"Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
"Sec. 123. Technical and financial assistance.

"TITLE II—NATIONAL SENIOR SERVICE CORPS

"Sec. 200. Statement of purpose.

"PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

"Sec. 201. Grants and contracts for volunteer service projects.

"PART B—FOSTER GRANDPARENT PROGRAM

"Sec. 211. Grants and contracts for volunteer service projects.

"PART C—SENIOR COMPANION PROGRAM

"Sec. 213. Grants and contracts for volunteer service projects.

"PART D—GENERAL PROVISIONS

"Sec. 221. Promotion of National Senior Service Corps.
"Sec. 222. Payments.
"Sec. 223. Minority population participation.
"Sec. 224. Use of locally generated contributions in National Senior Service Corps.
"Sec. 225. Programs of national significance.
"Sec. 226. Adjustments to Federal financial assistance.
"Sec. 227. Multiyear grants or contracts.
"Sec. 228. Acceptance of donations.

"PART E—DEMONSTRATION PROGRAMS

"Sec. 231. Authority of Director.

"TITLE IV—ADMINISTRATION AND COORDINATION

"Sec. 403. Political activities.
"Sec. 404. Special limitations.
"Sec. 406. Labor standards.
"Sec. 408. Joint funding.
"Sec. 409. Prohibition of Federal control.
"Sec. 410. Coordination with other programs.
"Sec. 411. Prohibition.
"Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
"Sec. 414. Distribution of benefits between rural and urban areas.
"Sec. 415. Application of Federal law.
"Sec. 416. Evaluation.
"Sec. 417. Nondiscrimination provisions.
"Sec. 418. Eligibility for other benefits.
"Sec. 419. Legal expenses.
"Sec. 421. Definitions.
"Sec. 422. Audit.
"Sec. 423. Reduction of paperwork.
"Sec. 424. Review of project renewals.
"Sec. 425. Protection against improper use.
"Sec. 426. Provisions under the National and Community Service Act of 1990.

"TITLE V—AUTHORIZATION OF APPROPRIATIONS

"Sec. 501. National volunteer antipoverty programs.
"Sec. 502. National Senior Service Corps.
"Sec. 504. Administration and coordination.
"Sec. 505. Availability of appropriations.

"TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

"Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
"Sec. 602. Creditable service for civil service retirement.
"Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
"Sec. 604. Repeal of title VI of the Older Americans Act.".

TITLE IV—AMENDMENTS TO OTHER LAWS

SEC. 4101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National and Community Service Trust Act of 1993" and inserting "National and Community Service Act of 1990".

TITLE V—VOLUNTEERS FOR PROSPERITY PROGRAM

SEC. 5101. FINDINGS. 22 USC 8301.

Congress makes the following findings:

(1) Americans engaged in international volunteer service, and the organizations deploying them—

(A) play critical roles in responding to the needs of people living throughout the developing world; and

(B) advance the international public diplomacy of the United States.

(2) The Volunteers for Prosperity Program has successfully promoted international volunteer service by skilled American professionals.

(3) In its first 4 years, the VfP Program helped to mobilize 74,000 skilled Americans, including doctors, nurses, engineers, businesspeople, and teachers, through a network of 250 nonprofit organizations and companies in the United States, to carry out development and humanitarian efforts for those affected by great global challenges in health, the environment, poverty, illiteracy, financial literacy, disaster relief, and other challenges.

(4) The VfP Program has undertaken activities, including—

(A) direct outreach to leading nonprofit organizations and companies in the United States;

(B) promotion of the work of skilled Americans and nonprofit organizations and companies in the United States as it relates to international volunteer service;

(C) public recognition of skilled American volunteers;

(D) support for organizations that utilize skilled Americans as volunteers;

(E) participation in the development of special initiatives to further opportunities for skilled Americans; and

(F) leadership of an innovative public-private partnership to provide eligible skilled with financial assistance for volunteer assignments.

22 USC 8302.

SEC. 5102. DEFINITIONS.

In this title:

(1) VFP OFFICE.—The term "VfP Office" means the Office of Volunteers for Prosperity of the United States Agency for International Development.

(2) VFP PROGRAM.—The term "VfP Program" means the Volunteers for Prosperity Program established through Executive Order 13317.

(3) VFPSERVE.—The term "VfPServe" means a program established by the VfP Office, in cooperation with the USA Freedom Corps, to provide eligible skilled professionals with fixed amount stipends to offset the travel and living costs of volunteering abroad.

22 USC 8303.

SEC. 5103. OFFICE OF VOLUNTEERS FOR PROSPERITY.

(a) FUNCTIONS.—The VfP Office shall pursue the objectives of the VfP Program described in subsection (b) by—

(1) implementing the VfPServe Program to provide eligible skilled professionals with matching grants to offset the travel and living expenses of volunteering abroad with nonprofit organizations;

(2) otherwise promoting short- and long-term international volunteer service by skilled American professionals, including connecting such professionals with nonprofit organizations, to achieve such objectives;

(3) helping nonprofit organizations in the United States recruit and effectively manage additional skilled American professionals for volunteer assignments throughout the developing world;

(4) providing recognition for skilled American volunteers and the organizations deploying them;

(5) helping nonprofit organizations and corporations in the United States to identify resources and opportunities in international volunteer service utilizing skilled Americans;

(6) encouraging the establishment of international volunteer programs for employees of United States corporations; and

(7) encouraging international voluntary service by highly skilled Americans to promote health and prosperity throughout the world.

(b) VFP PROGRAM OBJECTIVES.—The objectives of the VfP Program should include—

(1) eliminating extreme poverty;

(2) reducing world hunger and malnutrition;

(3) increasing access to safe potable water;

(4) enacting universal education;

(5) reducing child mortality and childhood diseases;

(6) combating the spread of preventable diseases, including HIV, malaria, and tuberculosis;

(7) providing educational and work skill support for girls and empowering women to achieve independence;

(8) creating sustainable business and entrepreneurial opportunities; and

(9) increasing access to information technology.

(c) VOLUNTEERS FOR PROSPERITY SERVICE INCENTIVE PROGRAM.—

(1) IN GENERAL.—The VfP Office may provide matching grants to offset the travel and living costs of volunteering abroad to any eligible organization that—

(A) has members who possess skills relevant to addressing any objective described in subsection (b); and

(B) provides a dollar-for-dollar match for such grant—

(i) through the organization with which the individual is serving; or

(ii) by raising private funds.

(2) NONDISCRIMINATION REQUIREMENT.—The VfP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VfP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this title, because of race, religion, color, national origin, sex, political affiliation, or beliefs. Certification.

(3) COMPLIANCE WITH INELIGIBLE SERVICE CATEGORIES.—Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

(d) FUNDING.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall make available the amounts appropriated pursuant to section 5104 to the VfP Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) USE OF FUNDS.—Amounts made available under paragraph (1) may be used by the VfP Office to provide personnel and other resources to develop, manage, and expand the VfP

Program, under the supervision of the United States Agency for International Development.

(e) COORDINATION.—The VfP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) REPORT.—The VfP Office shall submit an annual report to Congress on the activities of the VfP Office.

22 USC 8304.

SEC. 5104. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title $10,000,000 for fiscal year 2010, and such sums as may be necessary for each of the fiscal years 2011 through 2014.

(b) ALLOCATION OF FUNDS.—Not more than 10 percent of the amounts appropriated pursuant to subsection (a) may be expended for the administrative costs of the United States Agency for International Development to manage the VfP Program.

TITLE VI—EFFECTIVE DATE

SEC. 6101. EFFECTIVE DATE.

42 USC 4950 note.

(a) IN GENERAL.—This Act, and the amendments made by this Act, take effect on October 1, 2009.

42 USC 12651c note.

(b) REGULATIONS.—Effective on the date of enactment of this Act, the Chief Executive Officer of the Corporation for National and Community Service may issue such regulations as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 6102. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) President John F. Kennedy said, "The raising of extraordinarily large sums of money, given voluntarily and freely by millions of our fellow Americans, is a unique American tradition . . . Philanthropy, charity, giving voluntarily and freely . . . call it what you like, but it is truly a jewel of an American tradition".

(2) Americans gave more than $300,000,000,000 to charitable causes in 2007, an amount equal to roughly 2 percent of the gross domestic product.

(3) The vast majority of those donations, roughly 75 percent or $229,000,000,000, came from individuals.

(4) Studies have shown that Americans give far more to charity than the people of any other industrialized nation—more than twice as much, measured as a share of gross domestic product, than the citizens of Great Britain, and 10 times more than the citizens of France.

(5) 7 out of 10 American households donate to charities to support a wide range of religious, educational, cultural, health care, and environmental goals.

(6) These charities provide innumerable valuable public services to society's most vulnerable citizens during difficult economic times.

(7) Congress has provided incentives through the Internal Revenue Code of 1986 to encourage charitable giving by allowing individuals to deduct contributions made to tax-exempt charities.

(8) 41,000,000 American households, constituting 86 percent of taxpayers who itemize deductions, took advantage of this deduction to give to the charities of their choice.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should preserve the income tax deduction for charitable contributions through the Internal Revenue Code of 1986 and look for additional ways to encourage charitable giving.

Approved April 21, 2009.

LEGISLATIVE HISTORY—H.R. 1388 (S. 277):

HOUSE REPORTS: No. 111–37 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 18, considered and passed House.
Mar. 24–26, considered and passed Senate, amended.
Mar. 31, House concurred in Senate amendments.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Apr. 21, Presidential remarks.

Public Law 111–14
111th Congress

An Act

Apr. 23, 2009
[S. 520]

To designate the United States courthouse under construction at 327 South Church Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse under construction, as of the date of enactment of this Act, at 327 South Church Street, Rockford, Illinois, shall be known and designated as the "Stanley J. Roszkowski United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Stanley J. Roszkowski United States Courthouse".

Approved April 23, 2009.

LEGISLATIVE HISTORY—S. 520:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 3, considered and passed Senate.
Mar. 25, considered and passed House.

Public Law 111–15
111th Congress

An Act

To amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

Apr. 24, 2009
[S. 383]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Special Inspector General for the Troubled Asset Relief Program Act of 2009. 12 USC 5201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Special Inspector General for the Troubled Asset Relief Program Act of 2009".

SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.

12 USC 5231.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended—

(1) in subsection (c), by adding at the end the following:

"(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

"(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "subsection (c)(1)" and inserting "subsection (c)(1) and (4)"; and

(B) by adding at the end the following:

"(3) The Office of the Special Inspector General for the Troubled Asset Relief Program shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General.".

SEC. 3. PERSONNEL AUTHORITIES.

Section 121(e) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)"; and

(B) by adding at the end the following:

"(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

"(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

Deadline.

"(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009;

"(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

"(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (k)."; and

(2) by adding at the end the following:

"(5)(A) Except as provided under subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Office of the Special Inspector General for the Troubled Asset Relief Program, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

Applicability.

"(B) Subparagraph (A) shall apply to—

"(i) not more than 25 employees at any time as designated by the Special Inspector General; and

"(ii) pay periods beginning after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009.".

SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND COORDINATION WITH OTHER ENTITIES.

12 USC 5231.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (e) the following:

"(f) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Secretary shall—

"(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General or other auditor engaged by the TARP; or

Certification.

"(2) certify to appropriate committees of Congress that no action is necessary or appropriate.

"(g) COOPERATION AND COORDINATION WITH OTHER ENTITIES.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall work with each of the following entities, with a view toward avoiding duplication of effort and ensuring comprehensive oversight of the Troubled Asset Relief Program through effective cooperation and coordination:

"(1) The Inspector General of the Department of Treasury.

"(2) The Inspector General of the Federal Deposit Insurance Corporation.

"(3) The Inspector General of the Securities and Exchange Commission.

"(4) The Inspector General of the Federal Reserve Board.

"(5) The Inspector General of the Federal Housing Finance Board.

"(6) The Inspector General of any other entity as appropriate.

"(h) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—The Special Inspector General shall be a member of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for the Troubled Asset Relief Program.".

SEC. 5. REPORTING REQUIREMENTS.

Section 121(i) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343), as redesignated by this Act, is amended— 12 USC 5231.

(1) in paragraph (1), by striking the first sentence and inserting "Not later than 60 days after the confirmation of the Special Inspector General, and not later than 30 days following the end of each fiscal quarter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during that fiscal quarter.";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

"(2) Not later than September 1, 2009, the Special Inspector General shall submit a report to Congress assessing use of any funds, to the extent practical, received by a financial institution under the TARP and make the report available to the public, including posting the report on the home page of the website of the Special Inspector General within 24 hours after the submission of the report."; and Public information. Web posting.

(4) by adding at the end the following:

"(5) Except as provided under paragraph (3), all reports submitted under this subsection shall be available to the public.".

SEC. 6. FUNDING OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL.

Section 121(j)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343), as redesignated by this Act, is amended by inserting before the period at the end the following: ", not later than 7 days after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009".

SEC. 7. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY. 5 USC app. 11 note.

The Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction shall be a members of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for Iraq Reconstruction

and the Office of the Special Inspector General for Afghanistan Reconstruction, respectively.

Approved April 24, 2009.

LEGISLATIVE HISTORY—S. 383:

HOUSE REPORTS: No. 111–41, Pt. 1 (Comm. on Financial Services).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Feb. 4, considered and passed Senate.
Mar. 25, considered and passed House.

Public Law 111–16
111th Congress

An Act

To make technical amendments to laws containing time periods affecting judicial proceedings.

May 7, 2009
[H.R. 1626]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Statutory Time-Periods Technical Amendments Act of 2009.
11 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Statutory Time-Periods Technical Amendments Act of 2009".

SEC. 2. AMENDMENTS RELATED TO TITLE 11, UNITED STATES CODE.

Title 11, United States Code, is amended—

(1) in section 109(h)(3)(A)(ii), by striking "5-day" and inserting "7-day";

(2) in section 322(a), by striking "five days" and inserting "seven days";

(3) in section 332(a), by striking "5 days" and inserting "7 days";

(4) in section 342(e)(2), by striking "5 days" and inserting "7 days";

(5) in section 521(e)(3)(B), by striking "5 days" and inserting "7 days";

(6) in section 521(i)(2), by striking "5 days" and inserting "7 days";

(7) in section 704(b)(1)(B), by striking "5 days" and inserting "7 days";

(8) in section 749(b), by striking "five days" and inserting "seven days"; and

(9) in section 764(b), by striking "five days" and inserting "seven days".

SEC. 3. AMENDMENTS RELATED TO TITLE 18, UNITED STATES CODE.

Title 18, United States Code, is amended—

(1) in section 983(j)(3), by striking "10 days" and inserting "14 days";

(2) in section 1514(a)(2)(C), by striking "10 days" each place it appears and inserting "14 days";

(3) in section 1514(a)(2)(E), by inserting after "the Government" the following: ", excluding intermediate weekends and holidays,";

(4) in section 1963(d)(2), by striking "ten days" and inserting "fourteen days";

(5) in section 2252A(c), by striking "10 days" and inserting "14 days";

(6) in section 2339B(f)(5)(B)(ii), by striking "10 days" and inserting "14 days";

(7) in section 2339B(f)(5)(B)(iii)(I), by inserting after "trial" the following: ", excluding intermediate weekends and holidays";

(8) in section 2339B(f)(5)(B)(iii)(III), by inserting after "appeal" the following: ", excluding intermediate weekends and holidays";

(9) in section 3060(b)(1), by striking "tenth day" and inserting "fourteenth day";

(10) in section 3432, by inserting after "commencement of trial" the following: ", excluding intermediate weekends and holidays,";

(11) in section 3509(b)(1)(A), by striking "5 days" and inserting "7 days"; and

(12) in section 3771(d)(5)(B), by striking "10 days" and inserting "14 days".

SEC. 4. AMENDMENTS RELATED TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

The Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in section 7(b), by striking "ten days" and inserting "fourteen days";

(2) in section 7(b)(1), by inserting after "adjournment of the trial," the following: "excluding intermediate weekends and holidays,"; and

(3) in section 7(b)(3), by inserting after "argument on appeal," the following: "excluding intermediate weekends and holidays,".

SEC. 5. AMENDMENT RELATED TO THE CONTROLLED SUBSTANCES ACT.

Section 413(e)(2) of the Controlled Substances Act (21 U.S.C. 853(e)(2)) is amended by striking "ten days" and inserting "fourteen days".

SEC. 6. AMENDMENTS RELATED TO TITLE 28, UNITED STATES CODE.

Title 28, United States Code, is amended—

(1) in section 636(b)(1), by striking "ten days" and inserting "fourteen days";

(2) in section 1453(c)(1), by striking "not less than 7 days" and inserting "not more than 10 days"; and

(3) in section 2107(c), by striking "7 days" and inserting "14 days".

SEC. 7. EFFECTIVE DATE. 11 USC 109 note.

The amendments made by this Act shall take effect on December 1, 2009.

Approved May 7, 2009.

LEGISLATIVE HISTORY—H.R. 1626:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 22, considered and passed House.
Apr. 27, considered and passed Senate.

Public Law 111–17
111th Congress

Joint Resolution

May 7, 2009
[S.J. Res. 8]

Providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring because of the expiration of the term of Anne d'Harnoncourt of Pennsylvania is filled by the appointment of David M. Rubenstein of Maryland. The appointment is for a term of 6 years, effective on the date of enactment of this joint resolution.

Effective date.

Approved May 7, 2009.

LEGISLATIVE HISTORY—S.J. Res. 8:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 17, considered and passed Senate.
Apr. 22, considered and passed House.

Public Law 111–18
111th Congress

An Act

To repeal section 10(f) of Public Law 93–531, commonly known as the "Bennett Freeze".

May 8, 2009
[S. 39]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93–531 (25 U.S.C. 640d–9(f)) is repealed.

Approved May 8, 2009.

LEGISLATIVE HISTORY—S. 39:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 12, considered and passed Senate.
Apr. 21, considered and passed House.

Public Law 111–19
111th Congress

An Act

To direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

May 12, 2009
[H.R. 586]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Civil Rights History Project Act of 2009.
20 USC 80s note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights History Project Act of 2009".

20 USC 80s.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds as follows:

(1) A fundamental principle of American democracy is that individuals should stand up for their rights and beliefs and fight for justice.

(2) The actions of those who participated in the Civil Rights movement from the 1950s through the 1960s are a shining example of this principle in action, demonstrated in events as varied as the Montgomery Bus Boycott, the sit-ins, the Freedom Rides, the March on Washington, the drive for voting rights in Mississippi, and the March to Selma.

(3) While the Civil Rights movement had many visible leaders, including Thurgood Marshall, Dr. Martin Luther King, Jr., and Rosa Parks, there were many others whose impact and experience were just as important to the cause but who are not as well known.

(4) The participants in the Civil Rights movement possess an invaluable resource in their first-hand memories of the movement, and the recording of the retelling of their stories and memories will provide a rich, detailed history of our Nation during an important and tumultuous period.

(5) It is in the Nation's interest to undertake a project to collect oral histories of individuals from the Civil Rights movement so future generations will be able to learn of their struggle and sacrifice through primary-source, eyewitness material. A coordinated Federal project would also focus attention on the efforts undertaken by various public and private entities to collect and interpret articles in all formats relating to the Civil Rights movement, and serve as a model for future projects undertaken in museums, libraries, and universities throughout the Nation.

(6) The Library of Congress and the Smithsonian Institution are appropriate repositories to collect, preserve, and make available to the public a collection of these oral histories. The Library and Smithsonian have expertise in the management of documentation projects, and experience in the development of cultural and educational programs for the public.

(b) PURPOSE.—It is the purpose of this Act to create a new federally sponsored, authorized, and funded project that will coordinate at a national level the collection of video and audio recordings of personal histories and testimonials of individuals who participated in the American Civil Rights movement that will build upon and complement previous and ongoing documentary work on this subject, and to assist and encourage local efforts to preserve the memories of such individuals so that Americans of all current and future generations may hear from them directly and better appreciate the sacrifices they made.

SEC. 3. ESTABLISHMENT OF JOINT PROJECT AT LIBRARY OF CONGRESS AND NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE TO COLLECT VIDEO AND AUDIO RECORDINGS OF HISTORIES OF PARTICIPANTS IN AMERICAN CIVIL RIGHTS MOVEMENT.

20 USC 80s–1.

(a) ESTABLISHMENT OF PROJECT.—

(1) IN GENERAL.—Within the limits of available funds, the Librarian of Congress (hereafter referred to as the "Librarian") and the Secretary of the Smithsonian Institution (hereafter referred to as the "Secretary)", acting jointly, shall establish an oral history project—

(A) to survey, during the initial phase of the project, collections of audio and video recordings of the reminiscences of participants in the Civil Rights movement that are housed in archives, libraries, museums, and other educational institutions, as well as ongoing documentary work, in order to augment and complement these endeavors and avoid duplication of effort;

(B) to solicit, reproduce, and collect—

(i) video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and

(ii) visual and written materials (such as letters, diaries, photographs, and ephemera) relevant to the personal histories of individuals;

(C) to create a collection of the recordings and other materials obtained, and to catalog and index the collection in a manner the Librarian and the Secretary consider appropriate; and

(D) to make the collection available for public use through the Library of Congress and the National Museum of African American History and Culture, as well as through such other methods as the Librarian and the Secretary consider appropriate.

(2) ROLE OF DIRECTOR OF MUSEUM.—The Secretary shall carry out the Secretary's duties under this Act through the Director of the National Museum of African American History and Culture.

(b) USE OF AND CONSULTATION WITH OTHER ENTITIES.—The Librarian and the Secretary may carry out the activities described

in subsection (a)(1) through agreements and partnerships entered into with other government and private entities, and may otherwise consult with interested persons (within the limits of available resources) and develop appropriate guidelines and arrangements for soliciting, acquiring, and making available recordings under the project under this Act.

(c) SERVICES OF EXPERTS AND CONSULTANTS; ACCEPTANCE OF VOLUNTEER SERVICES; ADVANCE PAYMENTS.—In carrying out activities described in subsection (a)(1), the Librarian and the Secretary may—

(1) procure temporary and intermittent services under section 3109 of title 5, United States Code;

(2) accept and utilize the services of volunteers and other uncompensated personnel and reimburse them for travel expenses, including per diem, as authorized under section 5703 of title 5, United States Code; and

(3) make advances of money and payments in advance in accordance with section 3324 of title 31, United States Code.

(d) TIMING.—As soon as practicable after the enactment of this Act, the Librarian and the Secretary shall begin collecting video and audio recordings and other materials under subsection (a)(1), and shall attempt to collect the first such recordings from the oldest individuals involved.

(e) DEFINITION.—In this Act, the term "Civil Rights movement" means the movement to secure racial equality in the United States for African Americans that, focusing on the period 1954 through 1968, challenged the practice of racial segregation in the Nation and achieved equal rights legislation for all American citizens.

20 USC 80s–2.

SEC. 4. PRIVATE SUPPORT FOR CIVIL RIGHTS HISTORY PROJECT.

(a) ENCOURAGING SOLICITATION AND ACCEPTANCE OF DONATIONS.—The Librarian of Congress and the Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support activities under section 3.

(b) DEDICATION OF FUNDS PROVIDED TO LIBRARY OF CONGRESS.—Notwithstanding any other provision of law—

(1) any funds donated to the Librarian of Congress to support the activities of the Librarian under section 3 shall be deposited entirely into an account established for such purpose;

(2) the funds contained in such account shall be used solely to support such activities; and

(3) the Librarian of Congress may not deposit into such account any funds donated to the Librarian which are not donated for the exclusive purpose of supporting such activities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS. 20 USC 80s–3.

There are authorized to be appropriated to carry out this Act—

(1) $500,000 for fiscal year 2010; and

(2) such sums as may be necessary for each of the fiscal years 2011 through 2014.

Approved May 12, 2009.

LEGISLATIVE HISTORY—H.R. 586:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 22, considered and passed House.
Apr. 24, considered and passed Senate.

Public Law 111–20
111th Congress

An Act

May 15, 2009
[S. 735]

To ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Protecting Incentives for the Adoption of Children with Special Needs Act of 2009.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Incentives for the Adoption of Children with Special Needs Act of 2009".

SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective date.

Ante, p. 774.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111–8), title II of division F of such Act is amended under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS" under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES", by striking "That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further,*".

Approved May 15, 2009.

LEGISLATIVE HISTORY—S. 735:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 2, considered and passed Senate.
Apr. 29, considered and passed House.

Public Law 111–21
111th Congress

An Act

To improve enforcement of mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

May 20, 2009
[S. 386]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fraud Enforcement and Recovery Act of 2009.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fraud Enforcement and Recovery Act of 2009" or "FERA".

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, COMMODITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking "or" after the semicolon;

(2) in paragraph (9), by striking the period and inserting "; or"; and

(3) by inserting at the end the following:

"(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974.".

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

"§ 27. Mortgage lending business defined

"In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.".

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"27. Mortgage lending business defined.".

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking "or" after "the International Banking Act of 1978),"; and

(2) inserting after "section 25(a) of the Federal Reserve Act" the following: ", or a mortgage lending business, or any person or entity that makes in whole or in part a federally related mortgage loan as defined in section 3 of the Real Estate Settlement Procedures Act of 1974".

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after "or promises, in" the following: "any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in";

(2) striking "the contract, subcontract" and inserting "such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance"; and

(3) striking "for such property or services".

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting "**and commodities**" after "**Securities**";

(B) in paragraph (1), by inserting "any commodity for future delivery, or any option on a commodity for future delivery, or" after "any person in connection with"; and

(C) in paragraph (2), by inserting "any commodity for future delivery, or any option on a commodity for future delivery, or" after "in connection with the purchase or sale of".

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting "and commodities" after "Securities".

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—

(1) MONEY LAUNDERING.—Section 1956(c) of title 18, United States Code, is amended—

(A) in paragraph (8), by striking the period and inserting "; and"; and

(B) by inserting at the end the following:

"(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.".

(2) MONETARY TRANSACTIONS.—Section 1957(f) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) the terms 'specified unlawful activity' and 'proceeds' shall have the meaning given those terms in section 1956 of this title.".

(g) SENSE OF THE CONGRESS AND REPORT CONCERNING REQUIRED APPROVAL FOR MERGER CASES.—

(1) SENSE OF CONGRESS.—It is the sense of the Congress that no prosecution of an offense under section 1956 or 1957 of title 18, United States Code, should be undertaken in combination with the prosecution of any other offense, without prior approval of the Attorney General, the Deputy Attorney General, the Assistant Attorney General in charge of the Criminal Division, a Deputy Assistant Attorney General in the Criminal Division, or the relevant United States Attorney, if the conduct to be charged as "specified unlawful activity" in connection with the offense under section 1956 or 1957 is so closely connected with the conduct to be charged as the other offense that there is no clear delineation between the two offenses.

(2) REPORT.—One year after the date of the enactment of this Act, and at the end of each of the four succeeding one-year periods, the Attorney General shall report to the House and Senate Committees on the Judiciary on efforts undertaken by the Department of Justice to ensure that the review and approval described in paragraph (1) takes place in all appropriate cases. The report shall include the following:

(A) The number of prosecutions described in paragraph (1) that were undertaken during the previous one-year period after prior approval by an official described in paragraph (1), classified by type of offense and by the approving official.

(B) The number of prosecutions described in paragraph (1) that were undertaken during the previous one-year period without such prior approval, classified by type of offense, and the reasons why such prior approval was not obtained.

(C) The number of times during the previous year in which an approval described in paragraph (1) was denied.

SEC. 3. AUTHORIZATION OF ADDITIONAL FUNDING TO COMBAT MORTGAGE FRAUD, SECURITIES AND COMMODITIES FRAUD, AND OTHER FRAUDS INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—There is authorized to be appropriated to the Attorney General, $165,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations and prosecutions and civil and administrative proceedings involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amounts authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: $75,000,000 for fiscal year 2010 and $65,000,000 for fiscal year 2011, an appropriate percentage of which amounts shall be used to investigate mortgage fraud.

(B) The offices of the United States Attorneys: $50,000,000 for each fiscal year.

(C) The criminal division of the Department of Justice: $20,000,000 for each fiscal year.

(D) The civil division of the Department of Justice: $15,000,000 for each fiscal year.

(E) The tax division of the Department of Justice: $5,000,000 for each fiscal year.

(b) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE UNITED STATES SECRET SERVICE.—There is authorized to be appropriated to the United States Secret Service of the Department of Homeland Security, $20,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(e) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, $1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

(f) USE OF FUNDS.—

(1) IN GENERAL.—The funds appropriated pursuant to authorization under this section shall be limited to covering the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities and commodities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs.

(2) FUNDS FOR TRAINING AND RESEARCH.—Funds authorized to be appropriated under this section may be used and expended for programs for improving the detection, investigation, and prosecution of economic crime including financial fraud and mortgage fraud. Funds allocated under this section may be allocated to programs which assist State and local criminal

justice agencies to develop, establish, and maintain intelligence-focused policing strategies and related information sharing; provide training and investigative support services to State and local criminal justice agencies to provide such agencies with skills and resources needed to investigate and prosecute such criminal activities and related criminal activities; provide research support, establish partnerships, and provide other resources to aid State and local criminal justice agencies to prevent, investigate, and prosecute such criminal activities and related problems; provide information and research to the general public to facilitate the prevention of such criminal activities; and any other programs specified by the Attorney General as furthering the purposes of this Act.

(g) ADDITIONAL NATURE OF AUTHORIZATIONS; AVAILABILITY.—The amounts authorized under this section are in addition to amounts otherwise authorized in other Acts and shall remain available until expended.

(h) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated pursuant to authorization under this section, the Attorney General, in consultation with the United States Postal Inspection Service, the Inspector General for the Department of Housing and Urban Development, the Secretary of Homeland Security, and the Commissioner of the Securities and Exchange Commission, shall submit a report to Congress identifying—

(1) the amounts expended under each of subsections (a), (b), (c), (d), and (e) and a certification of compliance with the requirements listed in subsection (f); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

"(a) LIABILITY FOR CERTAIN ACTS.—

"(1) IN GENERAL.—Subject to paragraph (2), any person who—

"(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

"(B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;

"(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);

"(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

"(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

"(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

"(G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104–410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

"(2) REDUCED DAMAGES.—If the court finds that—

"(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

"(B) such person fully cooperated with any Government investigation of such violation; and

"(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

"(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.";

(2) by striking subsections (b) and (c) and inserting the following:

"(b) DEFINITIONS.—For purposes of this section—

"(1) the terms 'knowing' and 'knowingly'—

"(A) mean that a person, with respect to information—

"(i) has actual knowledge of the information;

"(ii) acts in deliberate ignorance of the truth or falsity of the information; or

"(iii) acts in reckless disregard of the truth or falsity of the information; and

"(B) require no proof of specific intent to defraud;

"(2) the term 'claim'—

"(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

"(i) is presented to an officer, employee, or agent of the United States; or

"(ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government's behalf or to advance a Government program or interest, and if the United States Government—

"(I) provides or has provided any portion of the money or property requested or demanded; or

"(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

"(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property;

"(3) the term 'obligation' means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

"(4) the term 'material' means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.";

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking "subparagraphs (A) through (C) of subsection (a)" and inserting "subsection (a)(2)".

(b) INTERVENTION BY THE GOVERNMENT.—Section 3731(b) of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting the new subsection (c):

"(c) If the Government elects to intervene and proceed with an action brought under 3730(b), the Government may file its own complaint or amend the complaint of a person who has brought an action under section 3730(b) to clarify or add detail to the claims in which the Government is intervening and to add any additional claims with respect to which the Government contends it is entitled to relief. For statute of limitations purposes, any such Government pleading shall relate back to the filing date of the complaint of the person who originally brought the action, to the extent that the claim of the Government arises out of the conduct, transactions, or occurrences set forth, or attempted to be set forth, in the prior complaint of that person.".

(c) CIVIL INVESTIGATIVE DEMANDS.—Section 3733 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ", or a designee (for purposes of this section)," after "Whenever the Attorney General"; and

(II) by striking "the Attorney General may, before commencing a civil proceeding under section 3730 or other false claims law," and inserting "the

Attorney General, or a designee, may, before commencing a civil proceeding under section 3730(a) or other false claims law, or making an election under section 3730(b),"; and

(ii) in the matter following subparagraph (D)—

(I) by striking "may not delegate" and inserting "may delegate"; and

(II) by adding at the end the following: "Any information obtained by the Attorney General or a designee of the Attorney General under this section may be shared with any qui tam relator if the Attorney General or designee determine it is necessary as part of any false claims act investigation."; and

(B) in paragraph (2)(G), by striking the second sentence;

(2) in subsection (i)(2)—

(A) in subparagraph (B), by striking ", who is authorized for such use under regulations which the Attorney General shall issue"; and

(B) in subparagraph (C), by striking "Disclosure of information to any such other agency shall be allowed only upon application, made by the Attorney General to a United States district court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities."; and

(3) in subsection (l)—

(A) in paragraph (6), by striking "and" after the semicolon;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

Definition.

"(8) the term 'official use' means any use that is consistent with the law, and the regulations and policies of the Department of Justice, including use in connection with internal Department of Justice memoranda and reports; communications between the Department of Justice and a Federal, State, or local government agency, or a contractor of a Federal, State, or local government agency, undertaken in furtherance of a Department of Justice investigation or prosecution of a case; interviews of any qui tam relator or other witness; oral examinations; depositions; preparation for and response to civil discovery requests; introduction into the record of a case or proceeding; applications, motions, memoranda and briefs submitted to a court or other tribunal; and communications with Government investigators, auditors, consultants and experts, the counsel of other parties, arbitrators and mediators, concerning an investigation, case or proceeding.".

(d) RELIEF FROM RETALIATORY ACTIONS.—Section 3730(h) of title 31, United States Code, is amended to read as follows:

"(h) RELIEF FROM RETALIATORY ACTIONS.—

"(1) IN GENERAL.—Any employee, contractor, or agent shall be entitled to all relief necessary to make that employee, contractor, or agent whole, if that employee, contractor, or agent is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment because of lawful acts done by the

employee, contractor, or agent on behalf of the employee, contractor, or agent or associated others in furtherance of other efforts to stop 1 or more violations of this subchapter.

"(2) RELIEF.—Relief under paragraph (1) shall include reinstatement with the same seniority status that employee, contractor, or agent would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An action under this subsection may be brought in the appropriate district court of the United States for the relief provided in this subsection.".

(e) FALSE CLAIMS JURISDICTION.—Section 3732 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(c) SERVICE ON STATE OR LOCAL AUTHORITIES.—With respect to any State or local government that is named as a co-plaintiff with the United States in an action brought under subsection (b), a seal on the action ordered by the court under section 3730(b) shall not preclude the Government or the person bringing the action from serving the complaint, any other pleadings, or the written disclosure of substantially all material evidence and information possessed by the person bringing the action on the law enforcement authorities that are authorized under the law of that State or local government to investigate and prosecute such actions on behalf of such governments, except that such seal applies to the law enforcement authorities so served to the same extent as the seal applies to other parties in the action.". Applicability.

(f) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply to conduct on or after the date of enactment, except that— 31 USC 3729 note.

(1) subparagraph (B) of section 3729(a)(1) of title 31, United States Code, as added by subsection (a)(1), shall take effect as if enacted on June 7, 2008, and apply to all claims under the False Claims Act (31 U.S.C. 3729 et seq.) that are pending on or after that date; and

(2) section 3731(b) of title 31, as amended by subsection (b); section 3733, of title 31, as amended by subsection (c); and section 3732 of title 31, as amended by subsection (e); shall apply to cases pending on the date of enactment.

SEC. 5. FINANCIAL CRISIS INQUIRY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the Financial Crisis Inquiry Commission (in this section referred to as the "Commission") to examine the causes, domestic and global, of the current financial and economic crisis in the United States.

(b) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate, in consultation with relevant Committees;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, in consultation with relevant Committees;

(C) 2 members shall be appointed by the minority leader of the Senate, in consultation with relevant Committees; and

(D) 2 members shall be appointed by the minority leader of the House of Representatives, in consultation with relevant Committees.

(2) QUALIFICATIONS; LIMITATION.—

(A) IN GENERAL.—It is the sense of the Congress that individuals appointed to the Commission should be prominent United States citizens with national recognition and significant depth of experience in such fields as banking, regulation of markets, taxation, finance, economics, consumer protection, and housing.

(B) LIMITATION.—No person who is a member of Congress or an officer or employee of the Federal Government or any State or local government may serve as a member of the Commission.

(3) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to the requirements of subparagraph (B), the Chairperson of the Commission shall be selected jointly by the Majority Leader of the Senate and the Speaker of the House of Representatives, and the Vice Chairperson shall be selected jointly by the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson of the Commission may not be from the same political party.

(4) MEETINGS, QUORUM; VACANCIES.—

(A) MEETINGS.—

(i) INITIAL MEETING.—The initial meeting of the Commission shall be as soon as possible after a quorum of members have been appointed.

(ii) SUBSEQUENT MEETINGS.—After the initial meeting of the Commission, the Commission shall meet upon the call of the Chairperson or a majority of its members.

(B) QUORUM.—6 members of the Commission shall constitute a quorum.

(C) VACANCIES.—Any vacancy on the Commission shall—

(i) not affect the powers of the Commission; and

(ii) be filled in the same manner in which the original appointment was made.

(c) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to examine the causes of the current financial and economic crisis in the United States, specifically the role of—

(A) fraud and abuse in the financial sector, including fraud and abuse towards consumers in the mortgage sector;

(B) Federal and State financial regulators, including the extent to which they enforced, or failed to enforce statutory, regulatory, or supervisory requirements;

(C) the global imbalance of savings, international capital flows, and fiscal imbalances of various governments;

(D) monetary policy and the availability and terms of credit;

(E) accounting practices, including, mark-to-market and fair value rules, and treatment of off-balance sheet vehicles;

(F) tax treatment of financial products and investments;

(G) capital requirements and regulations on leverage and liquidity, including the capital structures of regulated and non-regulated financial entities;

(H) credit rating agencies in the financial system, including, reliance on credit ratings by financial institutions and Federal financial regulators, the use of credit ratings in financial regulation, and the use of credit ratings in the securitization markets;

(I) lending practices and securitization, including the originate-to-distribute model for extending credit and transferring risk;

(J) affiliations between insured depository institutions and securities, insurance, and other types of nonbanking companies;

(K) the concept that certain institutions are "too-big-to-fail" and its impact on market expectations;

(L) corporate governance, including the impact of company conversions from partnerships to corporations;

(M) compensation structures;

(N) changes in compensation for employees of financial companies, as compared to compensation for others with similar skill sets in the labor market;

(O) the legal and regulatory structure of the United States housing market;

(P) derivatives and unregulated financial products and practices, including credit default swaps;

(Q) short-selling;

(R) financial institution reliance on numerical models, including risk models and credit ratings;

(S) the legal and regulatory structure governing financial institutions, including the extent to which the structure creates the opportunity for financial institutions to engage in regulatory arbitrage;

(T) the legal and regulatory structure governing investor and mortgagor protection;

(U) financial institutions and government-sponsored enterprises; and

(V) the quality of due diligence undertaken by financial institutions;

(2) to examine the causes of the collapse of each major financial institution that failed (including institutions that were acquired to prevent their failure) or was likely to have failed if not for the receipt of exceptional Government assistance from the Secretary of the Treasury during the period beginning in August 2007 through April 2009;

(3) to submit a report under subsection (h);

(4) to refer to the Attorney General of the United States and any appropriate State attorney general any person that the Commission finds may have violated the laws of the United States in relation to such crisis; and

(5) to build upon the work of other entities, and avoid unnecessary duplication, by reviewing the record of the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, other congressional committees, the Government Accountability Office, other legislative panels, and any other department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the United States (to the fullest extent permitted by law) with respect to the current financial and economic crisis.

(d) POWERS OF THE COMMISSION.—

(1) HEARINGS AND EVIDENCE.—The Commission may, for purposes of carrying out this section—

(A) hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(2) SUBPOENAS.—

(A) SERVICE.—Subpoenas issued under paragraph (1)(B) may be served by any person designated by the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

Applicability.

(ii) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(iii) ISSUANCE.—A subpoena may be issued under this subsection only—

(I) by the agreement of the Chairperson and the Vice Chairperson; or

(II) by the affirmative vote of a majority of the Commission, including an affirmative vote of at least one member appointed under subparagraph (C) or (D) of subsection (b)(1), a majority being present.

(3) CONTRACTING.—The Commission may enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES AND OTHER ENTITIES.—

(A) IN GENERAL.—The Commission may secure directly from any department, agency, bureau, board, commission,

office, independent establishment, or instrumentality of the United States any information related to any inquiry of the Commission conducted under this section, including information of a confidential nature (which the Commission shall maintain in a secure manner). Each such department, agency, bureau, board, commission, office, independent establishment, or instrumentality shall furnish such information directly to the Commission upon request.

(B) OTHER ENTITIES.—It is the sense of the Congress that the Commission should seek testimony or information from principals and other representatives of government agencies and private entities that were significant participants in the United States and global financial and housing markets during the time period examined by the Commission.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission—

(A) the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act; and

(B) other Federal departments and agencies may provide to the Commission any administrative support services as may be determined by the head of such department or agency to be advisable and authorized by law.

(6) DONATIONS OF GOODS AND SERVICES.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(8) POWERS OF SUBCOMMITTEES, MEMBERS, AND AGENTS.—Any subcommittee, member, or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(e) STAFF OF THE COMMISSION.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson and the Vice Chairperson, acting jointly.

(2) STAFF.—The Chairperson and the Vice Chairperson may jointly appoint additional personnel, as may be necessary, to enable the Commission to carry out its functions.

(3) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any individual appointed under paragraph (1) or (2) shall be treated as an employee for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(4) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from

the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(5) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(f) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORT OF THE COMMISSION; APPEARANCE BEFORE AND CONSULTATIONS WITH CONGRESS.—

(1) REPORT.—On December 15, 2010, the Commission shall submit to the President and to the Congress a report containing the findings and conclusions of the Commission on the causes of the current financial and economic crisis in the United States.

(2) INSTITUTION-SPECIFIC REPORTS AUTHORIZED.—At the discretion of the chairperson of the Commission, the report under paragraph (1) may include reports or specific findings on any financial institution examined by the Commission under subsection (c)(2).

Deadline.

(3) APPEARANCE BEFORE THE CONGRESS.—The chairperson of the Commission shall, not later than 120 days after the date of submission of the final reports under paragraph (1), appear before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding such reports and the findings of the Commission.

(4) CONSULTATIONS WITH THE CONGRESS.—The Commission shall consult with the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and other relevant committees of the Congress, for purposes of informing the Congress on the work of the Commission.

(i) TERMINATION OF COMMISSION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the final report is submitted under subsection (h).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph

(1) for the purpose of concluding the activities of the Commission, including providing testimony to committees of the Congress concerning reports of the Commission and disseminating the final report submitted under subsection (h).

(j) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to cover the costs of the Commission.

Approved May 20, 2009.

LEGISLATIVE HISTORY—S. 386:

SENATE REPORTS: No. 111–10 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 22, 23, 27, 28, considered and passed Senate.
May 6, considered and passed House, amended.
May 14, Senate concurred in House amendments with an amendment.
May 19, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
May 20, Presidential remarks and statement.

Public Law 111–22
111th Congress

An Act

May 20, 2009
[S. 896]

To prevent mortgage foreclosures and enhance mortgage credit availability.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Helping Families Save Their Homes Act of 2009.

DIVISION A—PREVENTING MORTGAGE FORECLOSURES

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

12 USC 5201 note.

(a) SHORT TITLE.—This division may be cited as the "Helping Families Save Their Homes Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents of this division is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Sec. 101. Guaranteed rural housing loans.
Sec. 102. Modification of housing loans guaranteed by the Department of Veterans Affairs.
Sec. 103. Additional funding for HUD programs to assist individuals to better withstand the current mortgage crisis.
Sec. 104. Mortgage modification data collecting and reporting.
Sec. 105. Neighborhood Stabilization Program Refinements.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.
Sec. 202. Changes to HOPE for Homeowners Program.
Sec. 203. Requirements for FHA-approved mortgagees.
Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.
Sec. 205. Application of GSE conforming loan limit to mortgages assisted with TARP funds.
Sec. 206. Mortgages on certain homes on leased land.
Sec. 207. Sense of Congress regarding mortgage revenue bond purchases.

TITLE III—MORTGAGE FRAUD TASK FORCE

Sec. 301. Sense of the Congress on establishment of a Nationwide Mortgage Fraud Task Force.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Sec. 401. Sense of the Congress on foreclosures.
Sec. 402. Public-Private Investment Program; Additional Appropriations for the Special Inspector General for the Troubled Asset Relief Program.
Sec. 403. Removal of requirement to liquidate warrants under the TARP.
Sec. 404. Notification of sale or transfer of mortgage loans.

TITLE V—FARM LOAN RESTRUCTURING

Sec. 501. Congressional Oversight Panel special report.

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

Sec. 601. Enhanced oversight of the Troubled Asset Relief Program.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

Sec. 701. Short title.
Sec. 702. Effect of foreclosure on preexisting tenancy.
Sec. 703. Effect of foreclosure on section 8 tenancies.
Sec. 704. Sunset.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

Sec. 801. Comptroller General additional audit authorities.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

SEC. 101. GUARANTEED RURAL HOUSING LOANS.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) LOSS MITIGATION.—Upon default or imminent default of any mortgage guaranteed under this subsection, mortgagees shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure (including actions such as special forbearance, loan modification, pre-foreclosure sale, deed in lieu of foreclosure, as required, support for borrower housing counseling, subordinate lien resolution, and borrower relocation), as provided for by the Secretary.

"(14) PAYMENT OF PARTIAL CLAIMS AND MORTGAGE MODIFICATIONS.—The Secretary may authorize the modification of mortgages, and establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence, for mortgages that are in default or face imminent default, as defined by the Secretary. Any payment under such program directed to the mortgagee shall be made at the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

"(A) the amount of the partial claim payment shall be in an amount determined by the Secretary, and shall not exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

"(B) the amount of the partial claim payment shall be applied first to any outstanding indebtedness on the mortgage, including any arrearage, but may also include principal reduction;

"(C) the mortgagor shall agree to repay the amount of the partial claim to the Secretary upon terms and conditions acceptable to the Secretary;

"(D) expenses related to a partial claim or modification are not to be charged to the borrower;

"(E) the Secretary may authorize compensation to the mortgagee for lost income on monthly mortgage payments due to interest rate reduction;

"(F) the Secretary may reimburse the mortgagee from the appropriate guaranty fund in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary;

"(G) the Secretary may authorize payments to the mortgagee on behalf of the borrower, under such terms and conditions as are defined by the Secretary, based on successful performance under the terms of the mortgage modification, which shall be used to reduce the principal obligation under the modified mortgage; and

"(H) the Secretary may authorize the modification of mortgages with terms extended up to 40 years from the date of modification.

"(15) ASSIGNMENT.—

"(A) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence guaranteed under this chapter.

"(B) PROGRAM REQUIREMENTS.—

"(i) IN GENERAL.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of the guaranty and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved under this section.

"(ii) ACCEPTANCE OF ASSIGNMENT.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

"(I) the mortgage is in default or facing imminent default;

"(II) the mortgagee has modified the mortgage or qualified the mortgage for modification sufficient to cure the default and provide for mortgage payments the mortgagor is reasonably able to pay, at interest rates not exceeding current market interest rates; and

"(III) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate guaranty fund.

"(C) PAYMENT OF GUARANTY.—Under the program under this paragraph, the Secretary may pay the guaranty for a mortgage, in the amount determined in accordance with paragraph (2), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage, as defined by the Secretary.

"(D) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, and assignment of the mortgage, the Secretary may provide guarantees under this

subsection for the mortgage. The Secretary may subsequently—

"(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

"(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

"(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

"(E) LOAN SERVICING.—In carrying out the program under this subsection, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (D)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.".

(b) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking "(as defined in paragraph (13)" and inserting "(as defined in paragraph (17)"; and

(2) in paragraph (18)(E)(as so redesignated by subsection (a)(2)), by—

(A) striking "paragraphs (3), (6), (7)(A), (8), and (10)" and inserting "paragraphs (3), (6), (7)(A), (8), (10), (13), and (14)"; and

(B) striking "paragraphs (2) through (13)" and inserting "paragraphs (2) through (15)".

(c) PROCEDURE.— 42 USC 1472 note.

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. MODIFICATION OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting "at the time of origination" after "loan".

38 USC 3703 note.

(b) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 103. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING TO INCREASE PUBLIC AWARENESS OF MORTGAGE SCAMS AND COUNSELING ASSISTANCE.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising to raise awareness of mortgage fraud and to support HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 100 metropolitan statistical areas with the highest rate of home foreclosures, and provided, further that up to $5,000,000 of such amounts are used for advertisements designed to reach and inform broad segments of the community.

(b) ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 100 metropolitan statistical areas with the highest rate of home foreclosures.

12 USC 1715z–25.

SEC. 104. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office

of Thrift Supervision, shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301(c) of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) EXCEPTION FOR CERTAIN STATES.—Each State that has received the minimum allocation of amounts pursuant to the requirement under section 2302 may, to the extent such State has fulfilled the requirements of paragraph (2), distribute any remaining amounts to areas with homeowners at risk of foreclosure or in foreclosure without regard to the percentage of home foreclosures in such areas.".

42 USC 5301 note.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110–289).

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

15 USC 1639a note.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) Increasing numbers of mortgage foreclosures are not only depriving many Americans of their homes, but are also destabilizing property values and negatively affecting State and local economies as well as the national economy.

(2) In order to reduce the number of foreclosures and to stabilize property values, local economies, and the national economy, servicers must be given—

(A) authorization to—

(i) modify mortgage loans and engage in other loss mitigation activities consistent with applicable guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

(ii) refinance mortgage loans under the Hope for Homeowners program; and

(B) a safe harbor to enable such servicers to exercise these authorities.

(b) SAFE HARBOR.—Section 129A of the Truth in Lending Act (15 U.S.C. 1639a) is amended to read as follows:

"SEC. 129. DUTY OF SERVICERS OF RESIDENTIAL MORTGAGES.

Plans.

"(a) IN GENERAL.—Notwithstanding any other provision of law, whenever a servicer of residential mortgages agrees to enter into a qualified loss mitigation plan with respect to 1 or more residential mortgages originated before the date of enactment of the Helping Families Save Their Homes Act of 2009, including mortgages held in a securitization or other investment vehicle—

Applicability.

"(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors and parties, and not to any individual party or group of parties; and

"(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria: Deadline. Criteria.

"(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

"(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

"(C) The servicer reasonably determined, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures.

"(b) NO LIABILITY.—A servicer that is deemed to be acting in the best interests of all investors or other parties under this section shall not be liable to any party who is owed a duty under subsection (a)(1), and shall not be subject to any injunction, stay, or other equitable relief to such party, based solely upon the implementation by the servicer of a qualified loss mitigation plan.

"(c) STANDARD INDUSTRY PRACTICE.—The qualified loss mitigation plan guidelines issued by the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 shall constitute standard industry practice for purposes of all Federal and State laws.

"(d) SCOPE OF SAFE HARBOR.—Any person, including a trustee, issuer, and loan originator, shall not be liable for monetary damages or be subject to an injunction, stay, or other equitable relief, based solely upon the cooperation of such person with a servicer when such cooperation is necessary for the servicer to implement a qualified loss mitigation plan that meets the requirements of subsection (a).

"(e) REPORTING.—Each servicer that engages in qualified loss mitigation plans under this section shall regularly report to the Secretary of the Treasury the extent, scope, and results of the servicer's modification activities. The Secretary of the Treasury shall prescribe regulations or guidance specifying the form, content, and timing of such reports. Regulations.

"(f) DEFINITIONS.—As used in this section—

"(1) the term 'qualified loss mitigation plan' means—

"(A) a residential loan modification, workout, or other loss mitigation plan, including to the extent that the Secretary of the Treasury determines appropriate, a loan sale, real property disposition, trial modification, pre-foreclosure sale, and deed in lieu of foreclosure, that is described or authorized in guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

"(B) a refinancing of a mortgage under the Hope for Homeowners program;

"(2) the term 'servicer' means the person responsible for the servicing for others of residential mortgage loans (including of a pool of residential mortgage loans); and

"(3) the term 'securitization vehicle' means a trust, special purpose entity, or other legal structure that is used to facilitate the issuing of securities, participation certificates, or similar instruments backed by or referring to a pool of assets that includes residential mortgages (or instruments that are related to residential mortgages such as credit-linked notes).

"(g) RULE OF CONSTRUCTION.—No provision of subsection (b) or (d) shall be construed as affecting the liability of any servicer or person as described in subsection (d) for actual fraud in the origination or servicing of a loan or in the implementation of a qualified loss mitigation plan, or for the violation of a State or Federal law, including laws regulating the origination of mortgage loans, commonly referred to as predatory lending laws.".

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) PROGRAM CHANGES.—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking "THE BOARD" and inserting "SECRETARY";

(B) in paragraph (1), by striking "Board" inserting "Secretary, after consultation with the Board,";

(C) in paragraph (1)(A), by inserting "consistent with section 203(b) to the maximum extent possible" before the semicolon; and

(D) by adding after paragraph (2) the following:

"(3) DUTIES OF BOARD.—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.";

(2) by striking "Board" each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting "Secretary";

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

"(1) BORROWER CERTIFICATION.—

"(A) NO INTENTIONAL DEFAULT OR FALSE INFORMATION.—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages or any other substantial debt within the last 5 years and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

"(B) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.

"(C) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of the date of application for a commitment to insure or

insurance under this section, the mortgagor shall have had, or thereafter is likely to have, due to the terms of the mortgage being reset, a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Secretary determines appropriate).";

(B) in paragraph (4)—

(i) in subparagraph (A), by striking ", subject to standards established by the Board under subparagraph (B),"; and

(ii) in subparagraph (B)(i), by striking "shall" and inserting "may"; and

(C) in paragraph (7), by striking "; and provided that" and all that follows through "new second lien";

(D) in paragraph (9)—

(i) by striking "by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)" and inserting "in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 203(b) to the maximum extent possible) which may include requiring the mortgagee to procure"; and

(ii) by striking "and by any other method, in accordance with procedures and standards that the Board shall establish";

(E) in paragraph (10)—

(i) by striking "The mortgagor shall not" and inserting the following:

"(A) PROHIBITION.—The mortgagor shall not"; and

(ii) by adding at the end the following:

"(B) DUTY OF MORTGAGEE.—The duty of the mortgagee to ensure that the mortgagor is in compliance with the prohibition under subparagraph (A) shall be satisfied if the mortgagee makes a good faith effort to determine that the mortgagor has not been convicted under Federal or State law for fraud during the period described in subparagraph (A).";

(F) in paragraph (11), by inserting before the period at the end the following: ", except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property"; and

(G) by adding at the end:

"(12) BAN ON MILLIONAIRES.—The mortgagor shall not have a net worth, as of the date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds $1,000,000.";

(4) in subsection (h)(2), by striking "The Board shall prohibit the Secretary from paying" and inserting "The Secretary shall not pay"; and

(5) in subsection (i)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as redesignated by this paragraph, by striking "For each" and inserting the following:

"(1) PREMIUMS.—For each";

(C) in subparagraph (A), as redesignated by this paragraph, by striking "equal to 3 percent" and inserting "not more than 3 percent"; and

(D) in subparagraph (B), as redesignated by this paragraph, by striking "equal to 1.5 percent" and inserting "not more than 1.5 percent";

(E) by adding at the end the following:

"(2) CONSIDERATIONS.—In setting the premium under this subsection, the Secretary shall consider—

"(A) the financial integrity of the HOPE for Homeowners Program; and

"(B) the purposes of the HOPE for Homeowners Program described in subsection (b).";

(6) in subsection (k)—

(A) by striking the subsection heading and inserting "EXIT FEE";

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking "such sale or refinancing" and inserting "the mortgage being insured under this section"; and

(C) in paragraph (2), by striking "and the mortgagor" and all that follows through the end and inserting "may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with or assign the rights of any amounts due to the Secretary to the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both.";

(7) in the heading for subsection (n), by striking "THE BOARD" and inserting "SECRETARY";

(8) in subsection (p), by striking "Under the direction of the Board, the" and inserting "The";

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking "Board of Directors of" and inserting "Advisory Board for"; and

(B) in paragraph (3)(A)(ii), by striking "subsection (e)(1)(B) and such other" and inserting "such";

(10) in subsection (v), by inserting after the period at the end the following: "The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section."; and

(11) by adding at the end the following new subsections:

"(x) PAYMENTS TO SERVICERS AND ORIGINATORS.—The Secretary may establish a payment to the—

"(1) servicer of the existing senior mortgage or existing subordinate mortgage for every loan insured under the HOPE for Homeowners Program; and

"(2) originator of each new loan insured under the HOPE for Homeowners Program.

"(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.". Procedures.

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting ", as such amount is reduced by $1,244,000,000," after "$700,000,000,000".

(c) TECHNICAL CORRECTION.—The second section 257 of the National Housing Act (Public Law 110–289; 122 Stat. 2839; 12 U.S.C. 1715z–24) is amended by striking the section heading and inserting the following:

"SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.".

SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—

(1) IN GENERAL.—Section 202(c)(2) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(A) in subparagraph (E), by inserting "and" after the semicolon;

(B) in subparagraph (F), by striking "; and" and inserting "or their designees."; and

(C) by striking subparagraph (G).

(2) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended by adding at the end the following new paragraph:

"(9) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—No State or local law, and no Federal law (except a Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Board of its power to take any action authorized under paragraphs (3) and (6) of this subsection against any mortgagee.".

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

"(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

"(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

"(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the applicant mortgagee who is—

"(A) currently suspended, debarred, under a limited denial of participation (LDP), or otherwise restricted under part 25 of title 24 of the Code of Federal Regulations, 2 Code of Federal Regulations, part 180 as implemented by part 2424, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

"(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant's integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

"(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

"(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

"(E) convicted of, or who has pled guilty or nolo contendre to, a felony related to participation in the real estate or mortgage loan industry—

"(i) during the 7-year period preceding the date of the application for licensing and registration; or

"(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

"(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

"(G) in violation of any other requirement as established by the Secretary.

Deadline. Notice. Effective date.

"(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance."; and

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

Regulations.

"(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

"(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

Records.

"(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.".

(c) PAYMENT FOR LOSS MITIGATION.—Section 204(a)(2) of the National Housing Act (12 U.S.C. 1710(a)(2)) is amended—

(1) by inserting "or faces imminent default, as defined by the Secretary" after "default";

(2) by inserting "support for borrower housing counseling, partial claims, borrower incentives, preforeclosure sale," after "loan modification,"; and

(3) by striking "204(a)(1)(A)" and inserting "subsection (a)(1)(A) or section 230(c)".

(d) PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.—

(1) ADDITIONAL LOSS MITIGATION ACTIONS.—Section 230(a) of the National Housing Act (12 U.S.C. 1715u(a)) is amended—

(A) by inserting "or imminent default, as defined by the Secretary" after "default";

(B) by striking "loss" and inserting "loan";

(C) by inserting "preforeclosure sale, support for borrower housing counseling, subordinate lien resolution, borrower incentives," after "loan modification,";

(D) by inserting "as required," after "deeds in lieu of foreclosure,"; and

(E) by inserting "or section 230(c)," before "as provided".

(2) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)) is amended to read as follows:

"(b) PAYMENT OF PARTIAL CLAIM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default or faces imminent default, as defined by the Secretary.

"(2) PAYMENTS AND EXCEPTIONS.—Any payment of a partial claim under the program established in paragraph (1) to a mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

"(A) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

"(B) the amount of the partial claim payment shall first be applied to any arrearage on the mortgage, and may also be applied to achieve principal reduction;

"(C) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary;

"(D) the Secretary may permit compensation to the mortgagee for lost income on monthly payments, due to a reduction in the interest rate charged on the mortgage;

"(E) expenses related to the partial claim or modification may not be charged to the borrower;

"(F) loans may be modified to extend the term of the mortgage to a maximum of 40 years from the date of the modification; and

"(G) the Secretary may permit incentive payments to the mortgagee, on the borrower's behalf, based on successful performance of a modified mortgage, which shall be used to reduce the amount of principal indebtedness.

"(3) PAYMENTS IN CONNECTION WITH CERTAIN ACTIVITIES.—The Secretary may pay the mortgagee, from the appropriate

insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.".

(3) ASSIGNMENT.—Section 230(c) of the National Housing Act (12 U.S.C. 1715u(c)) is amended—

(A) by inserting "(1)" after "(c)";

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (1)(B) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) in the matter preceding clause (i) (as so redesignated), by striking "under a program under this subsection" and inserting "under this paragraph"; and

(iii) in clause (i) (as so redesignated), by inserting "or facing imminent default, as defined by the Secretary" after "default";

(D) in paragraph (1)(C) (as so redesignated), by striking "under a program under this subsection" and inserting "under this paragraph"; and

(E) by adding at the end the following:

"(2) ASSIGNMENT AND LOAN MODIFICATION.—

"(A) AUTHORITY.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

"(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—In carrying out this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with section 204(a)(5), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of section 204(a)(1)(A).

"(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

"(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

"(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

"(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

"(D) LOAN SERVICING.—In carrying out this paragraph, the Secretary may require the existing servicer of a mortgage assigned to the Secretary to continue servicing the

mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage, provided that the Secretary compensates the existing servicer appropriately, as such compensation is determined by the Secretary consistent, to the maximum extent possible, with section 203(b). If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.".

(4) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this subsection through notice or mortgagee letter. 12 USC 1715u note.

(e) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f–10) and inserting the following new section:

"SEC. 532. CHANGE OF MORTGAGEE STATUS.

"(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

"(b) ACTIONS.—The actions described in this subsection are as follows:

"(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

"(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.".

(f) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or any of its owners, officers, or directors" after "mortgagee or lender";

(ii) in subparagraph (H), by striking "title I" and all that follows through "under this Act." and inserting "title I or II of this Act, or any implementing regulation, handbook, or mortgagee letter that is issued under this Act."; and

(iii) by inserting after subparagraph (J) the following:

"(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).

"(L) Use of 'Federal Housing Administration', 'Department of Housing and Urban Development', 'Government National Mortgage Association', 'Ginnie Mae', the acronyms 'HUD', 'FHA', or 'GNMA', or any official seal or logo of the Department of Housing and Urban Development, except as authorized by the Secretary.";

(B) in paragraph (2)—

(i) in subparagraph (B), by striking "or" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following new subparagraph:

"(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection."; and

(C) by amending paragraph (3) to read as follows:

"(3) PROHIBITION AGAINST MISLEADING USE OF FEDERAL ENTITY DESIGNATION.—The Secretary may impose a civil money penalty, as adjusted from time to time, under subsection (a) for any use of 'Federal Housing Administration', 'Department of Housing and Urban Development', 'Government National Mortgage Association', 'Ginnie Mae', the acronyms 'HUD', 'FHA', or 'GNMA', or any official seal or logo of the Department of Housing and Urban Development, by any person, party, company, firm, partnership, or business, including sellers of real estate, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers, except as authorized by the Secretary."; and

(2) in subsection (g), by striking "The term" and all that follows through the end of the sentence and inserting "For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.".

12 USC 1708 note. Deadline.

(g) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

Procedures.

(2) implement procedures that, for mortgagees approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) TEMPORARY INCREASE IN DEPOSIT INSURANCE EXTENDED.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "December 31, 2009" and inserting "December 31, 2013";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "December 31, 2009" and inserting "December 31, 2013"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "December 31, 2009" and inserting "December 31, 2013";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "December 31, 2009" and inserting "December 31, 2013"; and

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking "5-year period" and inserting "8-year period".

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(A) by striking "$30,000,000,000" and inserting "$100,000,000,000";

(B) by striking "The Corporation is authorized" and inserting the following:

"(1) IN GENERAL.—The Corporation is authorized";

(C) by striking "There are hereby" and inserting the following:

"(2) FUNDING.—There are hereby"; and

(D) by adding at the end the following:

"(3) TEMPORARY INCREASES AUTHORIZED.—

"(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $500,000,000,000. Time period.

"(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above $100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.

"(C) RESTRICTION ON USAGE.—The Corporation may not borrow pursuant to subparagraph (A) to fund obligations of the Corporation incurred as a part of a program established by the Secretary of the Treasury pursuant to

the Emergency Economic Stabilization Act of 2008 to purchase or guarantee assets.".

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended to read as follows:

Loans.

"(1) If, in the judgment of the Board, a loan to the insurance fund, or to the stabilization fund described in section 217 of this title, is required at any time for purposes of this subchapter, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate $6,000,000,000 outstanding at any one time. Except as otherwise provided in this subsection, section 217, and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Board and the Secretary of the Treasury.".

(3) TEMPORARY INCREASES OF BORROWING AUTHORITY FOR NCUA.—Section 203(d) of the Federal Credit Union Act (12 U.S.C. 1783(d)) is amended by adding at the end the following:

"(4) TEMPORARY INCREASES AUTHORIZED.—

Time period.

"(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board (upon a vote of not less than two-thirds of the members of the Board) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $6,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $30,000,000,000.

"(B) REPORT REQUIRED.—If the borrowing authority of the Board is increased above $6,000,000,000 pursuant to subparagraph (A), the Board shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.".

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

"(ii) REPAYMENT OF LOSS.—

"(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

Applicability.

"(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository

institution holding companies as if they were insured depository institutions.

"(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.".

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

"(D) FUND RESTORATION PLANS.—

"(i) IN GENERAL.—Whenever— Deadline.

"(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C); or

"(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) without any determination under subclause (I) having been made,

the Board shall establish and implement a restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

"(ii) REQUIREMENTS OF RESTORATION PLAN.—A restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) before the end of the 8-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

"(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.". Deadline.

Federal Register, publication.

(f) TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.—

(1) ESTABLISHMENT OF STABILIZATION FUND.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

12 USC 1790e.

"SEC. 217. TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.

"(a) ESTABLISHMENT OF STABILIZATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the 'Temporary Corporate Credit Union Stabilization Fund.' The Board will administer the Stabilization Fund as prescribed by section 209.

"(b) EXPENDITURES FROM STABILIZATION FUND.—Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation, for making payments for the purposes described in section 203(a), subject to the following additional limitations:

"(1) All payments other than administrative payments shall be connected to the conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.

"(2) Prior to authorizing each payment the Board shall—

Certification.

"(A) certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund (Insurance Fund); and

Reports.

"(B) report each such certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

"(c) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—The Stabilization Fund is authorized to borrow from the Secretary of the Treasury from time-to-time as deemed necessary by the Board. The maximum outstanding amount of all borrowings from the Treasury by the Stabilization Fund and the National Credit Union Share Insurance Fund, combined, is limited to the amount provided for in section 203(d)(1), including any authorized increases in that amount.

"(2) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—The advances made under this section shall be repaid by the Stabilization Fund, and interest on such advance shall be paid, to the General fund of the Treasury.

"(B) VARIABLE RATE OF INTEREST.—The Secretary of the Treasury shall make the first rate determination at the time of the first advance under this section and shall reset the rate again for all advances on each anniversary of the first advance. The interest rate shall be equal to the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity equal to 12 months.

"(3) REPAYMENT SCHEDULE.—The Stabilization Fund shall repay the advances on a first-in, first-out basis, with interest on the amount repaid, at times and dates determined by the Board at its discretion. All advances shall be repaid not later than the date of the seventh anniversary of the first advance to the Stabilization Fund, unless the Board extends this final repayment date. The Board shall obtain the concurrence of the Secretary of the Treasury on any proposed extension, including the terms and conditions of the extended repayment.

Deadline.

Deadlines.

"(d) ASSESSMENT TO REPAY ADVANCES.—At least 90 days prior to each repayment described in subsection (c)(3), the Board shall

set the amount of the upcoming repayment and determine if the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund might not have sufficient funds to make the repayment, the Board shall assess each federally insured credit union a special premium due and payable within 60 days in an aggregate amount calculated to ensure the Stabilization Fund is able to make the repayment. The premium charge for each credit union shall be stated as a percentage of its insured shares as represented on the credit union's previous call report. The percentage shall be identical for each credit union. Any credit union that fails to make timely payment of the special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.

"(e) DISTRIBUTIONS FROM INSURANCE FUND.—At the end of any calendar year in which the Stabilization Fund has an outstanding advance from the Treasury, the Insurance Fund is prohibited from making the distribution to insured credit unions described in section 202(c)(3). In lieu of the distribution described in that section, the Insurance Fund shall make a distribution to the Stabilization Fund of the maximum amount possible that does not reduce the Insurance Fund's equity ratio below the normal operating level and does not reduce the Insurance Fund's available assets ratio below 1.0 percent.

"(f) INVESTMENT OF STABILIZATION FUND ASSETS.—The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board's judgment, required to meet the current needs of the Stabilization Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Stabilization Fund, as determined by the Board, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(g) REPORTS.—The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance made under subsection (c)(1). Because the Fund will use advances from the Treasury to meet corporate stabilization costs with full repayment of borrowings to Treasury at the Board's discretion not due until 7 years from the initial advance, to the extent operating expenses of the Fund exceed income, the financial condition of the Fund may reflect a deficit. With planned and required future repayments, the Board shall resolve all deficits prior to termination of the Fund.

"(h) CLOSING OF STABILIZATION FUND.—Within 90 days following the seventh anniversary of the initial Stabilization Fund advance, or earlier at the Board's discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund. If the Board extends the final repayment date as permitted under subsection (c)(3), the mandatory date for closing the Stabilization Fund shall be extended by the same number of days.". Deadline. Extension.

(2) CONFORMING AMENDMENT.—Section 202(c)(3)(A) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)(A)) is amended by inserting ", subject to the requirements of section 217(e)," after "The Board shall".

12 USC 5220a.

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

"(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.".

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

TITLE III—MORTGAGE FRAUD TASK FORCE

SEC. 301. SENSE OF CONGRESS ON ESTABLISHMENT OF A NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) IN GENERAL.—It is the sense of the Congress that the Department of Justice establish a Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the "Task Force") to address mortgage fraud in the United States.

(b) SUPPORT.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) MANDATORY FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(d) OPTIONAL FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Task Force should—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities described under subsection (c), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) IN GENERAL.—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's "Homeowner Affordability and Stability Plan" have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) SCOPE OF MORATORIUM.—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect,

subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

Public-Private Investment Program Improvement and Oversight Act of 2009.
12 USC 5231a.

SEC. 402. PUBLIC-PRIVATE INVESTMENT PROGRAM; ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Public-Private Investment Program Improvement and Oversight Act of 2009".

(b) PUBLIC-PRIVATE INVESTMENT PROGRAM.—

(1) IN GENERAL.—Any program established by the Federal Government to create a public-private investment fund shall—

Consultation.

(A) in consultation with the Special Inspector General of the Trouble Asset Relief Program (in this section referred to as the "Special Inspector General"), impose strict conflict of interest rules on managers of public-private investment funds to ensure that securities bought by the funds are purchased in arms-length transactions, that fiduciary duties to public and private investors in the fund are not violated, and that there is full disclosure of relevant facts and financial interests (which conflict of interest rules shall be implemented by the manager of a public-private investment fund prior to such fund receiving Federal Government financing);

Reports.
Public information.

(B) require each public-private investment fund to make a quarterly report to the Secretary of the Treasury (in this section referred to as the "Secretary") that discloses the 10 largest positions of such fund (which reports shall be publicly disclosed at such time as the Secretary of the Treasury determines that such disclosure will not harm the ongoing business operations of the fund);

Records.

(C) allow the Special Inspector General access to all books and records of a public-private investment fund, including all records of financial transactions in machine readable form, and the confidentiality of all such information shall be maintained by the Special Inspector General;

Records.

(D) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(E) require each manager of a public-private investment fund to acknowledge, in writing, a fiduciary duty to both the public and private investors in such fund;

(F) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(G) require strict investor screening procedures for public-private investment funds; and

(H) require each manager of a public-private fund to identify for the Secretary, on a periodic basis, each investor that, individually or together with affiliates, directly or indirectly, holds equity interests equal to at least 10 percent of the equity interest of the fund including if such interests are held in a vehicle formed for the purpose of directly or indirectly investing in the fund.

(2) INTERACTION BETWEEN PUBLIC-PRIVATE INVESTMENT FUNDS AND THE TERM-ASSET BACKED SECURITIES LOAN FACILITY.—The Secretary shall consult with the Special Inspector General and shall issue regulations governing the interaction of the Public-Private Investment Program, the Term-Asset Backed Securities Loan Facility, and other similar public-private investment programs. Such regulations shall address concerns regarding the potential for excessive leverage that could result from interactions between such programs.

Consultation. Regulations.

(3) REPORT.—Not later than 60 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General shall submit a report to Congress on the implementation of this section.

(c) ADDITIONAL APPROPRIATIONS FOR THE SPECIAL INSPECTOR GENERAL.—

(1) IN GENERAL.—Of amounts made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $15,000,000 shall be made available to the Special Inspector General, which shall be in addition to amounts otherwise made available to the Special Inspector General.

(2) PRIORITIES.—In utilizing funds made available under this section, the Special Inspector General shall prioritize the performance of audits or investigations of recipients of non-recourse Federal loans made under any program that is funded in whole or in part by funds appropriated under the Emergency Economic Stabilization Act of 2008, to the extent that such priority is consistent with other aspects of the mission of the Special Inspector General. Such audits or investigations shall determine the existence of any collusion between the loan recipient and the seller or originator of the asset used as loan collateral, or any other conflict of interest that may have led the loan recipient to deliberately overstate the value of the asset used as loan collateral.

(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in this section shall be construed to apply to any activity of the Federal Deposit Insurance Corporation in connection with insured depository institutions, as described in section 13(c)(2)(B) of the Federal Deposit Insurance Act.

(e) DEFINITION.—In this section, the term "public-private investment fund" means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury or funds appropriated under the Emergency Economic Stabilization Act of 2008.

(f) OFFSET OF COSTS OF PROGRAM CHANGES.—Notwithstanding the amendment made by section 202(b) of this Act, paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting ", as such amount is reduced by $1,259,000,000," after "$700,000,000,000".

(g) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations or other guidance as may be necessary or appropriate to define terms or carry out the authorities or purposes of this section.

SEC. 403. REMOVAL OF REQUIREMENT TO LIQUIDATE WARRANTS UNDER THE TARP.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended by striking "shall liquidate warrants associated with such assistance at the current market price" and inserting ", at the market price, may liquidate warrants associated with such assistance".

SEC. 404. NOTIFICATION OF SALE OR TRANSFER OF MORTGAGE LOANS.

(a) IN GENERAL.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following:

"(g) NOTICE OF NEW CREDITOR.—

Deadline.

"(1) IN GENERAL.—In addition to other disclosures required by this title, not later than 30 days after the date on which a mortgage loan is sold or otherwise transferred or assigned to a third party, the creditor that is the new owner or assignee of the debt shall notify the borrower in writing of such transfer, including—

"(A) the identity, address, telephone number of the new creditor;

"(B) the date of transfer;

"(C) how to reach an agent or party having authority to act on behalf of the new creditor;

"(D) the location of the place where transfer of ownership of the debt is recorded; and

"(E) any other relevant information regarding the new creditor.

"(2) DEFINITION.—As used in this subsection, the term 'mortgage loan' means any consumer credit transaction that is secured by the principal dwelling of a consumer.".

(b) PRIVATE RIGHT OF ACTION.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting "subsection (f) or (g) of section 131," after "section 125,".

TITLE V—FARM LOAN RESTRUCTURING

SEC. 501. CONGRESSIONAL OVERSIGHT PANEL SPECIAL REPORT.

Section 125(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5233(b)) is amended by adding at the end the following:

"(3) SPECIAL REPORT ON FARM LOAN RESTRUCTURING.—Not later than 60 days after the date of enactment of this paragraph, the Oversight Panel shall submit a special report on farm loan restructuring that—

"(A) analyzes the state of the commercial farm credit markets and the use of loan restructuring as an alternative to foreclosure by recipients of financial assistance under the Troubled Asset Relief Program; and

"(B) includes an examination of and recommendation on the different methods for farm loan restructuring that could be used as part of a foreclosure mitigation program for farm loans made by recipients of financial assistance under the Troubled Asset Relief Program, including any programs for direct loan restructuring or modification carried out by the Farm Service Agency of the Department of Agriculture, the farm credit system, and the Making Home Affordable Program of the Department of the Treasury.".

TITLE VI—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 601. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking "and" at the end;

(B) in clause (iv), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act."; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (F); and

(B) by striking subparagraphs (A) and (B) and inserting the following:

"(A) DEFINITION.—In this paragraph, the term 'governmental unit' has the meaning given under section 101(27) of title 11, United States Code, and does not include any insured depository institution as defined under section 3 of the Federal Deposit Insurance Act (12 U.S.C. 8113).

"(B) GAO PRESENCE.—The Secretary shall provide the Comptroller General with appropriate space and facilities in the Department of the Treasury as necessary to facilitate oversight of the TARP until the termination date established in section 5230 of this title.

"(C) ACCESS TO RECORDS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General

shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, any entity that is established by a Federal reserve bank and receives funding from the TARP, or any entity (other than a governmental unit) participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

"(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

"(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.

"(D) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity (other than a governmental unit) participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

"(E) RESTRICTION ON PUBLIC DISCLOSURE.—

"(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

"(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over a private or public entity referred to under subparagraph (C).

"(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, section 714(c) of title 31, United States Code, or other applicable provisions of law.".

Protecting Tenants at Foreclosure Act of 2009.

TITLE VII—PROTECTING TENANTS AT FORECLOSURE ACT

12 USC 5201 note.

SEC. 701. SHORT TITLE.

This title may be cited as the "Protecting Tenants at Foreclosure Act of 2009".

12 USC 5220 note.

SEC. 702. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property

after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and Notice. Deadline.

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; and

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.

(c) DEFINITION.—For purposes of this section, the term "federally-related mortgage loan" has the same meaning as in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

SEC. 703. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semicolon in subparagraph (C) the following: "and in the case of an owner who is an immediate successor in interest pursuant to foreclosure during the term of the lease vacating the property prior to sale shall not constitute other good cause, except that the owner may terminate the tenancy effective on the date of transfer of the unit to the owner if the owner—

"(i) will occupy the unit as a primary residence; and

"(ii) has provided the tenant a notice to vacate at least 90 days before the effective date of such notice."; and Notice. Deadline.

(2) by inserting at the end of subparagraph (F) the following: "In the case of any foreclosure on any federally-related mortgage loan (as that term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) or on any residential real property in which a recipient of

assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.".

12 USC 5201 note.
12 USC 5220 note.
42 USC 1437f and note.

SEC. 704. SUNSET.

This title, and any amendments made by this title are repealed, and the requirements under this title shall terminate, on December 31, 2012.

TITLE VIII—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

SEC. 801. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended—

(1) in subsection (a), by striking "Federal Reserve Board," and inserting "Board of Governors of the Federal Reserve System (in this section referred to as the 'Board'),"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "Federal Reserve Board," and inserting "Board"; and

(B) in paragraph (4), by striking "of Governors".

(b) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not disclose to any person outside the Government Accountability Office information obtained in audits or examinations conducted under subsection (e) and maintained as confidential by the Board or the Federal reserve banks.

"(4) This subsection shall not—

"(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

"(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.".

(c) ACCESS TO RECORDS.—Section 714(d) of title 31, United States Code, is amended—

(1) in paragraph (1), by inserting "The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency and any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate." after the first sentence;

(2) in paragraph (2), by inserting ", copies of any record," after "records"; and

(3) by adding at the end the following:

"(3)(A) For purposes of conducting audits and examinations under subsection (e), the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things or property belonging to or in use by—

"(i) any entity established by any action taken by the Board described under subsection (e);

"(ii) any entity receiving assistance from any action taken by the Board described under subsection (e), to the extent that the access and request relates to that assistance; and

"(iii) the officers, directors, employees, independent public accountants, financial advisors and any and all representatives of any entity described under clause (i) or (ii); to the extent that the access and request relates to that assistance;

"(B) The Comptroller General shall have access as provided under subparagraph (A) at such time as the Comptroller General may request.

"(C) Each contract, term sheet, or other agreement between the Board or any Federal reserve bank (or any entity established by the Board or any Federal reserve bank) and an entity receiving assistance from any action taken by the Board described under subsection (e) shall provide for access by the Comptroller General in accordance with this paragraph.".

(d) AUDITS OF CERTAIN ACTIONS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—Section 714 of title 31, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsection (b), the Comptroller General may conduct audits, including onsite examinations when the Comptroller General determines such audits and examinations are appropriate, of any action taken by the Board under the third undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 343); with respect to a single and specific partnership or corporation.". Determination.

DIVISION B—HOMELESSNESS REFORM

Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009. 42 USC 11301 note.

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—HOMELESSNESS REFORM

Sec. 1001. Short title; table of contents.
Sec. 1002. Findings and purposes.
Sec. 1003. Definition of homelessness.
Sec. 1004. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 1101. Definitions.
Sec. 1102. Community homeless assistance planning boards.

Sec. 1103. General provisions.
Sec. 1104. Protection of personally identifying information by victim service providers.
Sec. 1105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 1201. Grant assistance.
Sec. 1202. Eligible activities.
Sec. 1203. Participation in Homeless Management Information System.
Sec. 1204. Administrative provision.
Sec. 1205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 1301. Continuum of care.
Sec. 1302. Eligible activities.
Sec. 1303. High performing communities.
Sec. 1304. Program requirements.
Sec. 1305. Selection criteria, allocation amounts, and funding.
Sec. 1306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 1401. Rural housing stability assistance.
Sec. 1402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 1501. Repeals.
Sec. 1502. Conforming amendments.
Sec. 1503. Effective date.
Sec. 1504. Regulations.
Sec. 1505. Amendment to table of contents.

42 USC 11301 note.

SEC. 1002. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) PURPOSES.—The purposes of this division are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

(3) to establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

SEC. 1003. DEFINITION OF HOMELESSNESS.

(a) IN GENERAL.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(2) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—For purposes of this Act, the terms 'homeless', 'homeless individual', and 'homeless person' means—

"(1) an individual or family who lacks a fixed, regular, and adequate nighttime residence;

"(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

"(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

"(4) an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided;

"(5) an individual or family who—

"(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—

"(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;

"(ii) the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or

"(iii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;

"(B) has no subsequent residence identified; and

"(C) lacks the resources or support networks needed to obtain other permanent housing; and

"(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—

"(A) have experienced a long term period without living independently in permanent housing,

"(B) have experienced persistent instability as measured by frequent moves over such period, and

"(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

"(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's

current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.".

Deadline. 42 USC 11302 note.

(b) REGULATIONS.—Not later than the expiration of the 6-month period beginning upon the date of the enactment of this division, the Secretary of Housing and Urban Development shall issue regulations that provide sufficient guidance to recipients of funds under title IV of the McKinney-Vento Homeless Assistance Act to allow uniform and consistent implementation of the requirements of section 103 of such Act, as amended by subsection (a) of this section. This subsection shall take effect on the date of the enactment of this division.

Effective date.

42 USC 11302 note.

(c) CLARIFICATION OF EFFECT ON OTHER LAWS.—This section and the amendments made by this section to section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) may not be construed to affect, alter, limit, annul, or supersede any other provision of Federal law providing a definition of "homeless", "homeless individual", or "homeless person" for purposes other than such Act, except to the extent that such provision refers to such section 103 or the definition provided in such section 103.

SEC. 1004. UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS.

(a) IN GENERAL.—Title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.) is amended—

(1) in section 201 (42 U.S.C. 11311), by inserting before the period at the end the following "whose mission shall be to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal Government in contributing to the end of homelessness";

(2) in section 202 (42 U.S.C. 11312)—

(A) in subsection (a)—

(i) by redesignating paragraph (16) as paragraph (22); and

(ii) by inserting after paragraph (15) the following:

"(16) The Commissioner of Social Security, or the designee of the Commissioner.

"(17) The Attorney General of the United States, or the designee of the Attorney General.

"(18) The Director of the Office of Management and Budget, or the designee of the Director.

"(19) The Director of the Office of Faith-Based and Community Initiatives, or the designee of the Director.

"(20) The Director of USA FreedomCorps, or the designee of the Director.";

(B) in subsection (c), by striking "annually" and inserting "four times each year, and the rotation of the positions of Chairperson and Vice Chairperson required under subsection (b) shall occur at the first meeting of each year"; and

(C) by adding at the end the following:

"(e) ADMINISTRATION.—The Executive Director of the Council shall report to the Chairman of the Council.";

(3) in section 203(a) (42 U.S.C. 11313(a))—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), (9), (10), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A), the following:

"(1) not later than 12 months after the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and shall update such plan annually;"; Deadlines. Public information. Strategic plan.

(C) in paragraph (5), as redesignated by subparagraph (A), by striking "at least 2, but in no case more than 5" and inserting "not less than 5, but in no case more than 10";

(D) by inserting after paragraph (5), as so redesignated by subparagraph (A), the following:

"(6) encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness at State, city, and county levels;

"(7) annually obtain from Federal agencies their identification of consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by persons experiencing homelessness to all Federal, State, and local programs for which the persons are eligible, and to verify collaboration among entities within a community that receive Federal funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified by the Government Accountability Office in the reports entitled 'Homelessness: Coordination and Evaluation of Programs Are Essential', issued February 26, 1999, and 'Homelessness: Barriers to Using Mainstream Programs', issued July 6, 2000;

"(8) conduct research and evaluation related to its functions as defined in this section;

"(9) develop joint Federal agency and other initiatives to fulfill the goals of the agency;";

(E) in paragraph (10), as so redesignated by subparagraph (A), by striking "and" at the end;

(F) in paragraph (11), as so redesignated by subparagraph (A), by striking the period at the end and inserting a semicolon;

(G) by adding at the end the following new paragraphs:

"(12) develop constructive alternatives to criminalizing homelessness and laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons; and

"(13) not later than the expiration of the 6-month period beginning upon completion of the study requested in a letter to the Acting Comptroller General from the Chair and Ranking Member of the House Financial Services Committee and several other members regarding various definitions of homelessness in Federal statutes, convene a meeting of representatives of Deadlines.

all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, nonprofit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or services under any such Federal program, at which meeting such representatives shall discuss all issues relevant to whether the definitions of 'homeless' under paragraphs (1) through (4) of section 103(a) of the McKinney-Vento Homeless Assistance Act, as amended by section 1003 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, should be modified by the Congress, including whether there is a compelling need for a uniform definition of homelessness under Federal law, the extent to which the differences in such definitions create barriers for individuals to accessing services and to collaboration between agencies, and the relative availability, and barriers to access by persons defined as homeless, of mainstream programs identified by the Government Accountability Office in the two reports identified in paragraph (7) of this subsection; and shall submit transcripts of such meeting, and any majority and dissenting recommendations from such meetings, to each committee of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families not later than the expiration of the 60-day period beginning upon conclusion of such meeting.".

(4) in section 203(b)(1) (42 U.S.C. 11313(b))—

(A) by striking "Federal" and inserting "national";

(B) by striking "; and" and inserting "and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made;";

(5) in section 205(d) (42 U.S.C. 11315(d)), by striking "property." and inserting "property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council."; and

(6) by striking section 208 (42 U.S.C. 11318) and inserting the following:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $3,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal years 2011. Any amounts appropriated to carry out this title shall remain available until expended.".

42 USC 11311 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on, and shall apply beginning on, the date of the enactment of this division.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

SEC. 1101. DEFINITIONS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle A—General Provisions";

(2) by redesignating sections 401 and 402 (42 U.S.C. 11361, 11362) as sections 403 and 406, respectively; and

(3) by inserting before section 403 (as so redesignated by paragraph (2) of this section) the following new section:

"SEC. 401. DEFINITIONS. 42 USC 11360.

"For purposes of this title:

"(1) AT RISK OF HOMELESSNESS.—The term 'at risk of homelessness' means, with respect to an individual or family, that the individual or family—

"(A) has income below 30 percent of median income for the geographic area;

"(B) has insufficient resources immediately available to attain housing stability; and

"(C)(i) has moved frequently because of economic reasons;

"(ii) is living in the home of another because of economic hardship;

"(iii) has been notified that their right to occupy their current housing or living situation will be terminated;

"(iv) lives in a hotel or motel;

"(v) lives in severely overcrowded housing;

"(vi) is exiting an institution; or

"(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

Such term includes all families with children and youth defined as homeless under other Federal statutes.

"(2) CHRONICALLY HOMELESS.—

"(A) IN GENERAL.—The term 'chronically homeless' means, with respect to an individual or family, that the individual or family—

"(i) is homeless and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

"(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

"(iii) has an adult head of household (or a minor head of household if no adult is present in the household) with a diagnosable substance use disorder, serious mental illness, developmental disability (as

defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

"(B) RULE OF CONSTRUCTION.—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

"(3) COLLABORATIVE APPLICANT.—The term 'collaborative applicant' means an entity that—

"(A) carries out the duties specified in section 402;

"(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under subtitle C in accordance with a collaborative process; and

"(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

"(4) COLLABORATIVE APPLICATION.—The term 'collaborative application' means an application for a grant under subtitle C that—

"(A) satisfies section 422; and

"(B) is submitted to the Secretary by a collaborative applicant.

"(5) CONSOLIDATED PLAN.—The term 'Consolidated Plan' means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

"(6) ELIGIBLE ENTITY.—The term 'eligible entity' means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

"(7) FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.—The term 'families with children and youth defined as homeless under other Federal statutes' means any children or youth that are defined as 'homeless' under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

"(8) GEOGRAPHIC AREA.—The term 'geographic area' means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

"(9) HOMELESS INDIVIDUAL WITH A DISABILITY.—

"(A) IN GENERAL.—The term 'homeless individual with a disability' means an individual who is homeless, as defined in section 103, and has a disability that—

"(i)(I) is expected to be long-continuing or of indefinite duration;

"(II) substantially impedes the individual's ability to live independently;

"(III) could be improved by the provision of more suitable housing conditions; and

"(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

"(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

"(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

"(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

"(10) LEGAL ENTITY.—The term 'legal entity' means—

"(A) an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of such Code;

"(B) an instrumentality of State or local government; or

"(C) a consortium of instrumentalities of State or local governments that has constituted itself as an entity.

"(11) METROPOLITAN CITY; URBAN COUNTY; NONENTITLEMENT AREA.—The terms 'metropolitan city', 'urban county', and 'nonentitlement area' have the meanings given such terms in section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)).

"(12) NEW.—The term 'new' means, with respect to housing, that no assistance has been provided under this title for the housing.

"(13) OPERATING COSTS.—The term 'operating costs' means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

"(A) the administration, maintenance, repair, and security of such housing;

"(B) utilities, fuel, furnishings, and equipment for such housing; or

"(C) coordination of services as needed to ensure long-term housing stability.

"(14) OUTPATIENT HEALTH SERVICES.—The term 'outpatient health services' means outpatient health care services, mental health services, and outpatient substance abuse services.

"(15) PERMANENT HOUSING.—The term 'permanent housing' means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

"(16) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

"(A) a first and last name;

"(B) a home or other physical address;

"(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

"(D) a social security number; and

"(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

"(17) PRIVATE NONPROFIT ORGANIZATION.—The term 'private nonprofit organization' means an organization—

"(A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

"(B) that has a voluntary board;

"(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

"(D) that practices nondiscrimination in the provision of assistance.

"(18) PROJECT.—The term 'project' means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

"(19) PROJECT-BASED.—The term 'project-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

"(A) is between—

"(i) the recipient or a project sponsor; and

"(ii) an owner of a structure that exists as of the date the contract is entered into; and

"(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

"(20) PROJECT SPONSOR.—The term 'project sponsor' means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

"(21) RECIPIENT.—Except as used in subtitle B, the term 'recipient' means an eligible entity who—

"(A) submits an application for a grant under section 422 that is approved by the Secretary;

"(B) receives the grant directly from the Secretary to support approved projects described in the application; and

"(C)(i) serves as a project sponsor for the projects; or

"(ii) awards the funds to project sponsors to carry out the projects.

"(22) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(23) SERIOUS MENTAL ILLNESS.—The term 'serious mental illness' means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

"(24) SOLO APPLICANT.—The term 'solo applicant' means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

"(25) SPONSOR-BASED.—The term 'sponsor-based' means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

"(A) is between—

"(i) the recipient or a project sponsor; and

"(ii) an independent entity that—

"(I) is a private organization; and

"(II) owns or leases dwelling units; and

"(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

"(26) STATE.—Except as used in subtitle B, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"(27) SUPPORTIVE SERVICES.—The term 'supportive services' means services that address the special needs of people served by a project, including—

"(A) the establishment and operation of a child care services program for families experiencing homelessness;

"(B) the establishment and operation of an employment assistance program, including providing job training;

"(C) the provision of outpatient health services, food, and case management;

"(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

"(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

"(F) the provision of mental health services, trauma counseling, and victim services;

"(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

"(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

"(I) the provision of—

"(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

"(ii) health care; and

"(J) other supportive services necessary to obtain and maintain housing.

"(28) TENANT-BASED.—The term 'tenant-based' means, with respect to rental assistance, assistance that—

"(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

"(i) in a particular structure or unit for not more than the first year of the participation;

"(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

"(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

"(29) TRANSITIONAL HOUSING.—The term 'transitional housing' means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

"(30) UNIFIED FUNDING AGENCY.—The term 'unified funding agency' means a collaborative applicant that performs the duties described in section 402(g).

"(31) UNDERSERVED POPULATIONS.—The term 'underserved populations' includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), and any other population determined to be underserved by the Secretary, as appropriate.

"(32) VICTIM SERVICE PROVIDER.—The term 'victim service provider' means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

"(33) VICTIM SERVICES.—The term 'victim services' means services that assist domestic violence, dating violence, sexual assault, or stalking victims, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.".

SEC. 1102. COMMUNITY HOMELESS ASSISTANCE PLANNING BOARDS.

Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 401 (as added by section 1101(3) of this division) the following new section:

"SEC. 402. COLLABORATIVE APPLICANTS. 42 USC 11360a.

"(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

"(1) submit an application for amounts under this subtitle; and

"(2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

"(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—An entity may be established to serve as a collaborative applicant under this section without being a legal entity.

"(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under subtitles B and C.

"(e) APPOINTMENT OF AGENT.—

"(1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—

"(A) apply for a grant under section 422(c);

"(B) receive and distribute grant funds awarded under subtitle C; and

"(C) perform other administrative duties.

"(2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.

"(f) DUTIES.—A collaborative applicant shall—

"(1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—

"(A) to determine compliance with—

"(i) the program requirements under section 426; and

"(ii) the selection criteria described under section 427; and

"(B) to establish priorities for funding projects in the geographic area involved;

"(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

"(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as 'HMIS') that—

"(A) collects unduplicated counts of individuals and families experiencing homelessness;

"(B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;

"(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

"(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

"(i) encryption of data collected for purposes of HMIS;

"(ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;

"(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

"(iv) rights of persons receiving services under this title;

"(v) criminal and civil penalties for unlawful disclosure of data; and

"(vi) such other standards as may be determined necessary by the Secretary.

"(g) UNIFIED FUNDING.—

"(1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

"(A) the collaborative applicant—

"(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

"(ii) is selected to perform such responsibilities by the Secretary; or

"(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

"(i) a finding by the Secretary that the applicant—

"(I) has the capacity to perform such responsibilities; and

"(II) would serve the purposes of this Act as they apply to the geographic area; and

"(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

"(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

"(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

"(B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a

project sponsor funded by a grant received under subtitle C.

"(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.".

SEC. 1103. GENERAL PROVISIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended by inserting after section 403 (as so redesignated by section 1101(2) of this division) the following new sections:

"SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARATION. 42 USC 11361a.

"(a) IN GENERAL.—After the expiration of the 2-year period that begins upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, and except as provided in subsection (b), any project sponsor receiving funds under this title to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18. Time period.

"(b) EXCEPTION.—Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this title may target transitional housing resources to families with children of a specific age only if the project sponsor—

"(1) operates a transitional housing program that has a primary purpose of implementing an evidence-based practice that requires that housing units be targeted to families with children in a specific age group; and

"(2) provides such assurances, as the Secretary shall require, that an equivalent appropriate alternative living arrangement for the whole family or household unit has been secured.

"SEC. 405. TECHNICAL ASSISTANCE. 42 USC 11361b.

"(a) IN GENERAL.—The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homeless.

"(b) RESERVATION.—The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out subtitles B and C, to provide technical assistance under subsection (a).".

SEC. 1104. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

42 USC 11363.

"SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING INFORMATION BY VICTIM SERVICE PROVIDERS.

"In the course of awarding grants or implementing programs under this title, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.".

SEC. 1105. AUTHORIZATION OF APPROPRIATIONS.

Subtitle A of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

42 USC 11364.

"SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.".

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

SEC. 1201. GRANT ASSISTANCE.

Subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle B—Emergency Solutions Grants Program";

(2) by striking section 417 (42 U.S.C. 11377);

(3) by redesignating sections 413 through 416 (42 U.S.C. 11373–6) as sections 414 through 417, respectively; and

(4) by striking section 412 (42 U.S.C. 11372) and inserting the following:

"SEC. 412. GRANT ASSISTANCE.

"The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 415.

42 USC 11372a.

"SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.

"(a) IN GENERAL.—Of the amount made available to carry out this subtitle and subtitle C for a fiscal year, the Secretary shall

allocate nationally 20 percent of such amount for activities described in section 415. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this subtitle and subtitle C for those individuals or families who are homeless. Certification.

"(b) ALLOCATION.—An entity that receives a grant under section 412, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under subtitle C, shall allocate the funds made available through the grant to carry out activities described in section 415, in consultation with the collaborative applicants."; and

(5) in section 414(b) (42 U.S.C. 11373(b)), as so redesignated by paragraph (3) of this section, by striking "amounts appropriated" and all that follows through "for any" and inserting "amounts appropriated under section 408 and made available to carry out this subtitle for any".

SEC. 1202. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 415 (42 U.S.C. 11374), as so redesignated by section 1201(3) of this division, and inserting the following new section:

"SEC. 415. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—Assistance provided under section 412 may be used for the following activities:

"(1) The renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters.

"(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

"(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

"(B) the use of assistance under this subtitle would complement the provision of those essential services.

"(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

"(4) Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or individuals or families at risk of homelessness. Such rental assistance may include tenant-based or project-based rental assistance.

"(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

"(A) stabilizing individuals and families in their current housing; or

"(B) quickly moving such individuals and families to other permanent housing.

"(b) MAXIMUM ALLOCATION FOR EMERGENCY SHELTER ACTIVITIES.—A grantee of assistance provided under section 412 for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

"(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

"(2) the amount expended by such grantee for such activities during fiscal year most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.".

SEC. 1203. PARTICIPATION IN HOMELESS MANAGEMENT INFORMATION SYSTEM.

Section 416 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11375), as so redesignated by section 1201(3) of this division, is amended by adding at the end the following new subsection:

"(f) PARTICIPATION IN HMIS.—The Secretary shall ensure that recipients of funds under this subtitle ensure the consistent participation by emergency shelters and homelessness prevention and rehousing programs in any applicable community-wide homeless management information system.".

SEC. 1204. ADMINISTRATIVE PROVISION.

Section 418 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11378) is amended by striking "5 percent" and inserting "7.5 percent".

SEC. 1205. GAO STUDY OF ADMINISTRATIVE FEES.

Deadline.

Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall—

(1) conduct a study to examine the appropriate administrative costs for administering the program authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.); and

Reports.

(2) submit to Congress a report on the findings of the study required under paragraph (1).

TITLE III—CONTINUUM OF CARE PROGRAM

SEC. 1301. CONTINUUM OF CARE.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by striking the subtitle heading for subtitle C of title IV (42 U.S.C. 11381 et seq.) and inserting the following:

Homeless. Grants.

"Subtitle C—Continuum of Care Program"; and

(2) by striking sections 421 and 422 (42 U.S.C. 11381 and 11382) and inserting the following new sections:

"SEC. 421. PURPOSES. 42 USC 11381.

"The purposes of this subtitle are—

"(1) to promote community-wide commitment to the goal of ending homelessness;

"(2) to provide funding for efforts by nonprofit providers and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;

"(3) to promote access to, and effective utilization of, mainstream programs described in section 203(a)(7) and programs funded with State or local resources; and

"(4) to optimize self-sufficiency among individuals and families experiencing homelessness.

"SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS. 42 USC 11382.

"(a) PROJECTS.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

"(b) NOTIFICATION OF FUNDING AVAILABILITY.—The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year. Deadline.

"(c) APPLICATIONS.—

"(1) SUBMISSION TO THE SECRETARY.—To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

"(A) to determine compliance with the program requirements and selection criteria under this subtitle; and

"(B) to establish priorities for funding projects in the geographic area.

"(2) ANNOUNCEMENT OF AWARDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

"(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year. Time period. Deadline.

"(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION OF FUNDS.—

"(1) REQUIREMENTS FOR OBLIGATION.—

"(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each Deadline.

recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

Deadline.

"(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

"(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

Deadline.

"(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

"(3) DISTRIBUTION.—A recipient that receives funds through such a grant—

"(A) shall distribute the funds to project sponsors (in advance of expenditures by the project sponsors); and

Deadline.

"(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

"(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

Time period.

"(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew

the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

"(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

"(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

"(h) APPEALS.—

"(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding. Procedures.

"(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

"(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

"(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—

"(1) IN GENERAL.—A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

"(2) LIMITATIONS.—The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.

"(3) TREATMENT OF CERTAIN POPULATIONS.—

"(A) IN GENERAL.—Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children

shall not otherwise be considered as homeless for purposes of this subtitle.

"(B) AT RISK OF HOMELESSNESS.—Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.".

SEC. 1302. ELIGIBLE ACTIVITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 423 (42 U.S.C. 11383) and inserting the following new section:

"SEC. 423. ELIGIBLE ACTIVITIES.

"(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out projects that serve homeless individuals or families that consist of one or more of the following eligible activities:

"(1) Construction of new housing units to provide transitional or permanent housing.

"(2) Acquisition or rehabilitation of a structure to provide transitional or permanent housing, other than emergency shelter, or to provide supportive services.

"(3) Leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing, or providing supportive services.

"(4) Provision of rental assistance to provide transitional or permanent housing to eligible persons. The rental assistance may include tenant-based, project-based, or sponsor-based rental assistance. Project-based rental assistance, sponsor-based rental assistance, and operating cost assistance contracts carried out by project sponsors receiving grants under this section may, at the discretion of the applicant and the project sponsor, have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act, and assistance for the remainder of the term treated as a renewal of an expiring contract as provided in section 429. Project-based rental assistance may include rental assistance to preserve existing permanent supportive housing for homeless individuals and families.

"(5) Payment of operating costs for housing units assisted under this subtitle or for the preservation of housing that will serve homeless individuals and families and for which another form of assistance is expiring or otherwise no longer available.

"(6) Supportive services for individuals and families who are currently homeless, who have been homeless in the prior six months but are currently residing in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing.

"(7) Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a

final month at a location, assistance with moving costs, or other activities that—

"(A) are effective at moving homeless individuals and families immediately into housing; or

"(B) may benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing.

"(8) In the case of a collaborative applicant that is a legal entity, performance of the duties described under section 402(f)(3).

"(9) Operation of, participation in, and ensuring consistent participation by project sponsors in, a community-wide homeless management information system.

"(10) In the case of a collaborative applicant that is a legal entity, payment of administrative costs related to meeting the requirements described in paragraphs (1) and (2) of section 402(f), for which the collaborative applicant may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs.

"(11) In the case of a collaborative applicant that is a unified funding agency under section 402(g), payment of administrative costs related to meeting the requirements of that section, for which the unified funding agency may use not more than 3 percent of the total funds made available in the geographic area under this subtitle for such costs, in addition to funds used under paragraph (10).

"(12) Payment of administrative costs to project sponsors, for which each project sponsor may use not more than 10 percent of the total funds made available to that project sponsor through this subtitle for such costs.

"(b) MINIMUM GRANT TERMS.—The Secretary may impose minimum grant terms of up to 5 years for new projects providing permanent housing.

"(c) USE RESTRICTIONS.—

"(1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.—A project that consists of activities described in paragraph (1) or (2) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for not less than 15 years. Time period.

"(2) OTHER ACTIVITIES.—A project that consists of activities described in any of paragraphs (3) through (12) of subsection (a) shall be operated for the purpose specified in the application submitted for the project under section 422 for the duration of the grant period involved.

"(3) CONVERSION.—If the recipient or project sponsor carrying out a project that provides transitional or permanent housing submits a request to the Secretary to carry out instead a project for the direct benefit of low-income persons, and the Secretary determines that the initial project is no longer needed to provide transitional or permanent housing, the Secretary may approve the project described in the request and authorize the recipient or project sponsor to carry out that project.

"(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.—

"(1) REPAYMENT.—If a recipient or project sponsor receives assistance under section 422 to carry out a project that consists Time period.

of activities described in paragraph (1) or (2) of subsection (a) and the project ceases to provide transitional or permanent housing—

"(A) earlier than 10 years after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 100 percent of the assistance; or

"(B) not earlier than 10 years, but earlier than 15 years, after operation of the project begins, the Secretary shall require the recipient or project sponsor to repay 20 percent of the assistance for each of the years in the 15-year period for which the project fails to provide that housing.

Time period.

"(2) PREVENTION OF UNDUE BENEFITS.—Except as provided in paragraph (3), if any property is used for a project that receives assistance under subsection (a) and consists of activities described in paragraph (1) or (2) of subsection (a), and the sale or other disposition of the property occurs before the expiration of the 15-year period beginning on the date that operation of the project begins, the recipient or project sponsor who received the assistance shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient or project sponsor from unduly benefitting from such sale or disposition.

"(3) EXCEPTION.—A recipient or project sponsor shall not be required to make the repayments, and comply with the terms and conditions, required under paragraph (1) or (2) if—

"(A) the sale or disposition of the property used for the project results in the use of the property for the direct benefit of very low-income persons;

"(B) all of the proceeds of the sale or disposition are used to provide transitional or permanent housing meeting the requirements of this subtitle;

"(C) project-based rental assistance or operating cost assistance from any Federal program or an equivalent State or local program is no longer made available and the project is meeting applicable performance standards, provided that the portion of the project that had benefitted from such assistance continues to meet the tenant income and rent restrictions for low-income units under section 42(g) of the Internal Revenue Code of 1986; or

"(D) there are no individuals and families in the geographic area who are homeless, in which case the project may serve individuals and families at risk of homelessness.

"(e) STAFF TRAINING.—The Secretary may allow reasonable costs associated with staff training to be included as part of the activities described in subsection (a).

"(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any project that receives assistance under subsection (a) and that provides project-based or sponsor-based permanent housing for homeless individuals or families with a disability, including projects that meet the requirements of subsection (a) and subsection (d)(2)(A) of section 428 may also serve individuals who had previously met the requirements for such project prior to moving into a different permanent housing project.

"(g) ADMINISTRATION OF RENTAL ASSISTANCE.—Provision of permanent housing rental assistance shall be administered by a State, unit of general local government, or public housing agency.".

SEC. 1303. HIGH PERFORMING COMMUNITIES.

The McKinney-Vento Homeless Assistance Act is amended by striking section 424 (42 U.S.C. 11384) and inserting the following:

"SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.

"(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—

"(1) IN GENERAL.—The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

"(2) CONSIDERATION.—In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability. Criteria.

"(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

"(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

"(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

"(b) APPLICATION.—

"(1) IN GENERAL.—A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

"(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

"(A) a report showing how any money received under this subtitle in the preceding year was expended; and Reports.

"(B) information that such applicant can meet the requirements described under subsection (d).

"(3) PUBLICATION OF APPLICATION.—The Secretary shall—

"(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and Reports.

"(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

"(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

"(1) for any of the eligible activities described in section 423; or

"(2) for any of the eligible activities described in paragraphs (4) and (5) of section 415(a).

"(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term 'high-performing community' means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

"(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

"(A) is less than 20 days; or

"(B) for individuals and families in similar circumstances in the preceding year was at least 10 percent less than in the year before.

"(2) FAMILIES LEAVING HOMELESSNESS.—Of individuals and families—

"(A) who leave homelessness, fewer than 5 percent of such individuals and families become homeless again at any time within the next 2 years; or

"(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

"(3) COMMUNITY ACTION.—The communities that compose the geographic area have—

"(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

"(B) included each homeless individual or family who sought homeless assistance services in the data system used by that community for determining compliance with this subsection.

"(4) EFFECTIVENESS OF PREVIOUS ACTIVITIES.—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

"(5) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.

"(e) COOPERATION AMONG ENTITIES.—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.".

SEC. 1304. PROGRAM REQUIREMENTS.

Section 426 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11386) is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

"(a) SITE CONTROL.—The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 423(a)(3) or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this subtitle. Deadline. Time period.

"(b) REQUIRED AGREEMENTS.—The Secretary may not provide assistance for a proposed project under this subtitle unless the collaborative applicant involved agrees—

"(1) to ensure the operation of the project in accordance with the provisions of this subtitle;

"(2) to monitor and report to the Secretary the progress of the project;

"(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

"(4) to require certification from all project sponsors that—

"(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

"(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

"(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

"(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and

"(E) they will provide data and reports as required by the Secretary pursuant to the Act;

"(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund

accounting procedures as may be necessary to assure the proper disbursal of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

"(6) to monitor and report to the Secretary the provision of matching funds as required by section 430;

"(7) to take the educational needs of children into account when families are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education; and

"(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.";

(2) by redesignating subsection (d) as subsection (c);

(3) in the first sentence of subsection (c) (as so redesignated by paragraph (2) of this subsection), by striking "recipient" and inserting "recipient or project sponsor";

(4) by striking subsection (e);

(5) by redesignating subsections (f), (g), and (h), as subsections (d), (e), and (f), respectively;

(6) in the first sentence of subsection (e) (as so redesignated by paragraph (5) of this section), by striking "recipient" each place it appears and inserting "recipient or project sponsor";

(7) by striking subsection (i); and

(8) by redesignating subsection (j) as subsection (g).

SEC. 1305. SELECTION CRITERIA, ALLOCATION AMOUNTS, AND FUNDING.

The McKinney-Vento Homeless Assistance Act is amended—

(1) by repealing section 429 (42 U.S.C. 11389); and

(2) by redesignating sections 427 and 428 (42 U.S.C. 11387, 11388) as sections 432 and 433, respectively; and

(3) by inserting after section 426 the following new sections:

42 USC 11386a.

"SEC. 427. SELECTION CRITERIA.

"(a) IN GENERAL.—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

"(b) REQUIRED CRITERIA.—

"(1) IN GENERAL.—The criteria established under subsection (a) shall include—

"(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

"(i) the length of time individuals and families remain homeless;

"(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

"(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;

"(iv) overall reduction in the number of homeless individuals and families;

"(v) jobs and income growth for homeless individuals and families;

"(vi) success at reducing the number of individuals and families who become homeless;

"(vii) other accomplishments by the recipient related to reducing homelessness; and

"(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);

"(B) the plan of the recipient, which shall describe—

"(i) how the number of individuals and families who become homeless will be reduced in the community;

"(ii) how the length of time that individuals and families remain homeless will be reduced;

"(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);

"(iv) the extent to which the recipient will—

"(I) address the needs of all relevant subpopulations;

"(II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 428(d);

"(III) set quantifiable performance measures;

"(IV) set timelines for completion of specific tasks;

"(V) identify specific funding sources for planned activities; and

"(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

"(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);

"(C) the methodology of the recipient used to determine the priority for funding local projects under section 422(c)(1), including the extent to which the priority-setting process—

"(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid return to permanent housing for those served by the project, taking into account

the severity of barriers faced by the people the project serves;

"(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

"(iii) is based on objective criteria that have been publicly announced by the recipient; and

"(iv) is open to proposals from entities that have not previously received funds under this subtitle;

"(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

"(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

"(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

"(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

"(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

"(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

"(2) ADDITIONAL CRITERIA.—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

"(A) NOTICE.—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

"(B) AMOUNT.—

"(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle. Regulations. Deadline. Time period.

"(ii) COMBINATIONS OR CONSORTIA.—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

"(iii) AUTHORITY OF SECRETARY.—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area. Contracts.

"(3) HOMELESSNESS COUNTS.—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).

"(c) ADJUSTMENTS.—The Secretary may adjust the formula described in subsection (b)(2) as necessary—

"(1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and

"(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

"SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES FOR SPECIFIC ELIGIBLE ACTIVITIES. 42 USC 11386b.

"(a) MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.—

"(1) IN GENERAL.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household.

"(2) CALCULATION.—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

"(3) ADJUSTMENT.—The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 427(b)(2) in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A). Applicability.

"(4) SUSPENSION.—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

"(5) TERMINATION.—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

"(b) SET-ASIDE FOR PERMANENT HOUSING FOR HOMELESS FAMILIES WITH CHILDREN.—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out subtitle B and this subtitle for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

"(c) TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

"(d) INCENTIVES FOR PROVEN STRATEGIES.—

"(1) IN GENERAL.—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

"(2) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

"(A) permanent supportive housing for chronically homeless individuals and families;

"(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

Notice.
Public comments.

"(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

"(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve

families with children and youth defined as homeless under other Federal statutes.

"(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.

"SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE FOR PERMANENT HOUSING.

Contracts.
42 USC 11386c.

"(a) IN GENERAL.—Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

"(1) under the appropriations account for this title; or

"(2) the section 8 project-based rental assistance account.

"(b) RENEWALS.—The sums made available under subsection (a) shall be available for the renewal of contracts in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, for rental assistance and housing operation costs associated with permanent housing projects funded under this subtitle, or under subtitle C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

Determination.

"(1) there is a demonstrated need for the project; and

"(2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

"(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this subtitle in accordance with criteria set forth in a provision of this subtitle other than this section.

"SEC. 430. MATCHING FUNDING.

42 USC 11386d.

"(a) IN GENERAL.—A collaborative applicant in a geographic area in which funds are awarded under this subtitle shall specify contributions from any source other than a grant awarded under this subtitle, including renewal funding of projects assisted under subtitles C, D, and F of this title as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

"(b) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the

contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

"(c) COUNTABLE ACTIVITIES.—The contributions required under subsection (a) may consist of—

"(1) funding for any eligible activity described under section 423; and

"(2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 423.

42 USC 11386e.

"SEC. 431. APPEAL PROCEDURE.

"(a) IN GENERAL.—With respect to funding under this subtitle, if certification of consistency with the consolidated plan pursuant to section 403 is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

"(b) PROCEDURE.—The Secretary shall establish a procedure to process the appeals described in subsection (a).

Deadline.

"(c) DETERMINATION.—Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this subtitle.".

Appropriation authorization.

SEC. 1306. RESEARCH.

There is authorized to be appropriated $8,000,000, for each of fiscal years 2010 and 2011, for research into the efficacy of interventions for homeless families, to be expended by the Secretary of Housing and Urban Development over the 2 years at 3 different sites to provide services for homeless families and evaluate the effectiveness of such services.

Homeless. Grants.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

SEC. 1401. RURAL HOUSING STABILITY ASSISTANCE.

Subtitle G of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408 et seq.) is amended—

(1) by striking the subtitle heading and inserting the following:

"Subtitle G—Rural Housing Stability Assistance Program"; and

42 USC 11408.

(2) in section 491—

(A) by striking the section heading and inserting "**RURAL HOUSING STABILITY GRANT PROGRAM**.";

(B) in subsection (a)—

(i) by striking "rural homelessness grant program" and inserting "rural housing stability grant program";

(ii) by inserting "in lieu of grants under subtitle C" after "eligible organizations"; and

(iii) by striking paragraphs (1), (2), and (3), and inserting the following:

"(1) rehousing or improving the housing situations of individuals and families who are homeless or in the worst housing situations in the geographic area;

"(2) stabilizing the housing of individuals and families who are in imminent danger of losing housing; and

"(3) improving the ability of the lowest-income residents of the community to afford stable housing.";

(C) in subsection (b)(1)—

(i) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (I), (J), and (K), respectively; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) construction of new housing units to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness;

"(E) acquisition or rehabilitation of a structure to provide supportive services or to provide transitional or permanent housing, other than emergency shelter, to homeless individuals and families and individuals and families at risk of homelessness;

"(F) leasing of property, or portions of property, not owned by the recipient or project sponsor involved, for use in providing transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, or providing supportive services to such homeless and at-risk individuals and families;

"(G) provision of rental assistance to provide transitional or permanent housing to homeless individuals and families and individuals and families at risk of homelessness, such rental assistance may include tenant-based or project-based rental assistance;

"(H) payment of operating costs for housing units assisted under this title;";

(D) in subsection (b)(2), by striking "appropriated" and inserting "transferred";

(E) in subsection (c)—

(i) in paragraph (1)(A), by striking "appropriated" and inserting "transferred"; and

(ii) in paragraph (3), by striking "appropriated" and inserting "transferred";

(F) in subsection (d)—

(i) in paragraph (5), by striking "; and" and inserting a semicolon;

(ii) in paragraph (6)—

(I) by striking "an agreement" and all that follows through "families" and inserting the following: "a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization"; and

(II) by striking the period at the end, and inserting a semicolon; and

(iii) by adding at the end the following:

"(7) a description of consultations that took place within the community to ascertain the most important uses for funding under this section, including the involvement of potential beneficiaries of the project; and

"(8) a description of the extent and nature of homelessness and of the worst housing situations in the community.";

(G) by striking subsections (f) and (g) and inserting the following:

"(f) MATCHING FUNDING.—

"(1) IN GENERAL.—An organization eligible to receive a grant under subsection (a) shall specify matching contributions from any source other than a grant awarded under this subtitle, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided for the project or activity, except that grants for leasing shall not be subject to any match requirement.

"(2) LIMITATIONS ON IN-KIND MATCH.—The cash value of services provided to the beneficiaries or clients of an eligible organization by an entity other than the organization may count toward the contributions in paragraph (1) only when documented by a memorandum of understanding between the organization and the other entity that such services will be provided.

"(3) COUNTABLE ACTIVITIES.—The contributions required under paragraph (1) may consist of—

"(A) funding for any eligible activity described under subsection (b); and

"(B) subject to paragraph (2), in-kind provision of services of any eligible activity described under subsection (b).

"(g) SELECTION CRITERIA.—The Secretary shall establish criteria for selecting recipients of grants under subsection (a), including—

"(1) the participation of potential beneficiaries of the project in assessing the need for, and importance of, the project in the community;

"(2) the degree to which the project addresses the most harmful housing situations present in the community;

"(3) the degree of collaboration with others in the community to meet the goals described in subsection (a);

"(4) the performance of the organization in improving housing situations, taking account of the severity of barriers of individuals and families served by the organization;

"(5) for organizations that have previously received funding under this section, the extent of improvement in homelessness and the worst housing situations in the community since such funding began;

"(6) the need for such funds, as determined by the formula established under section 427(b)(2); and

"(7) any other relevant criteria as determined by the Secretary.";

(H) in subsection (h)—

Deadline.

(i) in paragraph (1), in the matter preceding subparagraph (A), by striking "The" and inserting "Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the"; and

(ii) in paragraph (1)(A), by striking "providing housing and other assistance to homeless persons" and inserting "meeting the goals described in subsection (a)";

(iii) in paragraph (1)(B), by striking "address homelessness in rural areas" and inserting "meet the goals described in subsection (a) in rural areas"; and

(iv) in paragraph (2)—

(I) by striking "The" and inserting "Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the"; Deadline.

(II) by striking ", not later than 18 months after the date on which the Secretary first makes grants under the program,"; and

(III) by striking "prevent and respond to homelessness" and inserting "meet the goals described in subsection (a)";

(I) in subsection (k)—

(i) in paragraph (1), by striking "rural homelessness grant program" and inserting "rural housing stability grant program"; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "; or" and inserting a semicolon;

(II) in subparagraph (B)(ii), by striking "rural census tract." and inserting "county where at least 75 percent of the population is rural; or"; and

(III) by adding at the end the following:

"(C) any area or community, respectively, located in a State that has population density of less than 30 persons per square mile (as reported in the most recent decennial census), and of which at least 1.25 percent of the total acreage of such State is under Federal jurisdiction, provided that no metropolitan city (as such term is defined in section 102 of the Housing and Community Development Act of 1974) in such State is the sole beneficiary of the grant amounts awarded under this section.";

(J) in subsection (l)—

(i) by striking the subsection heading and inserting "PROGRAM FUNDING.—"; and

(ii) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under subtitle C for grants under this section. Any amounts so transferred and not used for grants under this section due to an insufficient number of applications shall be transferred to be used for grants under subtitle C."; and Determination.

(K) by adding at the end the following:

"(m) DETERMINATION OF FUNDING SOURCE.—For any fiscal year, in addition to funds awarded under subtitle B, funds under this title to be used in a city or county shall only be awarded under either subtitle C or subtitle D.".

SEC. 1402. GAO STUDY OF HOMELESSNESS AND HOMELESS ASSISTANCE IN RURAL AREAS.

(a) STUDY AND REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this division, the Comptroller General of the United States shall conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to the Congress on the findings and conclusion of the study. The report shall contain the following matters:

(1) A general description of homelessness, including the range of living situations among homeless individuals and homeless families, in rural areas and rural communities of the United States, including tribal lands and colonias.

(2) An estimate of the incidence and prevalence of homelessness among individuals and families in rural areas and rural communities of the United States.

(3) An estimate of the number of individuals and families from rural areas and rural communities who migrate annually to non-rural areas and non-rural communities for homeless assistance.

(4) A description of barriers that individuals and families in and from rural areas and rural communities encounter when seeking to access homeless assistance programs, and recommendations for removing such barriers.

(5) A comparison of the rate of homelessness among individuals and families in and from rural areas and rural communities compared to the rate of homelessness among individuals and families in and from non-rural areas and non-rural communities.

(6) A general description of homeless assistance for individuals and families in rural areas and rural communities of the United States.

(7) A description of barriers that homeless assistance providers serving rural areas and rural communities encounter when seeking to access Federal homeless assistance programs, and recommendations for removing such barriers.

(8) An assessment of the type and amount of Federal homeless assistance funds awarded to organizations serving rural areas and rural communities and a determination as to whether such amount is proportional to the distribution of homeless individuals and families in and from rural areas and rural communities compared to homeless individuals and families in non-rural areas and non-rural communities.

(9) An assessment of the current roles of the Department of Housing and Urban Development, the Department of Agriculture, and other Federal departments and agencies in administering homeless assistance programs in rural areas and rural communities and recommendations for distributing Federal responsibilities, including homeless assistance program administration and grantmaking, among the departments and

agencies so that service organizations in rural areas and rural communities are most effectively reached and supported.

(b) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Agriculture.

(2) The Secretary of Housing and Urban Development.

(3) The Secretary of Health and Human Services.

(4) The Secretary of Education.

(5) The Secretary of Labor.

(6) The Secretary of Veterans Affairs.

(7) The Executive Director of the United States Interagency Council on Homelessness.

(8) Project sponsors and recipients of homeless assistance grants serving rural areas and rural communities.

(9) Individuals and families in or from rural areas and rural communities who have sought or are seeking Federal homeless assistance services.

(10) National advocacy organizations concerned with homelessness, rural housing, and rural community development.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

SEC. 1501. REPEALS.

Subtitles D, E, and F of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11391 et seq., 11401 et seq., and 11403 et seq.) are hereby repealed.

SEC. 1502. CONFORMING AMENDMENTS. 42 USC 11361.

(a) CONSOLIDATED PLAN.—Section 403(1) of the McKinney-Vento Homeless Assistance Act (as so redesignated by section 1101(2) of this division), is amended—

(1) by striking "current housing affordability strategy" and inserting "consolidated plan"; and

(2) by inserting before the comma the following: "(referred to in such section as a 'comprehensive housing affordability strategy')".

(b) PERSONS EXPERIENCING HOMELESSNESS.—Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), as amended by the preceding provisions of this division, is further amended by adding at the end the following new subsection:

"(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.".

(c) RURAL HOUSING STABILITY ASSISTANCE.—Title IV of the McKinney-Vento Homeless Assistance Act is amended by redesignating subtitle G (42 U.S.C. 11408 et seq.), as amended by the preceding provisions of this division, as subtitle D.

Applicability.
42 USC 11302 note.

SEC. 1503. EFFECTIVE DATE.

Except as specifically provided otherwise in this division, this division and the amendments made by this division shall take effect on, and shall apply beginning on—

(1) the expiration of the 18-month period beginning on the date of the enactment of this division, or

Publication.

(2) the expiration of the 3-month period beginning upon publication by the Secretary of Housing and Urban Development of final regulations pursuant to section 1504,

whichever occurs first.

42 USC 11301 note.
Deadline.

SEC. 1504. REGULATIONS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this division, the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division.

SEC. 1505. AMENDMENT TO TABLE OF CONTENTS.

The table of contents in section 101(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 note) is amended by striking the item relating to the heading for title IV and all that follows through the item relating to section 492 and inserting the following new items:

"TITLE IV—HOUSING ASSISTANCE

"Subtitle A—General Provisions

"Sec. 401. Definitions.
"Sec. 402. Collaborative applicants.
"Sec. 403. Housing affordability strategy.
"Sec. 404. Preventing involuntary family separation.
"Sec. 405. Technical assistance.
"Sec. 406. Discharge coordination policy.
"Sec. 407. Protection of personally identifying information by victim service providers.
"Sec. 408. Authorization of appropriations.

"Subtitle B—Emergency Solutions Grants Program

"Sec. 411. Definitions.
"Sec. 412. Grant assistance.
"Sec. 413. Amount and allocation of assistance.
"Sec. 414. Allocation and distribution of assistance.
"Sec. 415. Eligible activities.
"Sec. 416. Responsibilities of recipients.
"Sec. 417. Administrative provisions.
"Sec. 418. Administrative costs.

"Subtitle C—Continuum of Care Program

"Sec. 421. Purposes.
"Sec. 422. Continuum of care applications and grants.
"Sec. 423. Eligible activities.
"Sec. 424. Incentives for high-performing communities.
"Sec. 425. Supportive services.
"Sec. 426. Program requirements.
"Sec. 427. Selection criteria.
"Sec. 428. Allocation of amounts and incentives for specific eligible activities.
"Sec. 429. Renewal funding and terms of assistance for permanent housing.
"Sec. 430. Matching funding.
"Sec. 431. Appeal procedure.
"Sec. 432. Regulations.
"Sec. 433. Reports to Congress.

"Subtitle D—Rural Housing Stability Assistance Program

"Sec. 491. Rural housing stability assistance.

"Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.".

Approved May 20, 2009.

LEGISLATIVE HISTORY—S. 896 (H.R. 1106):

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 30, May 1, 4–6, considered and passed Senate.
May 19, considered and passed House, amended. Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
May 20, Presidential remarks.

Public Law 111–23
111th Congress

An Act

May 22, 2009
[S. 454]

To improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Weapon Systems Acquisition Reform Act of 2009.
10 USC 101 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Weapon Systems Acquisition Reform Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Cost assessment and program evaluation.
Sec. 102. Directors of Developmental Test and Evaluation and Systems Engineering.
Sec. 103. Performance assessments and root cause analyses for major defense acquisition programs.
Sec. 104. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance objectives in Department of Defense acquisition programs.
Sec. 202. Acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs.
Sec. 203. Prototyping requirements for major defense acquisition programs.
Sec. 204. Actions to identify and address systemic problems in major defense acquisition programs prior to Milestone B approval.
Sec. 205. Additional requirements for certain major defense acquisition programs.
Sec. 206. Critical cost growth in major defense acquisition programs.
Sec. 207. Organizational conflicts of interest in major defense acquisition programs.

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

Sec. 301. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 302. Earned value management.
Sec. 303. Expansion of national security objectives of the national technology and industrial base.
Sec. 304. Comptroller General of the United States reports on costs and financial information regarding major defense acquisition programs.

10 USC 2430 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term "major defense acquisition program" has the meaning given that term in section 2430 of title 10, United States Code.

(3) The term "major weapon system" has the meaning given that term in section 2379(d) of title 10, United States Code.

TITLE I—ACQUISITION ORGANIZATION

SEC. 101. COST ASSESSMENT AND PROGRAM EVALUATION.

(a) DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

"§ 139c. Director of Cost Assessment and Program Evaluation

"(a) APPOINTMENT.—There is a Director of Cost Assessment and Program Evaluation in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. President.

"(b) INDEPENDENT ADVICE TO SECRETARY OF DEFENSE.—(1) The Director of Cost Assessment and Program Evaluation is the principal advisor to the Secretary of Defense and other senior officials of the Department of Defense, and shall provide independent analysis and advice to such officials, on the following matters:

"(A) Matters assigned to the Director pursuant to this section and section 2334 of this title.

"(B) Matters assigned to the Director by the Secretary pursuant to section 113 of this title.

"(2) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

"(c) DEPUTY DIRECTORS.—There are two Deputy Directors within the Office of the Director of Cost Assessment and Program Evaluation, as follows:

"(1) The Deputy Director for Cost Assessment.

"(2) The Deputy Director for Program Evaluation.

"(d) RESPONSIBILITIES.—The Director of Cost Assessment and Program Evaluation shall serve as the principal official within the senior management of the Department of Defense for the following:

"(1) Cost estimation and cost analysis for acquisition programs of the Department of Defense, and carrying out the duties assigned pursuant to section 2334 of this title.

"(2) Analysis and advice on matters relating to the planning and programming phases of the Planning, Programming, Budgeting and Execution system, and the preparation of materials and guidance for such system, as directed by the Secretary of Defense, working in coordination with the Under Secretary of Defense (Comptroller).

"(3) Analysis and advice for resource discussions relating to requirements under consideration in the Joint Requirements Oversight Council pursuant to section 181 of this title.

"(4) Formulation of study guidance for analyses of alternatives for major defense acquisition programs and performance of such analyses, as directed by the Secretary of Defense

"(5) Review, analysis, and evaluation of programs for executing approved strategies and policies, ensuring that information on programs is presented accurately and completely, and assessing the effect of spending by the Department of Defense on the United States economy.

"(6) Assessments of special access and compartmented intelligence programs, in coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Under Secretary of Defense for Intelligence and in accordance with applicable policies.

"(7) Assessments of alternative plans, programs, and policies with respect to the acquisition programs of the Department of Defense.

"(8) Leading the development of improved analytical skills and competencies within the cost assessment and program evaluation workforce of the Department of Defense and improved tools, data, and methods to promote performance, economy, and efficiency in analyzing national security planning and the allocation of defense resources.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

"139c. Director of Cost Assessment and Program Evaluation.".

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

"Director of Cost Assessment and Program Evaluation, Department of Defense.".

(b) INDEPENDENT COST ESTIMATION AND COST ANALYSIS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2334. Independent cost estimation and cost analysis

"(a) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall ensure that the cost estimation and cost analysis processes of the Department of Defense provide accurate information and realistic estimates of cost for the acquisition programs of the Department of Defense. In carrying out that responsibility, the Director shall—

Policies.

"(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

Consultation.

"(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), the Secretaries of the military departments, and the heads of the Defense Agencies with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program

under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

"(3) issue guidance relating to the proper selection of confidence levels in cost estimates generally, and specifically, for the proper selection of confidence levels in cost estimates for major defense acquisition programs and major automated information system programs;

"(4) issue guidance relating to full consideration of life-cycle management and sustainability costs in major defense acquisition programs and major automated information system programs;

"(5) review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs;

"(6) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

"(A) in advance of—

"(i) any certification under section 2366a or 2366b of this title;

"(ii) any decision to enter into low-rate initial production or full-rate production;

"(iii) any certification under section 2433a of this title; and

"(iv) any report under section 2445c(f) of this title; and

"(B) at any other time considered appropriate by the Director or upon the request of the Under Secretary of Defense for Acquisition, Technology, and Logistics; and

"(7) periodically assess and update the cost indexes used by the Department to ensure that such indexes have a sound basis and meet the Department's needs for realistic cost estimation. Assessments.

"(b) REVIEW OF COST ESTIMATES, COST ANALYSES, AND RECORDS OF THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—The Secretary of Defense shall ensure that the Director of Cost Assessment and Program Evaluation—

"(1) promptly receives the results of all cost estimates and cost analyses conducted by the military departments and Defense Agencies, and all studies conducted by the military departments and Defense Agencies in connection with such cost estimates and cost analyses, for major defense acquisition programs and major automated information system programs of the military departments and Defense Agencies; and

"(2) has timely access to any records and data in the Department of Defense (including the records and data of each military department and Defense Agency and including classified and proprietary information) that the Director considers necessary to review in order to carry out any duties under this section.

"(c) PARTICIPATION, CONCURRENCE, AND APPROVAL IN COST ESTIMATION.—The Director of Cost Assessment and Program Evaluation may—

"(1) participate in the discussion of any discrepancies between an independent cost estimate and the cost estimate

of a military department or Defense Agency for a major defense acquisition program or major automated information system program of the Department of Defense;

"(2) comment on deficiencies in the methodology or execution of any cost estimate or cost analysis developed by a military department or Defense Agency for a major defense acquisition program or major automated information system program;

"(3) concur in the choice of a cost estimate within the baseline description or any other cost estimate (including the confidence level for any such cost estimate) for use at any event specified in subsection (a)(6); and

"(4) participate in the consideration of any decision to request authorization of a multiyear procurement contract for a major defense acquisition program.

"(d) DISCLOSURE OF CONFIDENCE LEVELS FOR BASELINE ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS.—The Director of Cost Assessment and Program Evaluation, and the Secretary of the military department concerned or the head of the Defense Agency concerned (as applicable), shall each—

"(1) disclose in accordance with paragraph (2) the confidence level used in establishing a cost estimate for a major defense acquisition program or major automated information system program, the rationale for selecting such confidence level, and, if such confidence level is less than 80 percent, the justification for selecting a confidence level of less than 80 percent; and

"(2) include the disclosure required by paragraph (1)—

"(A) in any decision documentation approving a cost estimate within the baseline description or any other cost estimate for use at any event specified in subsection (a)(6); and

"(B) in the next Selected Acquisition Report pursuant to section 2432 of this title in the case of a major defense acquisition program, or the next quarterly report pursuant to section 2445c of this title in the case of a major automated information system program.

"(e) ANNUAL REPORT ON COST ASSESSMENT ACTIVITIES.—(1) The Director of Cost Assessment and Program Evaluation shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its cost estimates and analyses. Each report shall include, for the year covered by such report, an assessment of—

"(A) the extent to which each of the military departments and Defense Agencies have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates for major defense acquisition programs and major automated information systems;

"(B) the overall quality of cost estimates prepared by each of the military departments and Defense Agencies for major defense acquisition programs and major automated information system programs; and

"(C) any consistent differences in methodology or approach among the cost estimates prepared by the military departments, the Defense Agencies, and the Director.

"(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the congressional defense committees not later than 10 days after the transmittal to Congress of the budget of the President for the next fiscal year (as submitted pursuant to section 1105 of title 31).

"(3)(A) Each report submitted to the congressional defense committees under this subsection shall be submitted in unclassified form, but may include a classified annex.

"(B) The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process.

"(C) The unclassified version of each report submitted to the congressional defense committees under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

Web posting. Public information.

"(4) The Secretary of Defense may comment on any report of the Director to the congressional defense committees under this subsection.

"(f) STAFF.—The Secretary of Defense shall ensure that the Director of Cost Assessment and Program Evaluation has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

"2334. Independent cost estimation and cost analysis.".

(c) TRANSFER OF PERSONNEL AND FUNCTIONS.—

10 USC 139c note.

(1) TRANSFER OF FUNCTIONS.—The functions of the Office of Program Analysis and Evaluation of the Department of Defense, including the functions of the Cost Analysis Improvement Group, are hereby transferred to the Office of the Director of Cost Assessment and Program Evaluation.

(2) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR INDEPENDENT COST ASSESSMENT.—The personnel of the Cost Analysis Improvement Group are hereby transferred to the Deputy Director for Cost Assessment in the Office of the Director of Cost Assessment and Program Evaluation.

(3) TRANSFER OF PERSONNEL TO DEPUTY DIRECTOR FOR PROGRAM ANALYSIS AND EVALUATION.—The personnel (other than the personnel transferred under paragraph (2)) of the Office of Program Analysis and Evaluation are hereby transferred to the Deputy Director for Program Evaluation in the Office of the Director of Cost Assessment and Program Evaluation.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by striking "Director of the Office of Program Analysis and Evaluation" and inserting "Director of Cost Assessment and Program Evaluation".

(2) Section 2306b(i)(1)(B) of such title is amended by striking "Cost Analysis Improvement Group of the Department of Defense" and inserting "Director of Cost Assessment and Program Analysis".

(3) Section 2366a(a)(4) of such title is amended by inserting ", with the concurrence of the Director of Cost Assessment and Program Evaluation," after "has been submitted".

(4) Section 2366b(a)(1)(C) of such title is amended by inserting ", with the concurrence of the Director of Cost Assessment and Program Evaluation," after "have been developed to execute".

(5) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

"(A) be prepared or approved by the Director of Cost Assessment and Program Evaluation; and".

(6) Section 2445c(f)(3) of such title is amended by striking "are reasonable" and inserting "have been determined, with the concurrence of the Director of Cost Assessment and Program Evaluation, to be reasonable".

(e) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—

Review.

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation under section 139c of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

SEC. 102. DIRECTORS OF DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF POSITIONS.—Chapter 4 of title 10, United States Code, as amended by section 101(a) of this Act, is further amended by inserting after section 139c the following new section:

"§ 139d. Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance

"(a) DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—

"(1) APPOINTMENT.—There is a Director of Developmental Test and Evaluation, who shall be appointed by the Secretary of Defense from among individuals with an expertise in test and evaluation.

"(2) PRINCIPAL ADVISOR FOR DEVELOPMENTAL TEST AND EVALUATION.—The Director shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

"(3) SUPERVISION.—The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition,

Technology, and Logistics and shall report to the Under Secretary.

"(4) COORDINATION WITH DIRECTOR OF SYSTEMS ENGINEERING.—The Director of Developmental Test and Evaluation shall closely coordinate with the Director of Systems Engineering to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

"(5) DUTIES.—The Director shall—

Policies.

"(A) develop policies and guidance for—

"(i) the conduct of developmental test and evaluation in the Department of Defense (including integration and developmental testing of software);

"(ii) in coordination with the Director of Operational Test and Evaluation, the integration of developmental test and evaluation with operational test and evaluation;

"(iii) the conduct of developmental test and evaluation conducted jointly by more than one military department or Defense Agency;

"(B) review and approve the developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

"(C) monitor and review the developmental test and evaluation activities of the major defense acquisition programs;

"(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for developmental test and evaluation;

"(E) periodically review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities, and provide input regarding needed changes or improvements for the test and evaluation strategic plan developed in accordance with section 196(d) of this title; and

"(F) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

"(6) ACCESS TO RECORDS.—The Secretary of Defense shall ensure that the Director has access to all records and data of the Department of Defense (including the records and data of each military department and including classified and propriety information, as appropriate) that the Director considers necessary in order to carry out the Director's duties under this subsection.

"(7) CONCURRENT SERVICE AS DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCES MANAGEMENT CENTER.—The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

"(b) DIRECTOR OF SYSTEMS ENGINEERING.—

"(1) APPOINTMENT.—There is a Director of Systems Engineering, who shall be appointed by the Secretary of Defense from among individuals with an expertise in systems engineering and development planning.

"(2) PRINCIPAL ADVISOR FOR SYSTEMS ENGINEERING AND DEVELOPMENT PLANNING.—The Director shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on systems engineering and development planning in the Department of Defense.

"(3) SUPERVISION.—The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

"(4) COORDINATION WITH DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The Director of Systems Engineering shall closely coordinate with the Director of Developmental Test and Evaluation to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development planning processes of the Department.

"(5) DUTIES.—The Director shall—

Policies.

"(A) develop policies and guidance for—

"(i) the use of systems engineering principles and best practices, generally;

"(ii) the use of systems engineering approaches to enhance reliability, availability, and maintainability on major defense acquisition programs;

"(iii) the development of systems engineering master plans for major defense acquisition programs including systems engineering considerations in support of lifecycle management and sustainability; and

"(iv) the inclusion of provisions relating to systems engineering and reliability growth in requests for proposals;

"(B) review and approve the systems engineering master plan for each major defense acquisition program;

"(C) monitor and review the systems engineering and development planning activities of the major defense acquisition programs;

"(D) provide advocacy, oversight, and guidance to elements of the acquisition workforce responsible for systems engineering, development planning, and lifecycle management and sustainability functions;

"(E) provide input on the inclusion of systems engineering requirements in the process for consideration of joint military requirements by the Joint Requirements Oversight Council pursuant to section 181 of this title, including specific input relating to each capabilities development document;

"(F) periodically review the organizations and capabilities of the military departments with respect to systems engineering, development planning, and lifecycle management and sustainability, and identify needed changes or improvements to such organizations and capabilities; and

"(G) perform such other activities relating to the systems engineering and development planning activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

"(6) ACCESS TO RECORDS.—The Director shall have access to any records or data of the Department of Defense (including the records and data of each military department and including classified and proprietary information as appropriate) that the Director considers necessary to review in order to carry out the Director's duties under this subsection.

"(c) JOINT ANNUAL REPORT.—Not later than March 31 each year, beginning in 2010, the Director of Developmental Test and Evaluation and the Director of Systems Engineering shall jointly submit to the congressional defense committees a report on the activities undertaken pursuant to subsections (a) and (b) during the preceding year. Each report shall include a section on activities relating to the major defense acquisition programs which shall set forth, at a minimum, the following: Effective date.

"(1) A discussion of the extent to which the major defense acquisition programs are fulfilling the objectives of their systems engineering master plans and developmental test and evaluation plans.

"(2) A discussion of the waivers of and deviations from requirements in test and evaluation master plans, systems engineering master plans, and other testing requirements that occurred during the preceding year with respect to such programs, any concerns raised by such waivers or deviations, and the actions that have been taken or are planned to be taken to address such concerns.

"(3) An assessment of the organization and capabilities of the Department of Defense for systems engineering, development planning, and developmental test and evaluation with respect to such programs.

"(4) Any comments on such report that the Secretary of Defense considers appropriate.

"(d) JOINT GUIDANCE.—The Director of Developmental Test and Evaluation and the Director of Systems Engineering shall jointly, in coordination with the official designated by the Secretary of Defense under section 103 of the Weapon Systems Acquisition Reform Act of 2009, issue guidance on the following:

"(1) The development and tracking of detailed measurable performance criteria as part of the systems engineering master plans and the developmental test and evaluation plans within the test and evaluation master plans of major defense acquisition programs.

"(2) The use of developmental test and evaluation to measure the achievement of specific performance objectives within a systems engineering master plan.

"(3) A system for storing and tracking information relating to the achievement of the performance criteria and objectives specified pursuant to this subsection.

"(e) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as amended by section

101(a) of this Act, is further amended by inserting after the item relating to section 139c the following new item:

"139d. Director of Developmental Test and Evaluation; Director of Systems Engineering: joint guidance.".

10 USC 2430 note.

(b) DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING IN THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES.—

(1) PLANS.—The service acquisition executive of each military department and each Defense Agency with responsibility for a major defense acquisition program shall develop and implement plans to ensure the military department or Defense Agency concerned has provided appropriate resources for each of the following:

(A) Developmental testing organizations with adequate numbers of trained personnel in order to—

(i) ensure that developmental testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs;

(ii) participate in the planning of developmental test and evaluation activities, including the preparation and approval of a developmental test and evaluation plan within the test and evaluation master plan for each major defense acquisition program; and

(iii) participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(B) Development planning and systems engineering organizations with adequate numbers of trained personnel in order to—

(i) support key requirements, acquisition, and budget decisions made for each major defense acquisition program prior to Milestone A approval and Milestone B approval through a rigorous systems analysis and systems engineering process;

(ii) include a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development within the systems engineering master plan for each major defense acquisition program; and

(iii) identify systems engineering requirements, including reliability, availability, maintainability, and lifecycle management and sustainability requirements, during the Joint Capabilities Integration Development System process, and incorporate such systems engineering requirements into contract requirements for each major defense acquisition program.

(2) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department and each Defense Agency with responsibility for a major defense acquisition program shall submit to the Director of

Developmental Test and Evaluation and the Director of Systems Engineering a report on the extent to which—

(A) such military department or Defense Agency has implemented, or is implementing, the plan required by paragraph (1); and

(B) additional authorities or resources are needed to attract, develop, retain, and reward developmental test and evaluation personnel and systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department or Defense Agency.

(3) ASSESSMENT OF REPORTS BY DIRECTORS OF DEVELOPMENTAL TEST AND EVALUATION AND SYSTEMS ENGINEERING.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation and the Director of Systems Engineering under section 139d(c) of title 10, United States Code (as added by subsection (a)), shall include an assessment by the Directors of the reports submitted by the service acquisition executives to the Directors under paragraph (2).

SEC. 103. PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

10 USC 2430 note.

(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBILITY FOR PERFORMANCE ASSESSMENTS AND ROOT CAUSE ANALYSES.—

(1) IN GENERAL.—The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs.

(2) NO PROGRAM EXECUTION RESPONSIBILITY.—The Secretary shall ensure that the senior official designated under paragraph (1) is not responsible for program execution.

(3) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out official's function under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Carrying out performance assessments of major defense acquisition programs in accordance with the requirements of subsection (c) periodically or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.

(2) Conducting root cause analyses for major defense acquisition programs in accordance with the requirements of subsection (d) when required by section 2433a(a)(1) of title 10, United States Code (as added by section 206(a) of this Act), or when requested by the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology and Logistics, the Secretary of a military department, or the head of a Defense Agency.

(3) Issuing policies, procedures, and guidance governing the conduct of performance assessments and root cause analyses by the military departments and the Defense Agencies.

(4) Evaluating the utility of performance metrics used to measure the cost, schedule, and performance of major defense acquisition programs, and making such recommendations to the Secretary of Defense as the official considers appropriate to improve such metrics.

(5) Advising acquisition officials on performance issues regarding a major defense acquisition program that may arise—

(A) prior to certification under section 2433a of title 10, United States Code (as so added);

(B) prior to entry into full-rate production; or

(C) in the course of consideration of any decision to request authorization of a multiyear procurement contract for the program.

(c) PERFORMANCE ASSESSMENTS.—For purposes of this section, a performance assessment with respect to a major defense acquisition program is an evaluation of the following:

(1) The cost, schedule, and performance of the program, relative to current metrics, including performance requirements and baseline descriptions.

(2) The extent to which the level of program cost, schedule, and performance predicted relative to such metrics is likely to result in the timely delivery of a level of capability to the warfighter that is consistent with the level of resources to be expended and provides superior value to alternative approaches that may be available to meet the same military requirement.

(d) ROOT CAUSE ANALYSES.—For purposes of this section and section 2433a of title 10, United States Code (as so added), a root cause analysis with respect to a major defense acquisition program is an assessment of the underlying cause or causes of shortcomings in cost, schedule, or performance of the program, including the role, if any, of—

(1) unrealistic performance expectations;

(2) unrealistic baseline estimates for cost or schedule;

(3) immature technologies or excessive manufacturing or integration risk;

(4) unanticipated design, engineering, manufacturing, or technology integration issues arising during program performance;

(5) changes in procurement quantities;

(6) inadequate program funding or funding instability;

(7) poor performance by government or contractor personnel responsible for program management; or

(8) any other matters.

(e) SUPPORT OF APPLICABLE CAPABILITIES AND EXPERTISE.—The Secretary of Defense shall ensure that the senior official designated under subsection (a) has the support of other Department of Defense officials with relevant capabilities and expertise needed to carry out the requirements of this section.

Effective date.

(f) ANNUAL REPORT.—Not later than March 1 each year, beginning in 2010, the official responsible for conducting and overseeing performance assessments and root cause analyses for major defense acquisition programs shall submit to the congressional defense committees a report on the activities undertaken under this section during the preceding year.

SEC. 104. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics. Review. Reports.

"(2) The Director shall submit to the Secretary of Defense and to the congressional defense committees by March 1 of each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.". Deadline. Reports.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to the congressional defense committees not later than March 1, 2010, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year. 10 USC 139a note.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources that may be required by the Director, and by other research and engineering elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a)(1).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—Not later than 180 days after the date of the enactment of this Act, the Director of Defense Research and Engineering, in consultation with the Director of Developmental Test and Evaluation, shall develop knowledge-based standards against which to measure the technological maturity and integration risk of critical technologies at key stages in the acquisition process for purposes of conducting the reviews and assessments of major defense acquisition programs required by subsection (c) of section 139a of title 10, United States Code (as so added). Deadline. 10 USC 139a note.

SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.

(a) IN GENERAL.—Section 181(d) of title 10, United States Code, as amended by section 101(d) of this Act, is further amended—

(1) by inserting "(1)" before "The Under Secretary"; and

(2) by adding at the end the following new paragraph:

"(2) The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (e).".

10 USC 181 note.

(b) INPUT FROM COMMANDERS OF COMBATANT COMMANDS.—The Joint Requirements Oversight Council in the Department of Defense shall seek and consider input from the commanders of combatant commands, in accordance with section 181(d) of title 10, United States Code (as amended by subsection (a)). Such input may include, but is not limited to, an assessment of the following:

(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would inform the assessment of a new joint military requirement.

(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements within the theater of operations of the commander of a combatant command.

(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or the benefit, if any, of a partner nation assisting in development or use of technologies developed to meet the joint military requirement.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—

Deadline. Reports.

(1) REQUIREMENT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of—

(A) subsection (d)(2) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands;

(B) the amendments to subsection (b) of section 181 of title 10, United States Code, made by section 942 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 287) and by section 201(b) of this Act; and

(C) the requirements of section 201(c) of this Act.

(2) MATTERS COVERED.—The report shall include, at a minimum, an assessment of—

(A) the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements;

(B) the quality and effectiveness of efforts to estimate the level of resources needed to fulfill joint military requirements; and

(C) the extent to which the Council has considered trade-offs among cost, schedule, and performance objectives.

TITLE II—ACQUISITION POLICY

SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE OBJECTIVES IN DEPARTMENT OF DEFENSE ACQUISITION PROGRAMS.

10 USC 2302 note.

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that mechanisms are developed and implemented to require consideration of trade-offs among cost, schedule, and performance objectives as part of the process for developing requirements for Department of Defense acquisition programs.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance objectives are established for capabilities for which the Chairman of the Joint Requirements Oversight Council is the validation authority; and

(B) the process for developing requirements is structured to enable incremental, evolutionary, or spiral acquisition approaches, including the deferral of technologies that are not yet mature and capabilities that are likely to significantly increase costs or delay production until later increments or spirals.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (A);

(B) by inserting "and" at the end of subparagraph (B) after the semicolon; and

(C) by adding at the end the following new subparagraph:

"(C) in ensuring the consideration of trade-offs among cost, schedule, and performance objectives for joint military requirements in consultation with the advisors specified in subsection (d);".

(2) in paragraph (3)—

(A) by inserting ", in consultation with the Under Secretary of Defense (Comptroller), the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Director of Cost Assessment and Performance Evaluation," after "assist the Chairman"; and

(B) by striking "and" after the semicolon at the end;

(3) in paragraph (4), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(5) assist the Chairman, in consultation with the commanders of the combatant commands and the Under Secretary of Defense for Acquisition, Technology, and Logistics, in establishing an objective for the overall period of time within which

an initial operational capability should be delivered to meet each joint military requirement.".

10 USC 181 note.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—The Secretary of Defense shall ensure that each new joint military requirement recommended by the Joint Requirements Oversight Council is reviewed to ensure that the Joint Requirements Oversight Council has, in making such recommendation—

(1) taken appropriate action to seek and consider input from the commanders of the combatant commands, in accordance with the requirements of section 181(d) of title 10, United States Code (as amended by section 105(a) of this Act);

(2) engaged in consideration of trade-offs among cost, schedule, and performance objectives in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as added by subsection (b)); and

(3) engaged in consideration of issues of joint portfolio management, including alternative material and non-material solutions, as provided in Department of Defense instructions for the development of joint military requirements.

10 USC 181 note.

(d) STUDY GUIDANCE FOR ANALYSES OF ALTERNATIVES.—The Director of Cost Assessment and Program Evaluation shall take the lead in the development of study guidance for an analysis of alternatives for each joint military requirement for which the Chairman of the Joint Requirements Oversight Council is the validation authority. In developing the guidance, the Director shall solicit the advice of appropriate officials within the Department of Defense and ensure that the guidance requires, at a minimum—

(1) full consideration of possible trade-offs among cost, schedule, and performance objectives for each alternative considered; and

(2) an assessment of whether or not the joint military requirement can be met in a manner that is consistent with the cost and schedule objectives recommended by the Joint Requirements Oversight Council.

(e) ANALYSIS OF ALTERNATIVES IN CERTIFICATION FOR MILESTONE A.—Section 2366a(a) of title 10, United States Code, as amended by section 101(d)(3) of this Act, is further amended—

(1) by striking "and" at the end of paragraph (3);

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) that an analysis of alternatives has been performed consistent with study guidance developed by the Director of Cost Assessment and Program Evaluation; and".

(f) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of such title is amended by inserting "appropriate trade-offs among cost, schedule, and performance objectives have been made to ensure that" before "the program is affordable".

10 USC 2430 note.

SEC. 202. ACQUISITION STRATEGIES TO ENSURE COMPETITION THROUGHOUT THE LIFECYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACQUISITION STRATEGIES TO ENSURE COMPETITION.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program includes—

(1) measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract

level (at such tier or tiers as are appropriate) of such program throughout the life-cycle of such program as a means to improve contractor performance; and

(2) adequate documentation of the rationale for the selection of the subcontract tier or tiers under paragraph (1).

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, for purposes of subsection (a)(1) may include measures to achieve the following, in appropriate cases if such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Unbundling of contracts.

(4) Funding of next-generation prototype systems or subsystems.

(5) Use of modular, open architectures to enable competition for upgrades.

(6) Use of build-to-print approaches to enable production through multiple sources.

(7) Acquisition of complete technical data packages.

(8) Periodic competitions for subsystem upgrades.

(9) Licensing of additional suppliers.

(10) Periodic system or program reviews to address long-term competitive effects of program decisions.

(c) ADDITIONAL MEASURES TO ENSURE COMPETITION AT SUBCONTRACT LEVEL.—The Secretary shall take actions to ensure fair and objective "make-buy" decisions by prime contractors on major defense acquisition programs by—

(1) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of major weapon systems;

(2) providing for government surveillance of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract; and

(3) providing for the assessment of the extent to which a contractor has given full and fair consideration to qualified sources other than the contractor in sourcing decisions as a part of past performance evaluations.

(d) CONSIDERATION OF COMPETITION THROUGHOUT OPERATION AND SUSTAINMENT OF MAJOR WEAPON SYSTEMS.—Whenever a decision regarding source of repair results in a plan to award a contract for performance of maintenance and sustainment of a major weapon system, the Secretary shall take actions to ensure that, to the maximum extent practicable and consistent with statutory requirements, contracts for such maintenance and sustainment are awarded on a competitive basis and give full consideration to all sources (including sources that partner or subcontract with public or private sector repair activities).

(e) APPLICABILITY.—

(1) STRATEGY AND MEASURES TO ENSURE COMPETITION.—The requirements of subsections (a) and (b) shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

Deadline.

(2) ADDITIONAL ACTIONS.—The actions required by subsections (c) and (d) shall be taken within 180 days after the date of the enactment of this Act.

Deadlines.
10 USC 2430 note.

SEC. 203. PROTOTYPING REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) COMPETITIVE PROTOTYPING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall modify the guidance of the Department of Defense relating to the operation of the acquisition system with respect to competitive prototyping for major defense acquisition programs to ensure the following:

(1) That the acquisition strategy for each major defense acquisition program provides for competitive prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the Milestone Decision Authority for such program waives the requirement pursuant to paragraph (2).

Waiver authority.

(2) That the Milestone Decision Authority may waive the requirement in paragraph (1) only—

(A) on the basis that the cost of producing competitive prototypes exceeds the expected life-cycle benefits (in constant dollars) of producing such prototypes, including the benefits of improved performance and increased technological and design maturity that may be achieved through competitive prototyping; or

(B) on the basis that, but for such waiver, the Department would be unable to meet critical national security objectives.

(3) That whenever a Milestone Decision Authority authorizes a waiver pursuant to paragraph (2), the Milestone Decision Authority—

(A) shall require that the program produce a prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) if the expected life-cycle benefits (in constant dollars) of producing such prototype exceed its cost and its production is consistent with achieving critical national security objectives; and

Notification.

(B) shall notify the congressional defense committees in writing not later than 30 days after the waiver is authorized and include in such notification the rationale for the waiver and the plan, if any, for producing a prototype.

(4) That prototypes may be required under paragraph (1) or (3) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(b) COMPTROLLER GENERAL REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a Milestone Decision Authority authorizes a waiver of the requirement for prototypes pursuant to paragraph (2) of subsection (a) on the basis of excessive cost, the Milestone Decision Authority shall submit the notification of the waiver, together with the rationale, to the Comptroller General of the United States at the same time it is submitted to the congressional defense committees.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notification of a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

SEC. 204. ACTIONS TO IDENTIFY AND ADDRESS SYSTEMIC PROBLEMS IN MAJOR DEFENSE ACQUISITION PROGRAMS PRIOR TO MILESTONE B APPROVAL.

(a) MODIFICATION TO CERTIFICATION REQUIREMENT.—Subsection (a) of section 2366a of title 10, United States Code, is amended by striking "may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program," and inserting "may not receive Milestone A approval, or Key Decision Point A approval in the case of a space program, or otherwise be initiated prior to Milestone B approval, or Key Decision Point B approval in the case of a space program,".

(b) MODIFICATION TO NOTIFICATION REQUIREMENT.—Subsection (b) of such section is amended—

(1) by inserting "(1)" before "With respect to";

(2) in paragraph (1), as so designated, by striking "by at least 25 percent," and inserting "by at least 25 percent, or the program manager determines that the period of time required for the delivery of an initial operational capability is likely to exceed the schedule objective established pursuant to section 181(b)(5) of this title by more than 25 percent,"; and

(3) by adding at the end the following new paragraph:

"(2) Not later than 30 days after a program manager submits a notification to the Milestone Decision Authority pursuant to paragraph (1) with respect to a major defense acquisition program, the Milestone Decision Authority shall submit to the congressional defense committees a report that— Deadline. Reports.

"(A) identifies the root causes of the cost or schedule growth in accordance with applicable policies, procedures, and guidance;

"(B) identifies appropriate acquisition performance measures for the remainder of the development of the program; and

"(C) includes one of the following:

"(i) A written certification (with a supporting explanation) stating that— Certification.

"(I) the program is essential to national security;

"(II) there are no alternatives to the program that will provide acceptable military capability at less cost;

"(III) new estimates of the development cost or schedule, as appropriate, are reasonable; and

"(IV) the management structure for the program is adequate to manage and control program development cost and schedule.

"(ii) A plan for terminating the development of the program or withdrawal of Milestone A approval, or Key Decision Point A approval in the case of a space program, if the Milestone Decision Authority determines that such action is in the interest of national defense.". Plans.

(c) APPLICATION TO ONGOING PROGRAMS.— 10 USC 2366a note.

(1) IN GENERAL.—Each major defense acquisition program described in paragraph (2) shall be certified in accordance with the requirements of section 2366a of title 10, United States Certification. Deadline.

Code (as amended by this section), within one year after the date of the enactment of this Act.

(2) COVERED PROGRAMS.—The requirement in paragraph (1) shall apply to any major defense acquisition program that—

(A) was initiated before the date of the enactment of this Act; and

(B) as of the date of certification under paragraph (1) has not otherwise been certified pursuant to either section 2366a (as so amended) or 2366b of title 10, United States Code.

SEC. 205. ADDITIONAL REQUIREMENTS FOR CERTAIN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ADDITIONAL REQUIREMENTS RELATING TO MILESTONE B APPROVAL.—Section 2366b of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting "(1)" before "The milestone decision authority may"; and

(B) by striking the second sentence and inserting the following:

Determination. Waiver authority. Deadline.

"(2) Whenever the milestone decision authority makes such a determination and authorizes such a waiver—

"(A) the waiver, the determination, and the reasons for the determination shall be submitted in writing to the congressional defense committees within 30 days after the waiver is authorized; and

"(B) the milestone decision authority shall review the program not less often than annually to determine the extent to which such program currently satisfies the certification components specified in paragraphs (1) and (2) of subsection (a) until such time as the milestone decision authority determines that the program satisfies all such certification components.";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection (e):

"(e) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program receiving a waiver pursuant to subsection (d) shall prominently and clearly indicate that such program has not fully satisfied the certification requirements of this section until such time as the milestone decision authority makes the determination that such program has satisfied all such certification components."; and

(3) in subsection (a)—

(A) in paragraph (1), by striking "and" at the end;

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following new paragraph (2):

"(2) has received a preliminary design review and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and"; and

(D) in paragraph (3), as redesignated by subparagraph (B) of this paragraph—

(i) in subparagraph (D), by striking the semicolon and inserting ", as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and";

(ii) by striking subparagraph (E); and

(iii) by redesignating subparagraph (F) as subparagraph (E).

(b) CERTIFICATION AND REVIEW OF PROGRAMS ENTERING DEVELOPMENT PRIOR TO ENACTMENT OF SECTION 2366B OF TITLE 10.— 10 USC 2366b note.

(1) DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, for each major defense acquisition program that received Milestone B approval before January 6, 2006, and has not received Milestone C approval, and for each space program that received Key Decision Point B approval before January 6, 2006, and has not received Key Decision Point C approval, the Milestone Decision Authority shall determine whether or not such program satisfies all of the certification components specified in paragraphs (1) and (2) of subsection (a) of section 2366b of title 10, United States Code (as amended by subsection (a) of this section). Deadline.

(2) ANNUAL REVIEW.—The Milestone Decision Authority shall review any program determined pursuant to paragraph (1) not to satisfy any of the certification components of subsection (a) of section 2366b of title 10, United States Code (as so amended), not less often than annually thereafter to determine the extent to which such program currently satisfies such certification components until such time as the Milestone Decision Authority determines that such program satisfies all such certification components.

(3) DESIGNATION OF CERTIFICATION STATUS IN BUDGET DOCUMENTATION.—Any budget request, budget justification material, budget display, reprogramming request, Selected Acquisition Report, or other budget documentation or performance report submitted by the Secretary of Defense to the President regarding a major defense acquisition program which the Milestone Decision Authority determines under paragraph (1) does not satisfy all of the certification components of subsection (a) of section 2366b of title 10, United States Code, (as so amended) shall prominently and clearly indicate that such program has not fully satisfied such certification components until such time as the Milestone Decision Authority makes the determination that such program has satisfied all such certification components.

(c) REVIEWS OF PROGRAMS RESTRUCTURED AFTER EXPERIENCING CRITICAL COST GROWTH.—The official designated to perform oversight of performance assessment pursuant to section 103 of this Act, shall assess the performance of each major defense acquisition 10 USC 2433a note. Assessment.

program that has exceeded critical cost growth thresholds established pursuant to section 2433(e) of title 10, United States Code, but has not been terminated in accordance with section 2433a of such title (as added by section 206(a) of this Act) not less often than semi-annually until one year after the date on which such program receives a new milestone approval, in accordance with section 2433a(c)(3) of such title (as so added). The results of reviews performed under this subsection shall be reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics and summarized in the next annual report of such designated official.

SEC. 206. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ACTIONS FOLLOWING CRITICAL COST GROWTH.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2433 the following new section:

"§ 2433a. Critical cost growth in major defense acquisition programs

Consultations.

"(a) REASSESSMENT OF PROGRAM.—If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated subprogram (as determined by the Secretary under section 2433(d) of this title) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense, after consultation with the Joint Requirements Oversight Council regarding program requirements, shall—

Determination.

"(1) determine the root cause or causes of the critical cost growth in accordance with applicable statutory requirements and Department of Defense policies, procedures, and guidance; and

"(2) in consultation with the Director of Cost Assessment and Program Evaluation, carry out an assessment of—

"(A) the projected cost of completing the program if current requirements are not modified;

"(B) the projected cost of completing the program based on reasonable modification of such requirements;

"(C) the rough order of magnitude of the costs of any reasonable alternative system or capability; and

"(D) the need to reduce funding for other programs due to the growth in cost of the program.

Deadline. Certification.

"(b) PRESUMPTION OF TERMINATION.—(1) After conducting the reassessment required by subsection (a) with respect to a major defense acquisition program, the Secretary shall terminate the program unless the Secretary submits to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in section 2433(g) of this title is required to be submitted under section 2432(f) of this title, a written certification in accordance with paragraph (2).

"(2) A certification described by this paragraph with respect to a major defense acquisition program is a written certification that—

"(A) the continuation of the program is essential to the national security;

"(B) there are no alternatives to the program which will provide acceptable capability to meet the joint military requirement (as defined in section 181(g)((1) of this title) at less cost;

"(C) the new estimates of the program acquisition unit cost or procurement unit cost have been determined by the Director of Cost Assessment and Program Evaluation to be reasonable;

"(D) the program is a higher priority than programs whose funding must be reduced to accommodate the growth in cost of the program; and

"(E) the management structure for the program is adequate to manage and control program acquisition unit cost or procurement unit cost.

"(3) A written certification under paragraph (2) shall be accompanied by a report presenting the root cause analysis and assessment carried out pursuant to subsection (a) and the basis for each determination made in accordance with subparagraphs (A) through (E) of paragraph (2), together with supporting documentation. Reports.

"(c) ACTIONS IF PROGRAM NOT TERMINATED.—(1) If the Secretary elects not to terminate a major defense acquisition program pursuant to subsection (b), the Secretary shall—

"(A) restructure the program in a manner that addresses the root cause or causes of the critical cost growth, as identified pursuant to subsection (a), and ensures that the program has an appropriate management structure as set forth in the certification submitted pursuant to subsection (b)(2)(E);

"(B) rescind the most recent Milestone approval, or Key Decision Point approval in the case of a space program, for the program and withdraw any associated certification under section 2366a or 2366b of this title;

"(C) require a new Milestone approval, or Key Decision Point approval in the case of a space program, for the program before taking any contract action to enter a new contract, exercise an option under an existing contract, or otherwise extend the scope of an existing contract under the program, except to the extent determined necessary by the Milestone Decision Authority, on a non-delegable basis, to ensure that the program can be restructured as intended by the Secretary without unnecessarily wasting resources;

"(D) include in the report specified in paragraph (2) a description of all funding changes made as a result of the growth in cost of the program, including reductions made in funding for other programs to accommodate such cost growth; and

"(E) conduct regular reviews of the program in accordance with the requirements of section 205 of the Weapon Systems Acquisition Reform Act of 2009.

"(2) For purposes of paragraph (1)(D), the report specified in this paragraph is the first Selected Acquisition Report for the program submitted pursuant to section 2432 of this title after the President submits a budget pursuant to section 1105 of title 31, in the calendar year following the year in which the program was restructured. Reports.

Reports.

"(d) ACTIONS IF PROGRAM TERMINATED.—If a major defense acquisition program is terminated pursuant to subsection (b), the Secretary shall submit to Congress a written report setting forth—

"(1) an explanation of the reasons for terminating the program;

"(2) the alternatives considered to address any problems in the program; and

"(3) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2433 the following new item:

"2433a. Critical cost growth in major defense acquisition programs.".

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 2433(e) of such title 10 is amended to read as follows:

"(2) If the program acquisition unit cost or procurement unit cost of a major defense acquisition program or designated major subprogram (as determined by the Secretary under subsection (d)) increases by a percentage equal to or greater than the critical cost growth threshold for the program or subprogram, the Secretary of Defense shall take actions consistent with the requirements of section 2433a of this title.".

(b) TREATMENT AS MDAP.—Section 2430 of such title is amended—

(1) in subsection (a)(2), by inserting ", including all planned increments or spirals," after "an eventual total expenditure for procurement"; and

(2) by adding at the end the following new subsection:

"(c) For purposes of subsection (a)(2), the Secretary shall consider, as applicable, the following:

"(1) The estimated level of resources required to fulfill the relevant joint military requirement, as determined by the Joint Requirements Oversight Council pursuant to section 181 of this title.

"(2) The cost estimate referred to in section 2366a(a)(4) of this title.

"(3) The cost estimate referred to in section 2366b(a)(1)(C) of this title.

"(4) The cost estimate within a baseline description as required by section 2435 of this title.".

SEC. 207. ORGANIZATIONAL CONFLICTS OF INTEREST IN MAJOR DEFENSE ACQUISITION PROGRAMS.

Deadline.
10 USC 2430 note.

(a) REVISED REGULATIONS REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to provide uniform guidance and tighten existing requirements for organizational conflicts of interest by contractors in major defense acquisition programs.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) address organizational conflicts of interest that could arise as a result of—

(A) lead system integrator contracts on major defense acquisition programs and contracts that follow lead system

integrator contracts on such programs, particularly contracts for production;

(B) the ownership of business units performing systems engineering and technical assistance functions, professional services, or management support services in relation to major defense acquisition programs by contractors who simultaneously own business units competing to perform as either the prime contractor or the supplier of a major subsystem or component for such programs;

(C) the award of major subsystem contracts by a prime contractor for a major defense acquisition program to business units or other affiliates of the same parent corporate entity, and particularly the award of subcontracts for software integration or the development of a proprietary software system architecture; or

(D) the performance by, or assistance of, contractors in technical evaluations on major defense acquisition programs;

(2) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major defense acquisition programs from federally funded research and development centers or other sources independent of the prime contractor;

(3) require that a contract for the performance of systems engineering and technical assistance functions for a major defense acquisition program contains a provision prohibiting the contractor or any affiliate of the contractor from participating as a prime contractor or a major subcontractor in the development or construction of a weapon system under the program; and

(4) establish such limited exceptions to the requirement in paragraphs (2) and (3) as may be necessary to ensure that the Department of Defense has continued access to advice on systems architecture and systems engineering matters from highly-qualified contractors with domain experience and expertise, while ensuring that such advice comes from sources that are objective and unbiased.

(c) CONSULTATION IN REVISION OF REGULATIONS.—

(1) RECOMMENDATIONS OF PANEL ON CONTRACTING INTEGRITY.—Not later than 90 days after the date of the enactment of this Act, the Panel on Contracting Integrity established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2320) shall present recommendations to the Secretary of Defense on measures to eliminate or mitigate organizational conflicts of interest in major defense acquisition programs. Deadline.

(2) CONSIDERATION OF RECOMMENDATIONS.—In developing the revised regulations required by subsection (a), the Secretary shall consider the following:

(A) The recommendations presented by the Panel on Contracting Integrity pursuant to paragraph (1).

(B) Any findings and recommendations of the Administrator for Federal Procurement Policy and the Director of the Office of Government Ethics pursuant to section 841(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4539).

10 USC 2304 note.

(d) EXTENSION OF PANEL ON CONTRACTING INTEGRITY.—Subsection (e) of section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended to read as follows:

"(e) TERMINATION.—

Notification.

"(1) IN GENERAL.—Subject to paragraph (2), the panel shall continue to serve until the date that is 18 months after the date on which the Secretary of Defense notifies the congressional defense committees of an intention to terminate the panel based on a determination that the activities of the panel no longer justify its continuation and that concerns about contracting integrity have been mitigated.

"(2) MINIMUM CONTINUING SERVICE.—The panel shall continue to serve at least until December 31, 2011.".

TITLE III—ADDITIONAL ACQUISITION PROVISIONS

10 USC 2302 note.

SEC. 301. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.

Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

Procedures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

SEC. 302. EARNED VALUE MANAGEMENT.

(a) MODIFICATION OF ELEMENTS IN REPORT ON IMPLEMENTATION.—Subsection (a) of section 887 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4562) is amended by striking paragraph (7) and inserting the following new paragraphs:

"(7) A discussion of the methodology used to establish appropriate baselines for earned value management at the award of a contract or commencement of a program, whichever is earlier.

"(8) A discussion of the manner in which the Department ensures that personnel responsible for administering and overseeing earned value management systems have the training and qualifications needed to perform that responsibility.

"(9) A discussion of mechanisms to ensure that contractors establish and use approved earned value management systems, including mechanisms such as the consideration of the quality of contractor earned value management performance in past performance evaluations.

"(10) Recommendations for improving earned value management and its implementation within the Department, including—

"(A) a discussion of the merits of possible alternatives; and

"(B) a plan for implementing any improvements the Secretary determines to be appropriate.".

(b) MODIFICATION OF REPORT DATE.—Subsection (b) of such section is amended by striking "270 days after the date of the enactment of this Act" and inserting "October 14, 2009".

SEC. 303. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) IN GENERAL.—Section 2501(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.".

(b) ASSESSMENT OF EFFECT OF TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAMS ON TECHNOLOGY AND INDUSTRIAL CAPABILITIES.—Section 2505(b) of such title is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) consider the effects of the termination of major defense acquisition programs (as the term is defined in section 2430 of this title) in the previous fiscal year on the sectors and capabilities in the assessment.".

SEC. 304. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON COSTS AND FINANCIAL INFORMATION REGARDING MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(b) REVIEW OF FINANCIAL INFORMATION RELATING TO MAJOR DEFENSE ACQUISITION PROGRAMS.—

(1) REVIEW.—The Comptroller General of the United States shall perform a review of weaknesses in operations affecting the reliability of financial information on the systems and assets to be acquired under major defense acquisition programs.

(2) ELEMENTS.—The review required under paragraph (1) shall—

(A) identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble reliable financial information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards;

(B) identify any mechanisms developed by the Department of Defense to address weaknesses in operations under major defense acquisition programs identified pursuant to subparagraph (A); and

(C) assess the implementation of the mechanisms set forth pursuant to subparagraph (B), including—

(i) the actions taken, or planned to be taken, to implement such mechanisms;

(ii) the schedule for carrying out such mechanisms; and

(iii) the metrics, if any, instituted to assess progress in carrying out such mechanisms.

(3) CONSULTATION.—In performing the review required by paragraph (1), the Comptroller General shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of Defense.

(B) The Chief Management Officer of the Department of the Army.

(C) The Chief Management Officer of the Department of the Navy.

(D) The Chief Management Officer of the Department of the Air Force.

(4) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit

to the congressional defense committees a report on the results of the review required by paragraph (1).

Approved May 22, 2009.

LEGISLATIVE HISTORY—S. 454 (H.R. 2101):

HOUSE REPORTS: Nos. 111–101 (Comm. on Armed Services) and 111–124 (Comm. of Conference) accompanying H.R. 2101.

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 6, 7, considered and passed Senate.
May 13, considered and passed House, amended, in lieu of H.R. 2101 pursuant to H. Res. 432.
May 20, Senate agreed to conference report.
May 21, House agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
May 22, Presidential remarks.

Public Law 111–24
111th Congress

An Act

May 22, 2009
[H.R. 627]

To amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Credit Card Accountability Responsibility and Disclosure Act of 2009.
15 USC 1601 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Credit Card Accountability Responsibility and Disclosure Act of 2009" or the "Credit CARD Act of 2009".

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulatory authority.
Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

Sec. 101. Protection of credit cardholders.
Sec. 102. Limits on fees and interest charges.
Sec. 103. Use of terms clarified.
Sec. 104. Application of card payments.
Sec. 105. Standards applicable to initial issuance of subprime or "fee harvester" cards.
Sec. 106. Rules regarding periodic statements.
Sec. 107. Enhanced penalties.
Sec. 108. Clerical amendments.
Sec. 109. Consideration of Ability to repay.

TITLE II—ENHANCED CONSUMER DISCLOSURES

Sec. 201. Payoff timing disclosures.
Sec. 202. Requirements relating to late payment deadlines and penalties.
Sec. 203. Renewal disclosures.
Sec. 204. Internet posting of credit card agreements.
Sec. 205. Prevention of deceptive marketing of credit reports.

TITLE III—PROTECTION OF YOUNG CONSUMERS

Sec. 301. Extensions of credit to underage consumers.
Sec. 302. Protection of young consumers from prescreened credit offers.
Sec. 303. Issuance of credit cards to certain college students.
Sec. 304. Privacy Protections for college students.
Sec. 305. College Credit Card Agreements.

TITLE IV—GIFT CARDS

Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
Sec. 402. Relation to State laws.
Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Study and report on interchange fees.
Sec. 502. Board review of consumer credit plans and regulations.

Sec. 503. Stored value.
Sec. 504 Procedure for timely settlement of estates of decedent obligors.
Sec. 505. Report to Congress on reductions of consumer credit card limits based on certain information as to experience or transactions of the consumer.
Sec. 506. Board review of small business credit plans and recommendations.
Sec. 507. Small business information security task force.
Sec. 508. Study and report on emergency pin technology.
Sec. 509. Study and report on the marketing of products with credit offers.
Sec. 510. Financial and economic literacy.
Sec. 511. Federal trade commission rulemaking on mortgage lending.
Sec. 512. Protecting Americans from violent crime.
Sec. 513. GAO study and report on fluency in the English language and financial literacy.

SEC. 2. REGULATORY AUTHORITY.

15 USC 1602 note.

The Board of Governors of the Federal Reserve System (in this Act referred to as the "Board") may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

SEC. 3. EFFECTIVE DATE.

15 USC 1602 note.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROTECTION OF CREDIT CARDHOLDERS.

(a) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

(1) AMENDMENT TO TILA.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(i) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

"(1) ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (except in the case of an increase described in paragraph (1), (2), or (3) of section 171(b)) not later than 45 days prior to the effective date of the increase. Deadline.

"(2) ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change. Deadline.

"(3) NOTICE OF RIGHT TO CANCEL.—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

"(4) RULE OF CONSTRUCTION.—Closure or cancellation of an account by the obligor shall not constitute a default under

an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.".

15 USC 1637 note.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

15 USC 1666j.

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

15 USC 1666i–1.

"SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.

"(a) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection (b).

"(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to—

"(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

"(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

"(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

"(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

"(2) an increase in a variable annual percentage rate in accordance with a credit card agreement that provides for changes in the rate according to operation of an index that is not under the control of the creditor and is available to the general public;

"(3) an increase due to the completion of a workout or temporary hardship arrangement by the obligor or the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that—

"(A) the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; and

"(B) the creditor has provided the obligor, prior to the commencement of such arrangement, with clear and conspicuous disclosure of the terms of the arrangement (including any increases due to such completion or failure); or

Deadlines.

"(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor

within 60 days after the due date for such payment, provided that the creditor shall—

"(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments on time from the obligor during that period; and

"(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments on time during that period.

"(c) REPAYMENT OF OUTSTANDING BALANCE.—

"(1) IN GENERAL.—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

"(2) METHODS.—The methods described in this paragraph are—

"(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(i); or

"(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(i).

"(d) OUTSTANDING BALANCE DEFINED.—For purposes of this section, the term 'outstanding balance' means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14th day after the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(i).".

(c) INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

"SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS. 15 USC 1665c.

"(a) IN GENERAL.—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

"(b) REQUIREMENTS.—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

"(1) maintain reasonable methodologies for assessing the factors described in subsection (a);

"(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined); Deadlines. Review.

"(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and

"(4) in the event of an increase in the annual percentage rate, provide in the written notice required under section 127(i) a statement of the reasons for the increase.

"(c) RULE OF CONSTRUCTION.—This section shall not be construed to require a reduction in any specific amount.

Deadline. Effective date.

"(d) RULEMAKING.—The Board shall issue final rules not later than 9 months after the date of enactment of this section to implement the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after that date of enactment.".

(d) INTRODUCTORY AND PROMOTIONAL RATES.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended by inserting after section 171, as amended by this Act, the following:

Time periods. 15 USC 1666i–2.

"SEC. 172. ADDITIONAL LIMITS ON INTEREST RATE INCREASES.

"(a) LIMITATION ON INCREASES WITHIN FIRST YEAR.—Except in the case of an increase described in paragraph (1), (2), (3), or (4) of section 171(b), no increase in any annual percentage rate, fee, or finance charge on any credit card account under an open end consumer credit plan shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

"(b) PROMOTIONAL RATE MINIMUM TERM.—No increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Board) shall be effective before the end of the 6-month period beginning on the date on which the promotional rate takes effect, subject to such reasonable exceptions as the Board may establish, by rule.".

(e) CLERICAL AMENDMENT.—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

"171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.
"172. Additional limits on interest rate increases.
"173. Applicability of State laws.".

SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(j) PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.—

"(1) PROHIBITION ON DOUBLE-CYCLE BILLING AND PENALTIES FOR ON-TIME PAYMENTS.—Except as provided in paragraph (2), a creditor may not impose any finance charge on a credit card account under an open end consumer credit plan as a result of the loss of any time period provided by the creditor within which the obligor may repay any portion of the credit extended without incurring a finance charge, with respect to—

"(A) any balances for days in billing cycles that precede the most recent billing cycle; or

"(B) any balances or portions thereof in the current billing cycle that were repaid within such time period.

"(2) EXCEPTIONS.—Paragraph (1) does not apply to—

"(A) any adjustment to a finance charge as a result of the resolution of a dispute; or

"(B) any adjustment to a finance charge as a result of the return of a payment for insufficient funds.

"(k) OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

"(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged, unless the consumer has expressly elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit under such account in excess of the amount of credit authorized.

Notice.

"(2) DISCLOSURE BY CREDITOR.—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board. If the consumer makes the election referred to in paragraph (1), the creditor shall provide notice to the consumer of the right to revoke the election, in the form prescribed by the Board, in any periodic statement that includes notice of the imposition of an over-the-limit fee during the period covered by the statement.

Regulations.

"(3) FORM OF ELECTION.—A consumer may make or revoke the election referred to in paragraph (1) orally, electronically, or in writing, pursuant to regulations prescribed by the Board. The Board shall prescribe regulations to ensure that the same options are available for both making and revoking such election.

"(4) TIME OF ELECTION.—A consumer may make the election referred to in paragraph (1) at any time, and such election shall be effective until the election is revoked in the manner prescribed under paragraph (3).

"(5) REGULATIONS.—The Board shall prescribe regulations—

"(A) governing disclosures under this subsection; and

"(B) that prevent unfair or deceptive acts or practices in connection with the manipulation of credit limits designed to increase over-the-limit fees or other penalty fees.

"(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a creditor from completing an over-the-limit transaction, provided that a consumer who has not made a valid election under paragraph (1) is not charged an over-the-limit fee for such transaction.

"(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

"(l) LIMIT ON FEES RELATED TO METHOD OF PAYMENT.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means, unless such payment involves an expedited service by a service representative of the creditor.".

(b) REASONABLE PENALTY FEES.—

(1) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.), as amended by this Act, is amended by adding at the end the following:

15 USC 1665d.

"SEC. 149. REASONABLE PENALTY FEES ON OPEN END CONSUMER CREDIT PLANS.

"(a) IN GENERAL.—The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over-the-limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

Deadline.

"(b) RULEMAKING REQUIRED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue final rules not later than 9 months after the date of enactment of this section, to establish standards for assessing whether the amount of any penalty fee or charge described under subsection (a) is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

Effective date.

"(c) CONSIDERATIONS.—In issuing rules required by this section, the Board shall consider—

"(1) the cost incurred by the creditor from such omission or violation;

"(2) the deterrence of such omission or violation by the cardholder;

"(3) the conduct of the cardholder; and

"(4) such other factors as the Board may deem necessary or appropriate.

"(d) DIFFERENTIATION PERMITTED.—In issuing rules required by this subsection, the Board may establish different standards for different types of fees and charges, as appropriate.

"(e) SAFE HARBOR RULE AUTHORIZED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any penalty fee or charge described under subsection (a) that is presumed to be reasonable and proportional to the omission or violation to which the fee or charge relates.".

(2) CLERICAL AMENDMENTS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended—

(A) in the chapter heading, by inserting "**AND LIMITS ON CREDIT CARD FEES**" after "**ADVERTISING**"; and

(B) in the table of sections for the chapter, by adding at the end the following:

"148. Interest rate reduction on open end consumer credit plans.
"149. Reasonable penalty fees on open end consumer credit plans.".

SEC. 103. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(m) USE OF TERM 'FIXED RATE'.—With respect to the terms of any credit card account under an open end consumer credit plan, the term 'fixed', when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.".

SEC. 104. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through "Payments" and inserting the following:

"§ 164. Prompt and fair crediting of payments

"(a) IN GENERAL.—Payments";

(2) by inserting ", by 5:00 p.m. on the date on which such payment is due," after "in readily identifiable form";

(3) by striking "manner, location, and time" and inserting "manner, and location"; and

(4) by adding at the end the following:

"(b) APPLICATION OF PAYMENTS.—

"(1) IN GENERAL.—Upon receipt of a payment from a cardholder, the card issuer shall apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.

"(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount to a balance on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

"(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.".

SEC. 105. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR "FEE HARVESTER" CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following new subsection:

"(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR 'FEE HARVESTER' CARDS.—

"(1) IN GENERAL.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

"(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.".

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(o) DUE DATES FOR CREDIT CARD ACCOUNTS.—

"(1) IN GENERAL.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

"(2) WEEKEND OR HOLIDAY DUE DATES.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.".

(b) LENGTH OF BILLING PERIOD.—

(1) IN GENERAL.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

Deadlines.

"SEC. 163. TIMING OF PAYMENTS.

"(a) TIME TO MAKE PAYMENTS.—A creditor may not treat a payment on an open end consumer credit plan as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

"(b) GRACE PERIOD.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.".

15 USC 1666b note.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 4 of the Truth in Lending Act is amended—

(1) by striking the item relating to section 163 and inserting the following:

"163. Timing of payments."; and

(2) by striking the item relating to section 171 and inserting the following:

"171. Universal defaults prohibited.
"172. Unilateral changes in credit card agreement prohibited.
"173. Applicability of State laws.".

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking "or (iii) in the" and inserting the following: "(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of $500 and a maximum of $5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the".

SEC. 108. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking "term" and all that follows through "means" and inserting the following: "terms 'open end credit plan' and 'open end consumer credit plan' mean"; and

(2) in the second sentence, by inserting "or open end consumer credit plan" after "credit plan" each place that term appears.

SEC. 109. CONSIDERATION OF ABILITY TO REPAY.

(a) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1666 et seq.), as amended by this title, is amended by adding at the end the following:

"SEC. 150. CONSIDERATION OF ABILITY TO REPAY. 15 USC 1665e.

"A card issuer may not open any credit card account for any consumer under an open end consumer credit plan, or increase any credit limit applicable to such account, unless the card issuer considers the ability of the consumer to make the required payments under the terms of such account.".

(b) CLERICAL AMENDMENT.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended in the table of sections for the chapter, by adding at the end the following:

"150. Consideration of ability to repay.".

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

"(11)(A) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time

it takes to repay your balance.', or such similar statement as is established by the Board pursuant to consumer testing.

"(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months; and

"(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

"(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

"(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

"(D) All of the information described in subparagraph (B) shall—

Regulations.

"(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

"(ii) be placed in a conspicuous and prominent location on the billing statement.

"(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

"(i) contains clear and concise headings for each item of such information; and

"(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

"(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

"(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

"(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

"(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: "In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).".

(c) GUIDELINES REQUIRED.—

15 USC 1637 note. Deadline. Communications and telecommunications.

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustee pursuant to section 111(a) of title 11, United States Code.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

"(12) REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.—

"(A) LATE PAYMENT DEADLINE REQUIRED TO BE DISCLOSED.—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement, the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date.

"(B) DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.—If 1 or more late payments under an

Notice.

open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

"(C) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.".

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking "Except as provided in paragraph (2), a card issuer" and inserting the following: "A card issuer that has changed or amended any term of the account since the last renewal that has not been previously disclosed or".

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

"(d) ADDITIONAL ELECTRONIC DISCLOSURES.—

"(1) POSTING AGREEMENTS.—Each creditor shall establish and maintain an Internet site on which the creditor shall post the written agreement between the creditor and the consumer for each credit card account under an open-end consumer credit plan.

"(2) CREDITOR TO PROVIDE CONTRACTS TO THE BOARD.—Each creditor shall provide to the Board, in electronic format, the consumer credit card agreements that it publishes on its Internet site.

Public information.

"(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publicly available Internet site a central repository of the consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

"(4) EXCEPTION.—This subsection shall not apply to individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

"(5) REGULATIONS.—The Board, in consultation with the other Federal banking agencies (as that term is defined in

section 603) and the Federal Trade Commission, may promulgate regulations to implement this subsection, including specifying the format for posting the agreements on the Internet sites of creditors and establishing exceptions to paragraphs (1) and (2), in any case in which the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders.".

SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

(a) PREVENTING DECEPTIVE MARKETING.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following:

"(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

"(1) IN GENERAL.—Subject to rulemaking pursuant to section 205(b) of the Credit CARD Act of 2009, any advertisement for a free credit report in any medium shall prominently disclose in such advertisement that free credit reports are available under Federal law at: 'AnnualCreditReport.com' (or such other source as may be authorized under Federal law).

"(2) TELEVISION AND RADIO ADVERTISEMENT.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio and visual part of such advertisement. In the case of an advertisement broadcast by televison or radio, the disclosure required under paragraph (1) shall consist only of the following: 'This is not the free credit report provided for by Federal law'.".

(b) RULEMAKING.—

15 USC 1681j note. Deadline.

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall issue a final rule to carry out this section.

(2) CONTENT.—The rule required by this subsection—

(A) shall include specific wording to be used in advertisements in accordance with this section; and

(B) for advertisements on the Internet, shall include whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.

(3) INTERIM DISCLOSURES.—If an advertisement subject to section 612(g) of the Fair Credit Reporting Act, as added by this section, is made public after the 9-month deadline specified in paragraph (1), but before the rule required by paragraph (1) is finalized, such advertisement shall include the disclosure: "Free credit reports are available under Federal law at: 'AnnualCreditReport.com'.".

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

"(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

"(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require—

"(i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

"(ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

Regulations.

"(C) SAFE HARBOR.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B)(ii).".

SEC. 302. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking "and" at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: "; and

"(iv) the consumer report does not contain a date of birth that shows that the consumer has not attained the age of 21, or, if the date of birth on the consumer report shows that the consumer has not attained the age of 21, such consumer consents to the consumer reporting agency to such furnishing.".

SEC. 303. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

"(p) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a credit card account for which a parent, legal guardian, or spouse of the consumer, or any other individual has assumed joint liability for debts incurred by the consumer in connection with the account before the consumer attains the age of 21, unless that parent, guardian, or spouse approves in writing, and assumes joint liability for, such increase.".

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

"(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

"(1) DISCLOSURE REQUIRED.—An institution of higher education shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

"(2) INDUCEMENTS PROHIBITED.—No card issuer or creditor may offer to a student at an institution of higher education any tangible item to induce such student to apply for or participate in an open end consumer credit plan offered by such card issuer or creditor, if such offer is made—

"(A) on the campus of an institution of higher education;

"(B) near the campus of an institution of higher education, as determined by rule of the Board; or

"(C) at an event sponsored by or related to an institution of higher education.

"(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each institution of higher education should consider adopting the following policies relating to credit cards:

"(A) That any card issuer that markets a credit card on the campus of such institution notify the institution of the location at which such marketing will take place.

"(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

"(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.".

SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

"(r) COLLEGE CARD AGREEMENTS.—

"(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

"(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

"(ii) the creditor has agreed to offer discounted terms to the consumer; or

"(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily

identified with such institution, organization, or foundation.

"(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

"(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

"(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002).

"(2) REPORTS BY CREDITORS.—

"(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

"(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

"(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

"(ii) the amount of any payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

"(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report, and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

"(C) AGGREGATION BY INSTITUTION.—The information required to be reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

Time period.

"(D) INITIAL REPORT.—The initial report required under subparagraph (A) shall be submitted to the Board before the end of the 9-month period beginning on the date of enactment of this subsection.

Public information.

"(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.".

15 USC 1637 note.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall, from time to time, review the reports submitted by creditors under section 127(r) of the Truth in Lending Act, as added by this section, and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

TITLE IV—GIFT CARDS

SEC. 401. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 915 through 921 as sections 916 through 922, respectively; and 15 USC 1693 note, 1693m–1693r.

(2) by inserting after section 914 the following:

"SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS. 15 USC 1693*l*–1.

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) DORMANCY FEE; INACTIVITY CHARGE OR FEE.—The terms 'dormancy fee' and 'inactivity charge or fee' mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

"(2) GENERAL USE PREPAID CARD, GIFT CERTIFICATE, AND STORE GIFT CARD.—

"(A) GENERAL-USE PREPAID CARD.—The term 'general-use prepaid card' means a card or other payment code or device issued by any person that is—

"(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

"(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

"(iii) purchased or loaded on a prepaid basis; and

"(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

"(B) GIFT CERTIFICATE.—The term 'gift certificate' means an electronic promise that is—

"(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

"(ii) issued in a specified amount that may not be increased or reloaded;

"(iii) purchased on a prepaid basis in exchange for payment; and

"(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

"(C) STORE GIFT CARD.—The term 'store gift card' means an electronic promise, plastic card, or other payment code or device that is—

"(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

"(ii) issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the holder;

"(iii) purchased on a prepaid basis in exchange for payment; and

"(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

"(D) EXCLUSIONS.—The terms 'general-use prepaid card', 'gift certificate', and 'store gift card' do not include an electronic promise, plastic card, or payment code or device that is—

"(i) used solely for telephone services;

"(ii) reloadable and not marketed or labeled as a gift card or gift certificate;

"(iii) a loyalty, award, or promotional gift card, as defined by the Board;

"(iv) not marketed to the general public;

"(v) issued in paper form only (including for tickets and events); or

"(vi) redeemable solely for admission to events or venues at a particular location or group of affiliated locations, which may also include services or goods obtainable—

"(I) at the event or venue after admission; or

"(II) in conjunction with admission to such events or venues, at specific locations affiliated with and in geographic proximity to the event or venue.

"(3) SERVICE FEE.—

"(A) IN GENERAL.—The term 'service fee' means a periodic fee, charge, or penalty for holding or use of a gift certificate, store gift card, or general-use prepaid card.

"(B) EXCLUSION.—With respect to a general-use prepaid card, the term 'service fee' does not include a one-time initial issuance fee.

"(b) PROHIBITION ON IMPOSITION OF FEES OR CHARGES.—

"(1) IN GENERAL.—Except as provided under paragraphs (2) through (4), it shall be unlawful for any person to impose a dormancy fee, an inactivity charge or fee, or a service fee with respect to a gift certificate, store gift card, or general-use prepaid card.

"(2) EXCEPTIONS.—A dormancy fee, inactivity charge or fee, or service fee may be charged with respect to a gift certificate, store gift card, or general-use prepaid card, if—

"(A) there has been no activity with respect to the certificate or card in the 12-month period ending on the date on which the charge or fee is imposed;

"(B) the disclosure requirements of paragraph (3) have been met;

"(C) not more than one fee may be charged in any given month; and

"(D) any additional requirements that the Board may establish through rulemaking under subsection (d) have been met.

"(3) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph are met if—

"(A) the gift certificate, store gift card, or general-use prepaid card clearly and conspicuously states—

"(i) that a dormancy fee, inactivity charge or fee, or service fee may be charged;

"(ii) the amount of such fee or charge;

"(iii) how often such fee or charge may be assessed; and

"(iv) that such fee or charge may be assessed for inactivity; and

"(B) the issuer or vendor of such certificate or card informs the purchaser of such charge or fee before such certificate or card is purchased, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

"(4) EXCLUSION.—The prohibition under paragraph (1) shall not apply to any gift certificate—

"(A) that is distributed pursuant to an award, loyalty, or promotional program, as defined by the Board; and

"(B) with respect to which, there is no money or other value exchanged.

"(c) PROHIBITION ON SALE OF GIFT CARDS WITH EXPIRATION DATES.—

"(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any person to sell or issue a gift certificate, store gift card, or general-use prepaid card that is subject to an expiration date.

"(2) EXCEPTIONS.—A gift certificate, store gift card, or general-use prepaid card may contain an expiration date if—

"(A) the expiration date is not earlier than 5 years after the date on which the gift certificate was issued, or the date on which card funds were last loaded to a store gift card or general-use prepaid card; and

"(B) the terms of expiration are clearly and conspicuously stated.

"(d) ADDITIONAL RULEMAKING.—

"(1) IN GENERAL.—The Board shall—

"(A) prescribe regulations to carry out this section, in addition to any other rules or regulations required by this title, including such additional requirements as appropriate relating to the amount of dormancy fees, inactivity charges or fees, or service fees that may be assessed and the amount of remaining value of a gift certificate, store gift card, or general-use prepaid card below which such charges or fees may be assessed; and

Regulations.

"(B) shall determine the extent to which the individual definitions and provisions of the Electronic Fund Transfer Act or Regulation E should apply to general-use prepaid cards, gift certificates, and store gift cards.

"(2) CONSULTATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

Deadline.

"(3) TIMING; EFFECTIVE DATE.—The regulations required by this subsection shall be issued in final form not later than 9 months after the date of enactment of the Credit CARD Act of 2009.".

SEC. 402. RELATION TO STATE LAWS.

15 USC 1693q.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting "dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards," after "electronic fund transfers,".

15 USC 1693*l*–1 note.

SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States (in this section referred to as the "Comptroller") shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

(9) the extent to which interchange fees allow smaller financial institutions and credit unions to offer payment cards and compete against larger financial institutions.

(c) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

15 USC 1616.

(a) REQUIRED REVIEW.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market, including— Deadlines.

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosure of terms, fees, and other expenses of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans; and

(4) whether or not, and to what extent, the implementation of this Act and the amendments made by this Act has affected—

(A) cost and availability of credit, particularly with respect to non-prime borrowers;

(B) the safety and soundness of credit card issuers;

(C) the use of risk-based pricing; or

(D) credit card product innovation.

(b) SOLICITATION OF PUBLIC COMMENT.—In connection with conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—

(1) NOTICE.—Following the review required by subsection (a), the Board shall publish a notice in the Federal Register that— Federal Register, publication.

(A) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research; and

(B) either—

(i) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(ii) states the reason for the determination of the Board that new or revised regulations are not necessary.

(2) REVISION OF REVIEW PERIOD FOLLOWING MATERIAL REVISION OF REGULATIONS.—In the event that the Board materially revises regulations on consumer credit card plans, a review need not be conducted until 2 years after the effective date of the revised regulations, which thereafter shall be treated

as the new date for the biennial review required by subsection (a).

(d) BOARD REPORT TO THE CONGRESS.—The Board shall report to Congress not less frequently than every 2 years, except as provided in subsection (c)(2), on the status of its most recent review, its efforts to address any issues identified from the review, and any recommendations for legislation.

(e) ADDITIONAL REPORTING.—The Federal banking agencies (as that term is defined in section 3 of the Federal Deposit Insurance Act) and the Federal Trade Commission shall provide annually to the Board, and the Board shall include in its annual report to Congress under section 10 of the Federal Reserve Act, information about the supervisory and enforcement activities of the agencies with respect to compliance by credit card issuers with applicable Federal consumer protection statutes and regulations, including—

(1) this Act, the amendments made by this Act, and regulations prescribed under this Act and such amendments; and

(2) section 5 of the Federal Trade Commission Act, and regulations prescribed under the Federal Trade Commission Act, including part 227 of title 12 of the Code of Federal Regulations, as prescribed by the Board (referred to as "Regulation AA").

31 USC 5311 note.

SEC. 503. STORED VALUE.

Deadline. Regulations.

(a) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of Homeland Security, shall issue regulations in final form implementing the Bank Secrecy Act, regarding the sale, issuance, redemption, or international transport of stored value, including stored value cards.

(b) CONSIDERATION OF INTERNATIONAL TRANSPORT.—Regulations under this section regarding international transport of stored value may include reporting requirements pursuant to section 5316 of title 31, United States Code.

(c) EMERGING METHODS FOR TRANSMITTAL AND STORAGE IN ELECTRONIC FORM.—Regulations under this section shall take into consideration current and future needs and methodologies for transmitting and storing value in electronic form.

SEC. 504. PROCEDURE FOR TIMELY SETTLEMENT OF ESTATES OF DECEDENT OBLIGORS.

15 USC 1631 *et seq*.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

15 USC 1651.

"§ 140A Procedure for timely settlement of estates of decedent obligors

Regulations.

"The Board, in consultation with the Federal Trade Commission and each other agency referred to in section 108(a), shall prescribe regulations to require any creditor, with respect to any credit card account under an open end consumer credit plan, to establish procedures to ensure that any administrator of an estate of any deceased obligor with respect to such account can resolve outstanding credit balances in a timely manner.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 140 the following new item:

"140A. Procedure for timely settlement of estates of decedent obligors'.".

SEC. 505. REPORT TO CONGRESS ON REDUCTIONS OF CONSUMER CREDIT CARD LIMITS BASED ON CERTAIN INFORMATION AS TO EXPERIENCE OR TRANSACTIONS OF THE CONSUMER.

(a) REPORT ON CREDITOR PRACTICES REQUIRED.—Before the end of the 1-year period beginning on the date of enactment of this Act, the Board, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the extent to which, during the 3-year period ending on such date of enactment, creditors have reduced credit limits or raised interest rates applicable to credit card accounts under open end consumer credit plans based on—

(1) the geographic location where a credit transaction with the consumer took place, or the identity of the merchant involved in the transaction;

(2) the credit transactions of the consumer, including the type of credit transaction, the type of items purchased in such transaction, the price of items purchased in such transaction, any change in the type or price of items purchased in such transactions, and other data pertaining to the use of such credit card account by the consumer; and

(3) the identity of the mortgage creditor which extended or holds the mortgage loan secured by the primary residence of the consumer.

(b) OTHER INFORMATION.—The report required under subsection (a) shall also include—

(1) the number of creditors that have engaged in the practices described in subsection (a);

(2) the extent to which the practices described in subsection (a) have an adverse impact on minority or low-income consumers;

(3) any other relevant information regarding such practices; and

(4) recommendations to the Congress on any regulatory or statutory changes that may be needed to restrict or prevent such practices.

SEC. 506. BOARD REVIEW OF SMALL BUSINESS CREDIT PLANS AND RECOMMENDATIONS.

(a) REQUIRED REVIEW.—Not later than 9 months after the date of enactment of this Act, the Board shall conduct a review of the use of credit cards by businesses with not more than 50 employees (in this section referred to as "small businesses") and the credit card market for small businesses, including— Deadline.

(1) the terms of credit card agreements for small businesses and the practices of credit card issuers relating to small businesses;

(2) the adequacy of disclosures of terms, fees, and other expenses of credit card plans for small businesses;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans for small businesses;

(4) the cost and availability of credit for small businesses, particularly with respect to non-prime borrowers;

(5) the use of risk-based pricing for small businesses;

(6) credit card product innovation relating to small businesses; and

(7) the extent to which small business owners use personal credit cards to fund their business operations.

Deadline.

(b) RECOMMENDATIONS.—Following the review required by subsection (a), the Board shall, not later than 12 months after the date of enactment of this Act—

Reports.

(1) provide a report to Congress that summarizes the review and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) make recommendations for administrative or legislative initiatives to provide protections for credit card plans for small businesses, as appropriate.

SEC. 507. SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term "task force" means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator shall, in conjunction with the Secretary of Homeland Security, establish a task force, to be known as the "Small Business Information Security Task Force", to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

Recommendations.

(c) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

Recommendations.

(e) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) APPOINTMENT OF MEMBERS.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) MEMBERS.—

(A) CHAIRPERSON AND VICE-CHAIRPERSON.—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies, including the Department of Homeland Security, engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) POLITICAL AFFILIATION.—The appointments under this subsection shall be made without regard to political affiliation.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

Deadlines.
Federal Register, publication.
Recommendations.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to the Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of

the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

Deadlines. Reports.

(A) IN GENERAL.—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for each of fiscal years 2010 through 2013.

SEC. 508. STUDY AND REPORT ON EMERGENCY PIN TECHNOLOGY.

(a) IN GENERAL.—The Federal Trade Commission, in consultation with the Attorney General of the United States and the United States Secret Service, shall conduct a study on the cost-effectiveness of making available at automated teller machines technology that enables a consumer that is under duress to electronically alert a local law enforcement agency that an incident is taking place at such automated teller machine, including—

(1) an emergency personal identification number that would summon a local law enforcement officer to an automated teller machine when entered into such automated teller machine; and

(2) a mechanism on the exterior of an automated teller machine that, when pressed, would summon a local law enforcement to such automated teller machine.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall include—

(1) an analysis of any technology described in subsection (a) that is currently available or under development;

(2) an estimate of the number and severity of any crimes that could be prevented by the availability of such technology;

(3) the estimated costs of implementing such technology; and

(4) a comparison of the costs and benefits of not fewer than 3 types of such technology.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the findings of the study required under this section that includes such recommendations for legislative action as the Commission determines appropriate.

SEC. 509. STUDY AND REPORT ON THE MARKETING OF PRODUCTS WITH CREDIT OFFERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the terms, conditions, marketing, and value to consumers of products marketed in conjunction with credit card offers, including—

(1) debt suspension agreements;

(2) debt cancellation agreements; and

(3) credit insurance products.

(b) AREAS OF CONCERN.—The study conducted under this section shall evaluate—

(1) the suitability of the offer of products described in subsection (a) for target customers;

(2) the predatory nature of such offers; and

(3) specifically for debt cancellation or suspension agreements and credit insurance products, loss rates compared to more traditional insurance products.

(c) REPORT TO CONGRESS.—The Comptroller shall submit a report to Congress on the results of the study required by this section not later than December 31, 2010.

SEC. 510. FINANCIAL AND ECONOMIC LITERACY.

(a) REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Education and the

Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) CONTENTS.—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President's Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) CONTENTS.—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) PRESENTATION TO CONGRESS.—The plan developed under this subsection shall be presented to Congress not later than 6 months after the date on which the report under subsection (a) is submitted to Congress. Deadline.

(c) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

SEC. 511. FEDERAL TRADE COMMISSION RULEMAKING ON MORTGAGE LENDING.

(a) IN GENERAL.—Section 626 of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended— *Ante*, p. 678.

(1) in subsection (a)—

(A) by striking "Within" and inserting "(1) Within";

(B) in paragraph (1), as designated by subparagraph (A), by inserting after the first sentence the following:

"Such rulemaking shall relate to unfair or deceptive acts or practices regarding mortgage loans, which may include unfair or deceptive acts or practices involving loan modification and foreclosure rescue services."; and

(C) by adding at the end the following:

"(2) Paragraph (1) shall not be construed to authorize the Federal Trade Commission to promulgate a rule with respect to an entity that is not subject to enforcement of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Commission.

Consultation.

"(3) Before issuing a final rule pursuant to the proceeding initiated under paragraph (1), the Federal Trade Commission shall consult with the Federal Reserve Board concerning any portion of the proposed rule applicable to acts or practices to which the provisions of the Truth in Lending Act (15 U.S.C. 1601 et seq.) may apply.

"(4) The Federal Trade Commission shall enforce the rules issued under paragraph (1) in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section."; and

(2) in subsection (b)—

(A) by striking so much as precedes paragraph (2) and inserting the following:

"(b)(1) Except as provided in paragraph (6), in any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person subject to a rule prescribed under subsection (a) in a practice that violates such rule, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in an appropriate district court of the United States or other court of competent jurisdiction—

"(A) to enjoin that practice;

"(B) to enforce compliance with the rule;

"(C) to obtain damages, restitution, or other compensation on behalf of residents of the State; or

"(D) to obtain penalties and relief provided by the Federal Trade Commission Act and such other relief as the court considers appropriate."; and

(B) in paragraphs (2), (3), and (6), by striking "Commission" each place it appears and inserting "primary Federal regulator".

15 USC 1638 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on March 12, 2009.

16 USC 1a–7b.

SEC. 512. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that "the right of the people to keep and bear Arms, shall not be infringed".

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that "except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net".

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not "possess, use, or transport firearms on national wildlife refuges" of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SEC. 513. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and

(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

Approved May 22, 2009.

LEGISLATIVE HISTORY—H.R. 627 (S. 414):

HOUSE REPORTS: No. 111–88 (Comm. on Financial Services).
SENATE REPORTS: No. 111–16 (Comm. on Banking, Housing, and Urban Affairs) accompanying S. 414.
CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 29, 30, considered and passed House.
May 11–14, 19, considered and passed Senate, amended.
May 20, House concurred in Senate amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
May 22, Presidential remarks.

Public Law 111–25
111th Congress

An Act

To establish the Ronald Reagan Centennial Commission.

June 2, 2009
[H.R. 131]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ronald Reagan Centennial Commission Act.
36 USC 101 note prec.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ronald Reagan Centennial Commission Act".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "Ronald Reagan Centennial Commission" (in this Act referred to as the "Commission").

SEC. 3. DUTIES OF COMMISSION.

The Commission shall—

(1) plan, develop, and carry out such activities as the Commission considers fitting and proper to honor Ronald Reagan on the occasion of the 100th anniversary of his birth;

(2) provide advice and assistance to Federal, State, and local governmental agencies, as well as civic groups to carry out activities to honor Ronald Reagan on the occasion of the 100th anniversary of his birth;

(3) develop activities that may be carried out by the Federal Government to determine whether the activities are fitting and proper to honor Ronald Reagan on the occasion of the 100th anniversary of his birth; and

(4) submit to the President and Congress reports pursuant to section 7. Reports.

SEC. 4. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) The Secretary of the Interior.

(2) Four members appointed by the President after considering the recommendations of the Board of Trustees of the Ronald Reagan Foundation. President.

(3) Two Members of the House of Representatives appointed by the Speaker of the House of Representatives.

(4) One Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(5) Two Members of the Senate appointed by the majority leader of the Senate.

(6) One Member of the Senate appointed by the minority leader of the Senate.

(b) EX OFFICIO MEMBER.—The Archivist of the United States shall serve in an ex officio capacity on the Commission to provide advice and information to the Commission.

(c) TERMS.—Each member shall be appointed for the life of the Commission.

(d) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(e) VACANCIES.—A vacancy on the Commission shall—

(1) not affect the powers of the Commission; and

(2) be filled in the manner in which the original appointment was made.

(f) RATES OF PAY.—Members shall not receive compensation for the performance of their duties on behalf of the Commission.

(g) TRAVEL EXPENSES.—Each member of the Commission shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Commission while away from home or his or her regular place of business, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business, but two or more members may hold hearings.

(i) CHAIRPERSON.—The chairperson of the Commission shall be elected by a majority vote of the members of the Commission.

SEC. 5. DIRECTOR AND STAFF OF COMMISSION.

(a) DIRECTOR AND STAFF.—The Commission shall appoint an executive director and such other additional personnel as are necessary to enable the Commission to perform its duties.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the rate of pay for the executive director and other staff may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF FEDERAL EMPLOYEES.—Upon request of the Commission, the Secretary of the Interior or the Archivist of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure such temporary and intermittent services as are necessary to enable the Commission to perform its duties.

(e) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

SEC. 6. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon request of the chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) GIFTS, BEQUESTS, DEVISES.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money, services, or property, both real and personal, for the purpose of aiding or facilitating its work.

(e) AVAILABLE SPACE.—Upon the request of the Commission, the Administrator of General Services shall make available nationwide to the Commission, at a normal rental rate for Federal agencies, such assistance and facilities as may be necessary for the Commission to carry out its duties under this Act.

(f) CONTRACT AUTHORITY.—The Commission may enter into contracts with and compensate government and private agencies or persons to enable the Commission to discharge its duties under this Act.

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—The Commission shall submit to the President and the Congress annual reports on the revenue and expenditures of the Commission, including a list of each gift, bequest, or devise to the Commission with a value of more than $250, together with the identity of the donor of each gift, bequest, or devise.

(b) INTERIM REPORTS.—The Commission may submit to the President and Congress interim reports as the Commission considers appropriate.

(c) FINAL REPORT.—Not later than April 30, 2011, the Commission shall submit a final report to the President and the Congress containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings, conclusions, and final recommendations of the Commission.

SEC. 8. TERMINATION.

The Commission may terminate on such date as the Commission may determine after it submits its final report pursuant to section 7(c), but not later than May 30, 2011. Deadline.

SEC. 9. ANNUAL AUDIT.

The Inspector General of the Department of the Interior may perform an audit of the Commission, shall make the results of any audit performed available to the public, and shall transmit such results to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate. Public information.

SEC. 10. PROHIBITION ON OBLIGATION OF FEDERAL FUNDS.

No Federal funds may be obligated to carry out this Act.

Approved June 2, 2009.

LEGISLATIVE HISTORY—H.R. 131:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 9, considered and passed House.
May 19, considered and passed Senate.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
June 2, Presidential remarks and statement.

Public Law 111–26
111th Congress

An Act

To designate the facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, as the "Yvonne Ingram-Ephraim Post Office Building".

June 19, 2009
[H.R. 663]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. YVONNE INGRAM-EPHRAIM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 12877 Broad Street in Sparta, Georgia, shall be known and designated as the "Yvonne Ingram-Ephraim Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Yvonne Ingram-Ephraim Post Office Building".

Approved June 19, 2009.

LEGISLATIVE HISTORY—H.R. 663:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Feb. 12, 13, considered and passed House.
May 21, considered and passed Senate.

Public Law 111–27
111th Congress

An Act

June 19, 2009
[H.R. 918]

To designate the facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, as the "Stan Lundine Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAN LUNDINE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 300 East 3rd Street in Jamestown, New York, shall be known and designated as the "Stan Lundine Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Stan Lundine Post Office Building".

Approved June 19, 2009.

LEGISLATIVE HISTORY—H.R. 918:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 23, considered and passed House.
May 21, considered and passed Senate.

Public Law 111–28
111th Congress

An Act

To designate the facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, as the "Major Ed W. Freeman Post Office".

June 19, 2009
[H.R. 1284]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR ED W. FREEMAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 West Main Street in McLain, Mississippi, shall be known and designated as the "Major Ed W. Freeman Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Major Ed W. Freeman Post Office".

Approved June 19, 2009.

LEGISLATIVE HISTORY—H.R. 1284:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 16, considered and passed House.
May 21, considered and passed Senate.

Public Law 111–29
111th Congress

An Act

June 19, 2009
[H.R. 1595]

To designate the facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, as the "Brian K. Schramm Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRIAN K. SCHRAMM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3245 Latta Road in Rochester, New York, shall be known and designated as the "Brian K. Schramm Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brian K. Schramm Post Office Building".

Approved June 19, 2009.

LEGISLATIVE HISTORY—H.R. 1595:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 28, considered and passed House.
May 21, considered and passed Senate.

Public Law 111–30
111th Congress

An Act

To amend title II of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 to extend the operation of such title for a 1-year period ending June 22, 2010.

June 19, 2009
[H.R. 2675]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act. 15 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act".

SEC. 2. DELAY OF SUNSET.

Section 211(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 (15 U.S.C. 1 note) is amended by striking "5 years" and inserting "6 years".

SEC. 3. EFFECTIVE DATE OF AMENDMENT.

15 USC 1 note.

The amendment made by section 2 shall take effect immediately before June 22, 2009.

Approved June 19, 2009.

LEGISLATIVE HISTORY—H.R. 2675:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 9, considered and passed House.
June 17, considered and passed Senate.

Public Law 111–31
111th Congress

An Act

To protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the Federal Employees' Retirement System, and for other purposes.

June 22, 2009
[H.R. 1256]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Family Smoking Prevention and Tobacco Control Act.

DIVISION A—FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

21 USC 301 note.

(a) SHORT TITLE.—This division may be cited as the "Family Smoking Prevention and Tobacco Control Act".

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Scope and effect.
Sec. 5. Severability.
Sec. 6. Modification of deadlines for Secretarial action.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

Sec. 101. Amendment of Federal Food, Drug, and Cosmetic Act.
Sec. 102. Final rule.
Sec. 103. Conforming and other amendments to general provisions.
Sec. 104. Study on raising the minimum age to purchase tobacco products.
Sec. 105. Enforcement action plan for advertising and promotion restrictions.
Sec. 106. Studies of progress and effectiveness.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

Sec. 201. Cigarette label and advertising warnings.
Sec. 202. Authority to revise cigarette warning label statements.
Sec. 203. State regulation of cigarette advertising and promotion.
Sec. 204. Smokeless tobacco labels and advertising warnings.
Sec. 205. Authority to revise smokeless tobacco product warning label statements.
Sec. 206. Tar, nicotine, and other smoke constituent disclosure to the public.

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

Sec. 301. Labeling, recordkeeping, records inspection.
Sec. 302. Study and report.

21 USC 387 note.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The use of tobacco products by the Nation's children is a pediatric disease of considerable proportions that results in new generations of tobacco-dependent children and adults.

(2) A consensus exists within the scientific and medical communities that tobacco products are inherently dangerous and cause cancer, heart disease, and other serious adverse health effects.

(3) Nicotine is an addictive drug.

(4) Virtually all new users of tobacco products are under the minimum legal age to purchase such products.

(5) Tobacco advertising and marketing contribute significantly to the use of nicotine-containing tobacco products by adolescents.

(6) Because past efforts to restrict advertising and marketing of tobacco products have failed adequately to curb tobacco use by adolescents, comprehensive restrictions on the sale, promotion, and distribution of such products are needed.

(7) Federal and State governments have lacked the legal and regulatory authority and resources they need to address comprehensively the public health and societal problems caused by the use of tobacco products.

(8) Federal and State public health officials, the public health community, and the public at large recognize that the tobacco industry should be subject to ongoing oversight.

(9) Under article I, section 8 of the Constitution, the Congress is vested with the responsibility for regulating interstate commerce and commerce with Indian tribes.

(10) The sale, distribution, marketing, advertising, and use of tobacco products are activities in and substantially affecting interstate commerce because they are sold, marketed, advertised, and distributed in interstate commerce on a nationwide basis, and have a substantial effect on the Nation's economy.

(11) The sale, distribution, marketing, advertising, and use of such products substantially affect interstate commerce through the health care and other costs attributable to the use of tobacco products.

(12) It is in the public interest for Congress to enact legislation that provides the Food and Drug Administration with the authority to regulate tobacco products and the advertising and promotion of such products. The benefits to the American people from enacting such legislation would be significant in human and economic terms.

(13) Tobacco use is the foremost preventable cause of premature death in America. It causes over 400,000 deaths in the United States each year, and approximately 8,600,000 Americans have chronic illnesses related to smoking.

(14) Reducing the use of tobacco by minors by 50 percent would prevent well over 10,000,000 of today's children from becoming regular, daily smokers, saving over 3,000,000 of them from premature death due to tobacco-induced disease. Such a reduction in youth smoking would also result in approximately $75,000,000,000 in savings attributable to reduced health care costs.

(15) Advertising, marketing, and promotion of tobacco products have been especially directed to attract young persons to use tobacco products, and these efforts have resulted in increased use of such products by youth. Past efforts to oversee

these activities have not been successful in adequately preventing such increased use.

(16) In 2005, the cigarette manufacturers spent more than $13,000,000,000 to attract new users, retain current users, increase current consumption, and generate favorable long-term attitudes toward smoking and tobacco use.

(17) Tobacco product advertising often misleadingly portrays the use of tobacco as socially acceptable and healthful to minors.

(18) Tobacco product advertising is regularly seen by persons under the age of 18, and persons under the age of 18 are regularly exposed to tobacco product promotional efforts.

(19) Through advertisements during and sponsorship of sporting events, tobacco has become strongly associated with sports and has become portrayed as an integral part of sports and the healthy lifestyle associated with rigorous sporting activity.

(20) Children are exposed to substantial and unavoidable tobacco advertising that leads to favorable beliefs about tobacco use, plays a role in leading young people to overestimate the prevalence of tobacco use, and increases the number of young people who begin to use tobacco.

(21) The use of tobacco products in motion pictures and other mass media glamorizes its use for young people and encourages them to use tobacco products.

(22) Tobacco advertising expands the size of the tobacco market by increasing consumption of tobacco products including tobacco use by young people.

(23) Children are more influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands.

(24) Tobacco company documents indicate that young people are an important and often crucial segment of the tobacco market. Children, who tend to be more price sensitive than adults, are influenced by advertising and promotion practices that result in drastically reduced cigarette prices.

(25) Comprehensive advertising restrictions will have a positive effect on the smoking rates of young people.

(26) Restrictions on advertising are necessary to prevent unrestricted tobacco advertising from undermining legislation prohibiting access to young people and providing for education about tobacco use.

(27) International experience shows that advertising regulations that are stringent and comprehensive have a greater impact on overall tobacco use and young people's use than weaker or less comprehensive ones.

(28) Text only requirements, although not as stringent as a ban, will help reduce underage use of tobacco products while preserving the informational function of advertising.

(29) It is in the public interest for Congress to adopt legislation to address the public health crisis created by actions of the tobacco industry.

(30) The final regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618) for inclusion

as part 897 of title 21, Code of Federal Regulations, are consistent with the first amendment to the United States Constitution and with the standards set forth in the amendments made by this subtitle for the regulation of tobacco products by the Food and Drug Administration, and the restriction on the sale and distribution of, including access to and the advertising and promotion of, tobacco products contained in such regulations are substantially related to accomplishing the public health goals of this division.

(31) The regulations described in paragraph (30) will directly and materially advance the Federal Government's substantial interest in reducing the number of children and adolescents who use cigarettes and smokeless tobacco and in preventing the life-threatening health consequences associated with tobacco use. An overwhelming majority of Americans who use tobacco products begin using such products while they are minors and become addicted to the nicotine in those products before reaching the age of 18. Tobacco advertising and promotion play a crucial role in the decision of these minors to begin using tobacco products. Less restrictive and less comprehensive approaches have not and will not be effective in reducing the problems addressed by such regulations. The reasonable restrictions on the advertising and promotion of tobacco products contained in such regulations will lead to a significant decrease in the number of minors using and becoming addicted to those products.

(32) The regulations described in paragraph (30) impose no more extensive restrictions on communication by tobacco manufacturers and sellers than are necessary to reduce the number of children and adolescents who use cigarettes and smokeless tobacco and to prevent the life-threatening health consequences associated with tobacco use. Such regulations are narrowly tailored to restrict those advertising and promotional practices which are most likely to be seen or heard by youth and most likely to entice them into tobacco use, while affording tobacco manufacturers and sellers ample opportunity to convey information about their products to adult consumers.

(33) Tobacco dependence is a chronic disease, one that typically requires repeated interventions to achieve long-term or permanent abstinence.

(34) Because the only known safe alternative to smoking is cessation, interventions should target all smokers to help them quit completely.

(35) Tobacco products have been used to facilitate and finance criminal activities both domestically and internationally. Illicit trade of tobacco products has been linked to organized crime and terrorist groups.

(36) It is essential that the Food and Drug Administration review products sold or distributed for use to reduce risks or exposures associated with tobacco products and that it be empowered to review any advertising and labeling for such products. It is also essential that manufacturers, prior to marketing such products, be required to demonstrate that such products will meet a series of rigorous criteria, and will benefit the health of the population as a whole, taking into account both users of tobacco products and persons who do not currently use tobacco products.

(37) Unless tobacco products that purport to reduce the risks to the public of tobacco use actually reduce such risks, those products can cause substantial harm to the public health to the extent that the individuals, who would otherwise not consume tobacco products or would consume such products less, use tobacco products purporting to reduce risk. Those who use products sold or distributed as modified risk products that do not in fact reduce risk, rather than quitting or reducing their use of tobacco products, have a substantially increased likelihood of suffering disability and premature death. The costs to society of the widespread use of products sold or distributed as modified risk products that do not in fact reduce risk or that increase risk include thousands of unnecessary deaths and injuries and huge costs to our health care system.

(38) As the National Cancer Institute has found, many smokers mistakenly believe that "low tar" and "light" cigarettes cause fewer health problems than other cigarettes. As the National Cancer Institute has also found, mistaken beliefs about the health consequences of smoking "low tar" and "light" cigarettes can reduce the motivation to quit smoking entirely and thereby lead to disease and death.

(39) Recent studies have demonstrated that there has been no reduction in risk on a population-wide basis from "low tar" and "light" cigarettes, and such products may actually increase the risk of tobacco use.

(40) The dangers of products sold or distributed as modified risk tobacco products that do not in fact reduce risk are so high that there is a compelling governmental interest in ensuring that statements about modified risk tobacco products are complete, accurate, and relate to the overall disease risk of the product.

(41) As the Federal Trade Commission has found, consumers have misinterpreted advertisements in which one product is claimed to be less harmful than a comparable product, even in the presence of disclosures and advisories intended to provide clarification.

(42) Permitting manufacturers to make unsubstantiated statements concerning modified risk tobacco products, whether express or implied, even if accompanied by disclaimers would be detrimental to the public health.

(43) The only way to effectively protect the public health from the dangers of unsubstantiated modified risk tobacco products is to empower the Food and Drug Administration to require that products that tobacco manufacturers sold or distributed for risk reduction be reviewed in advance of marketing, and to require that the evidence relied on to support claims be fully verified.

(44) The Food and Drug Administration is a regulatory agency with the scientific expertise to identify harmful substances in products to which consumers are exposed, to design standards to limit exposure to those substances, to evaluate scientific studies supporting claims about the safety of products, and to evaluate the impact of labels, labeling, and advertising on consumer behavior in order to reduce the risk of harm and promote understanding of the impact of the product on health. In connection with its mandate to promote health and reduce the risk of harm, the Food and Drug Administration

routinely makes decisions about whether and how products may be marketed in the United States.

(45) The Federal Trade Commission was created to protect consumers from unfair or deceptive acts or practices, and to regulate unfair methods of competition. Its focus is on those marketplace practices that deceive or mislead consumers, and those that give some competitors an unfair advantage. Its mission is to regulate activities in the marketplace. Neither the Federal Trade Commission nor any other Federal agency except the Food and Drug Administration possesses the scientific expertise needed to implement effectively all provisions of the Family Smoking Prevention and Tobacco Control Act.

(46) If manufacturers state or imply in communications directed to consumers through the media or through a label, labeling, or advertising, that a tobacco product is approved or inspected by the Food and Drug Administration or complies with Food and Drug Administration standards, consumers are likely to be confused and misled. Depending upon the particular language used and its context, such a statement could result in consumers being misled into believing that the product is endorsed by the Food and Drug Administration for use or in consumers being misled about the harmfulness of the product because of such regulation, inspection, approval, or compliance.

(47) In August 2006 a United States district court judge found that the major United States cigarette companies continue to target and market to youth. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(48) In August 2006 a United States district court judge found that the major United States cigarette companies dramatically increased their advertising and promotional spending in ways that encourage youth to start smoking subsequent to the signing of the Master Settlement Agreement in 1998. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

(49) In August 2006 a United States district court judge found that the major United States cigarette companies have designed their cigarettes to precisely control nicotine delivery levels and provide doses of nicotine sufficient to create and sustain addiction while also concealing much of their nicotine-related research. USA v. Philip Morris, USA, Inc., et al. (Civil Action No. 99–2496 (GK), August 17, 2006).

SEC. 3. PURPOSE. 21 USC 387 note.

The purposes of this division are—

(1) to provide authority to the Food and Drug Administration to regulate tobacco products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), by recognizing it as the primary Federal regulatory authority with respect to the manufacture, marketing, and distribution of tobacco products as provided for in this division;

(2) to ensure that the Food and Drug Administration has the authority to address issues of particular concern to public health officials, especially the use of tobacco by young people and dependence on tobacco;

(3) to authorize the Food and Drug Administration to set national standards controlling the manufacture of tobacco products and the identity, public disclosure, and amount of ingredients used in such products;

(4) to provide new and flexible enforcement authority to ensure that there is effective oversight of the tobacco industry's efforts to develop, introduce, and promote less harmful tobacco products;

(5) to vest the Food and Drug Administration with the authority to regulate the levels of tar, nicotine, and other harmful components of tobacco products;

(6) in order to ensure that consumers are better informed, to require tobacco product manufacturers to disclose research which has not previously been made available, as well as research generated in the future, relating to the health and dependency effects or safety of tobacco products;

(7) to continue to permit the sale of tobacco products to adults in conjunction with measures to ensure that they are not sold or accessible to underage purchasers;

(8) to impose appropriate regulatory controls on the tobacco industry;

(9) to promote cessation to reduce disease risk and the social costs associated with tobacco-related diseases; and

(10) to strengthen legislation against illicit trade in tobacco products.

21 USC 387 note.

SEC. 4. SCOPE AND EFFECT.

(a) INTENDED EFFECT.—Nothing in this division (or an amendment made by this division) shall be construed to—

(1) establish a precedent with regard to any other industry, situation, circumstance, or legal action; or

(2) affect any action pending in Federal, State, or tribal court, or any agreement, consent decree, or contract of any kind.

(b) AGRICULTURAL ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco and tobacco products shall not be construed to affect any authority of the Secretary of Agriculture under existing law regarding the growing, cultivation, or curing of raw tobacco.

(c) REVENUE ACTIVITIES.—The provisions of this division (or an amendment made by this division) which authorize the Secretary to take certain actions with regard to tobacco products shall not be construed to affect any authority of the Secretary of the Treasury under chapter 52 of the Internal Revenue Code of 1986.

21 USC 387 note.

SEC. 5. SEVERABILITY.

If any provision of this division, of the amendments made by this division, or of the regulations promulgated under this division (or under such amendments), or the application of any such provision to any person or circumstance is held to be invalid, the remainder of this division, such amendments and such regulations, and the application of such provisions to any other person or circumstance shall not be affected and shall continue to be enforced to the fullest extent possible.

SEC. 6. MODIFICATION OF DEADLINES FOR SECRETARIAL ACTION.

(a) DELAYED COMMENCEMENT OF DATES FOR SECRETARIAL ACTION.—

(1) IN GENERAL.—Except as provided in subsection (c), with respect to any time periods specified in this division (or in an amendment made by this division) that begin on the date of enactment of this Act, within which the Secretary of Health and Human Services is required to carry out and complete specified activities, the calculation of such time periods shall commence on the date described in subsection (b).

(2) LIMITATION.—Subsection (a) shall only apply with respect to obligations of the Secretary of Health and Human Services that must be completed within a specified time period and shall not apply to the obligations of any other person or to any other provision of this division (including the amendments made by this division) that do not create such obligations of the Secretary and are not contingent on actions by the Secretary. Applicability.

(b) DATE DESCRIBED.—The date described in this subsection is the first day of the first fiscal quarter following the initial 2 consecutive fiscal quarters of fiscal year 2010 for which the Secretary of Health and Human Services has collected fees under section 919 of the Federal Food, Drug, and Cosmetic Act (as added by section 101).

(c) EXCEPTION.—Subsection (a) shall not apply to any time period (or date) contained—

(1) in section 102, except that the reference to "180 days" in subsection (a)(1) of such section shall be deemed to be "270 days"; and

(2) in sections 201 through 204 (or the amendments made by any such sections).

(d) ADJUSTMENT.—The Secretary of Health and Human Services may extend or reduce the duration of one or more time periods to which subsection (a) applies if the Secretary determines appropriate, except that no such period shall be extended for more than 90 days.

TITLE I—AUTHORITY OF THE FOOD AND DRUG ADMINISTRATION

SEC. 101. AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) DEFINITION OF TOBACCO PRODUCTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(rr)(1) The term 'tobacco product' means any product made or derived from tobacco that is intended for human consumption, including any component, part, or accessory of a tobacco product (except for raw materials other than tobacco used in manufacturing a component, part, or accessory of a tobacco product).

"(2) The term 'tobacco product' does not mean an article that is a drug under subsection (g)(1), a device under subsection (h), or a combination product described in section 503(g).

"(3) The products described in paragraph (2) shall be subject to chapter V of this Act.

"(4) A tobacco product shall not be marketed in combination with any other article or product regulated under this Act (including a drug, biologic, food, cosmetic, medical device, or a dietary supplement).".

(b) FDA AUTHORITY OVER TOBACCO PRODUCTS.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended—

21 USC 391 *et seq*.
21 USC 391, 301 note, 392 and note, 393–399a.

(1) by redesignating chapter IX as chapter X;

(2) by redesignating sections 901 through 910 as sections 1001 through 1010; and

(3) by inserting after chapter VIII the following:

"CHAPTER IX—TOBACCO PRODUCTS

21 USC 387.

"SEC. 900. DEFINITIONS.

"In this chapter:

"(1) ADDITIVE.—The term 'additive' means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristic of any tobacco product (including any substances intended for use as a flavoring or coloring or in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding), except that such term does not include tobacco or a pesticide chemical residue in or on raw tobacco or a pesticide chemical.

"(2) BRAND.—The term 'brand' means a variety of tobacco product distinguished by the tobacco used, tar content, nicotine content, flavoring used, size, filtration, packaging, logo, registered trademark, brand name, identifiable pattern of colors, or any combination of such attributes.

"(3) CIGARETTE.—The term 'cigarette'—

"(A) means a product that—

"(i) is a tobacco product; and

"(ii) meets the definition of the term 'cigarette' in section 3(1) of the Federal Cigarette Labeling and Advertising Act; and

"(B) includes tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette or as roll-your-own tobacco.

"(4) CIGARETTE TOBACCO.—The term 'cigarette tobacco' means any product that consists of loose tobacco that is intended for use by consumers in a cigarette. Unless otherwise stated, the requirements applicable to cigarettes under this chapter shall also apply to cigarette tobacco.

"(5) COMMERCE.—The term 'commerce' has the meaning given that term by section 3(2) of the Federal Cigarette Labeling and Advertising Act.

"(6) COUNTERFEIT TOBACCO PRODUCT.—The term 'counterfeit tobacco product' means a tobacco product (or the container or labeling of such a product) that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, or device, or any likeness thereof, of a tobacco product listed in a registration under section 905(i)(1).

"(7) DISTRIBUTOR.—The term 'distributor' as regards a tobacco product means any person who furthers the distribution of a tobacco product, whether domestic or imported, at any

point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this chapter.

"(8) ILLICIT TRADE.—The term 'illicit trade' means any practice or conduct prohibited by law which relates to production, shipment, receipt, possession, distribution, sale, or purchase of tobacco products including any practice or conduct intended to facilitate such activity.

"(9) INDIAN COUNTRY.—The term 'Indian country' has the meaning given such term in section 1151 of title 18, United States Code.

"(10) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act.

"(11) LITTLE CIGAR.—The term 'little cigar' means a product that—

"(A) is a tobacco product; and

"(B) meets the definition of the term 'little cigar' in section 3(7) of the Federal Cigarette Labeling and Advertising Act.

"(12) NICOTINE.—The term 'nicotine' means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C[10]H[14]N[2], including any salt or complex of nicotine.

"(13) PACKAGE.—The term 'package' means a pack, box, carton, or container of any kind or, if no other container, any wrapping (including cellophane), in which a tobacco product is offered for sale, sold, or otherwise distributed to consumers.

"(14) RETAILER.—The term 'retailer' means any person, government, or entity who sells tobacco products to individuals for personal consumption, or who operates a facility where self-service displays of tobacco products are permitted.

"(15) ROLL-YOUR-OWN TOBACCO.—The term 'roll-your-own tobacco' means any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes.

"(16) SMALL TOBACCO PRODUCT MANUFACTURER.—The term 'small tobacco product manufacturer' means a tobacco product manufacturer that employs fewer than 350 employees. For purposes of determining the number of employees of a manufacturer under the preceding sentence, the employees of a manufacturer are deemed to include the employees of each entity that controls, is controlled by, or is under common control with such manufacturer.

"(17) SMOKE CONSTITUENT.—The term 'smoke constituent' means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette to the smoke or that is formed by the combustion or heating of tobacco, additives, or other component of the tobacco product.

"(18) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any tobacco product that consists of cut, ground, powdered, or leaf tobacco and that is intended to be placed in the oral or nasal cavity.

"(19) STATE; TERRITORY.—The terms 'State' and 'Territory' shall have the meanings given to such terms in section 201.

"(20) TOBACCO PRODUCT MANUFACTURER.—The term 'tobacco product manufacturer' means any person, including any repacker or relabeler, who—

"(A) manufactures, fabricates, assembles, processes, or labels a tobacco product; or

"(B) imports a finished tobacco product for sale or distribution in the United States.

"(21) TOBACCO WAREHOUSE.—

"(A) Subject to subparagraphs (B) and (C), the term 'tobacco warehouse' includes any person—

"(i) who—

"(I) removes foreign material from tobacco leaf through nothing other than a mechanical process;

"(II) humidifies tobacco leaf with nothing other than potable water in the form of steam or mist; or

"(III) de-stems, dries, and packs tobacco leaf for storage and shipment;

"(ii) who performs no other actions with respect to tobacco leaf; and

"(iii) who provides to any manufacturer to whom the person sells tobacco all information related to the person's actions described in clause (i) that is necessary for compliance with this Act.

"(B) The term 'tobacco warehouse' excludes any person who—

"(i) reconstitutes tobacco leaf;

"(ii) is a manufacturer, distributor, or retailer of a tobacco product; or

"(iii) applies any chemical, additive, or substance to the tobacco leaf other than potable water in the form of steam or mist.

"(C) The definition of the term 'tobacco warehouse' in subparagraph (A) shall not apply to the extent to which the Secretary determines, through rulemaking, that regulation under this chapter of the actions described in such subparagraph is appropriate for the protection of the public health.

"(22) UNITED STATES.—The term 'United States' means the 50 States of the United States of America and the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Johnston Atoll, the Northern Mariana Islands, and any other trust territory or possession of the United States.

"SEC. 901. FDA AUTHORITY OVER TOBACCO PRODUCTS.

Regulations.
21 USC 387a.

"(a) IN GENERAL.—Tobacco products, including modified risk tobacco products for which an order has been issued in accordance with section 911, shall be regulated by the Secretary under this chapter and shall not be subject to the provisions of chapter V.

"(b) APPLICABILITY.—This chapter shall apply to all cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco and to any other tobacco products that the Secretary by regulation deems to be subject to this chapter.

"(c) SCOPE.—

"(1) IN GENERAL.—Nothing in this chapter, or any policy issued or regulation promulgated thereunder, or in sections

101(a), 102, or 103 of title I, title II, or title III of the Family Smoking Prevention and Tobacco Control Act, shall be construed to affect, expand, or limit the Secretary's authority over (including the authority to determine whether products may be regulated), or the regulation of, products under this Act that are not tobacco products under chapter V or any other chapter.

"(2) LIMITATION OF AUTHORITY.—

"(A) IN GENERAL.—The provisions of this chapter shall not apply to tobacco leaf that is not in the possession of a manufacturer of tobacco products, or to the producers of tobacco leaf, including tobacco growers, tobacco warehouses, and tobacco grower cooperatives, nor shall any employee of the Food and Drug Administration have any authority to enter onto a farm owned by a producer of tobacco leaf without the written consent of such producer.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), if a producer of tobacco leaf is also a tobacco product manufacturer or controlled by a tobacco product manufacturer, the producer shall be subject to this chapter in the producer's capacity as a manufacturer. The exception in this subparagraph shall not apply to a producer of tobacco leaf who grows tobacco under a contract with a tobacco product manufacturer and who is not otherwise engaged in the manufacturing process.

"(C) RULE OF CONSTRUCTION.—Nothing in this chapter shall be construed to grant the Secretary authority to promulgate regulations on any matter that involves the production of tobacco leaf or a producer thereof, other than activities by a manufacturer affecting production.

"(d) RULEMAKING PROCEDURES.—Each rulemaking under this chapter shall be in accordance with chapter 5 of title 5, United States Code. This subsection shall not be construed to affect the rulemaking provisions of section 102(a) of the Family Smoking Prevention and Tobacco Control Act.

"(e) CENTER FOR TOBACCO PRODUCTS.—Not later than 90 days after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish within the Food and Drug Administration the Center for Tobacco Products, which shall report to the Commissioner of Food and Drugs in the same manner as the other agency centers within the Food and Drug Administration. The Center shall be responsible for the implementation of this chapter and related matters assigned by the Commissioner. Deadline. Establishment.

"(f) OFFICE TO ASSIST SMALL TOBACCO PRODUCT MANUFACTURERS.—The Secretary shall establish within the Food and Drug Administration an identifiable office to provide technical and other nonfinancial assistance to small tobacco product manufacturers to assist them in complying with the requirements of this Act. Establishment.

"(g) CONSULTATION PRIOR TO RULEMAKING.—Prior to promulgating rules under this chapter, the Secretary shall endeavor to consult with other Federal agencies as appropriate.

"SEC. 902. ADULTERATED TOBACCO PRODUCTS. 21 USC 387b.

"A tobacco product shall be deemed to be adulterated if—

"(1) it consists in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise contaminated by any

added poisonous or added deleterious substance that may render the product injurious to health;

"(2) it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health;

"(3) its package is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

"(4) the manufacturer or importer of the tobacco product fails to pay a user fee assessed to such manufacturer or importer pursuant to section 919 by the date specified in section 919 or by the 30th day after final agency action on a resolution of any dispute as to the amount of such fee;

"(5) it is, or purports to be or is represented as, a tobacco product which is subject to a tobacco product standard established under section 907 unless such tobacco product is in all respects in conformity with such standard;

"(6)(A) it is required by section 910(a) to have premarket review and does not have an order in effect under section 910(c)(1)(A)(i); or

"(B) it is in violation of an order under section 910(c)(1)(A);

"(7) the methods used in, or the facilities or controls used for, its manufacture, packing, or storage are not in conformity with applicable requirements under section 906(e)(1) or an applicable condition prescribed by an order under section 906(e)(2); or

"(8) it is in violation of section 911.

Labeling.
21 USC 387c.

"SEC. 903. MISBRANDED TOBACCO PRODUCTS.

"(a) IN GENERAL.—A tobacco product shall be deemed to be misbranded—

"(1) if its labeling is false or misleading in any particular;

"(2) if in package form unless it bears a label containing—

"(A) the name and place of business of the tobacco product manufacturer, packer, or distributor;

"(B) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;

"(C) an accurate statement of the percentage of the tobacco used in the product that is domestically grown tobacco and the percentage that is foreign grown tobacco; and

Regulations.

"(D) the statement required under section 920(a),

except that under subparagraph (B) reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary;

"(3) if any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, or designs in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

"(4) if it has an established name, unless its label bears, to the exclusion of any other nonproprietary name, its established name prominently printed in type as required by the Secretary by regulation;

"(5) if the Secretary has issued regulations requiring that its labeling bear adequate directions for use, or adequate warnings against use by children, that are necessary for the protection of users unless its labeling conforms in all respects to such regulations;

"(6) if it was manufactured, prepared, propagated, compounded, or processed in an establishment not duly registered under section 905(b), 905(c), 905(d), or 905(h), if it was not included in a list required by section 905(i), if a notice or other information respecting it was not provided as required by such section or section 905(j), or if it does not bear such symbols from the uniform system for identification of tobacco products prescribed under section 905(e) as the Secretary by regulation requires;

"(7) if, in the case of any tobacco product distributed or offered for sale in any State—

"(A) its advertising is false or misleading in any particular; or

"(B) it is sold or distributed in violation of regulations prescribed under section 906(d);

"(8) unless, in the case of any tobacco product distributed or offered for sale in any State, the manufacturer, packer, or distributor thereof includes in all advertisements and other descriptive printed matter issued or caused to be issued by the manufacturer, packer, or distributor with respect to that tobacco product—

"(A) a true statement of the tobacco product's established name as described in paragraph (4), printed prominently; and

"(B) a brief statement of—

"(i) the uses of the tobacco product and relevant warnings, precautions, side effects, and contraindications; and

"(ii) in the case of specific tobacco products made subject to a finding by the Secretary after notice and opportunity for comment that such action is appropriate to protect the public health, a full description of the components of such tobacco product or the formula showing quantitatively each ingredient of such tobacco product to the extent required in regulations which shall be issued by the Secretary after an opportunity for a hearing; Regulations. Hearings.

"(9) if it is a tobacco product subject to a tobacco product standard established under section 907, unless it bears such labeling as may be prescribed in such tobacco product standard; or

"(10) if there was a failure or refusal—

"(A) to comply with any requirement prescribed under section 904 or 908; or

"(B) to furnish any material or information required under section 909.

"(b) PRIOR APPROVAL OF LABEL STATEMENTS.—The Secretary may, by regulation, require prior approval of statements made on the label of a tobacco product to ensure that such statements do not violate the misbranding provisions of subsection (a) and that such statements comply with other provisions of the Family

Smoking Prevention and Tobacco Control Act (including the amendments made by such Act). No regulation issued under this subsection may require prior approval by the Secretary of the content of any advertisement, except for modified risk tobacco products as provided in section 911. No advertisement of a tobacco product published after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall, with respect to the language of label statements as prescribed under section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 or the regulations issued under such sections, be subject to the provisions of sections 12 through 15 of the Federal Trade Commission Act.

21 USC 387d.

"SEC. 904. SUBMISSION OF HEALTH INFORMATION TO THE SECRETARY.

"(a) REQUIREMENT.—Each tobacco product manufacturer or importer, or agents thereof, shall submit to the Secretary the following information:

Deadline.

"(1) Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all ingredients, including tobacco, substances, compounds, and additives that are, as of such date, added by the manufacturer to the tobacco, paper, filter, or other part of each tobacco product by brand and by quantity in each brand and subbrand.

"(2) A description of the content, delivery, and form of nicotine in each tobacco product measured in milligrams of nicotine in accordance with regulations promulgated by the Secretary in accordance with section 4(e) of the Federal Cigarette Labeling and Advertising Act.

Effective date.

"(3) Beginning 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a listing of all constituents, including smoke constituents as applicable, identified by the Secretary as harmful or potentially harmful to health in each tobacco product, and as applicable in the smoke of each tobacco product, by brand and by quantity in each brand and subbrand. Effective beginning 3 years after such date of enactment, the manufacturer, importer, or agent shall comply with regulations promulgated under section 915 in reporting information under this paragraph, where applicable.

Effective date.

"(4) Beginning 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, all documents developed after such date of enactment that relate to health, toxicological, behavioral, or physiologic effects of current or future tobacco products, their constituents (including smoke constituents), ingredients, components, and additives.

"(b) DATA SUBMISSION.—At the request of the Secretary, each tobacco product manufacturer or importer of tobacco products, or agents thereof, shall submit the following:

"(1) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) on the health, toxicological, behavioral, or physiologic effects of tobacco products and their constituents

(including smoke constituents), ingredients, components, and additives.

"(2) Any or all documents (including underlying scientific information) relating to research activities, and research findings, conducted, supported, or possessed by the manufacturer (or agents thereof) that relate to the issue of whether a reduction in risk to health from tobacco products can occur upon the employment of technology available or known to the manufacturer.

"(3) Any or all documents (including underlying scientific or financial information) relating to marketing research involving the use of tobacco products or marketing practices and the effectiveness of such practices used by tobacco manufacturers and distributors.

An importer of a tobacco product not manufactured in the United States shall supply the information required of a tobacco product manufacturer under this subsection.

"(c) TIME FOR SUBMISSION.—

"(1) IN GENERAL.—At least 90 days prior to the delivery for introduction into interstate commerce of a tobacco product not on the market on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the manufacturer of such product shall provide the information required under subsection (a).

"(2) DISCLOSURE OF ADDITIVE.—If at any time a tobacco product manufacturer adds to its tobacco products a new tobacco additive or increases the quantity of an existing tobacco additive, the manufacturer shall, except as provided in paragraph (3), at least 90 days prior to such action so advise the Secretary in writing.

"(3) DISCLOSURE OF OTHER ACTIONS.—If at any time a tobacco product manufacturer eliminates or decreases an existing additive, or adds or increases an additive that has by regulation been designated by the Secretary as an additive that is not a human or animal carcinogen, or otherwise harmful to health under intended conditions of use, the manufacturer shall within 60 days of such action so advise the Secretary in writing.

"(d) DATA LIST.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall publish in a format that is understandable and not misleading to a lay person, and place on public display (in a manner determined by the Secretary) the list established under subsection (e). Deadlines. Publication. Public information.

"(2) CONSUMER RESEARCH.—The Secretary shall conduct periodic consumer research to ensure that the list published under paragraph (1) is not misleading to lay persons. Not later than 5 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall submit to the appropriate committees of Congress a report on the results of such research, together with recommendations on whether such publication should be continued or modified. Deadline. Reports. Recommendations.

"(e) DATA COLLECTION.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish, and periodically revise Deadline.

as appropriate, a list of harmful and potentially harmful constituents, including smoke constituents, to health in each tobacco product by brand and by quantity in each brand and subbrand. The Secretary shall publish a public notice requesting the submission by interested persons of scientific and other information concerning the harmful and potentially harmful constituents in tobacco products and tobacco smoke.

Publication.
Notice.

21 USC 387e.

"SEC. 905. ANNUAL REGISTRATION.

"(a) DEFINITIONS.—In this section:

"(1) MANUFACTURE, PREPARATION, COMPOUNDING, OR PROCESSING.—The term 'manufacture, preparation, compounding, or processing' shall include repackaging or otherwise changing the container, wrapper, or labeling of any tobacco product package in furtherance of the distribution of the tobacco product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user.

"(2) NAME.—The term 'name' shall include in the case of a partnership the name of each partner and, in the case of a corporation, the name of each corporate officer and director, and the State of incorporation.

"(b) REGISTRATION BY OWNERS AND OPERATORS.—On or before December 31 of each year, every person who owns or operates any establishment in any State engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products shall register with the Secretary the name, places of business, and all such establishments of that person. If enactment of the Family Smoking Prevention and Tobacco Control Act occurs in the second half of the calendar year, the Secretary shall designate a date no later than 6 months into the subsequent calendar year by which registration pursuant to this subsection shall occur.

Deadline.

"(c) REGISTRATION BY NEW OWNERS AND OPERATORS.—Every person upon first engaging in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products in any establishment owned or operated in any State by that person shall immediately register with the Secretary that person's name, place of business, and such establishment.

"(d) REGISTRATION OF ADDED ESTABLISHMENTS.—Every person required to register under subsection (b) or (c) shall immediately register with the Secretary any additional establishment which that person owns or operates in any State and in which that person begins the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products.

"(e) UNIFORM PRODUCT IDENTIFICATION SYSTEM.—The Secretary may by regulation prescribe a uniform system for the identification of tobacco products and may require that persons who are required to list such tobacco products under subsection (i) shall list such tobacco products in accordance with such system.

"(f) PUBLIC ACCESS TO REGISTRATION INFORMATION.—The Secretary shall make available for inspection, to any person so requesting, any registration filed under this section.

"(g) BIENNIAL INSPECTION OF REGISTERED ESTABLISHMENTS.—Every establishment registered with the Secretary under this section shall be subject to inspection under section 704 or subsection (h), and every such establishment engaged in the manufacture, compounding, or processing of a tobacco product or tobacco products shall be so inspected by 1 or more officers or employees duly

designated by the Secretary at least once in the 2-year period beginning with the date of registration of such establishment under this section and at least once in every successive 2-year period thereafter.

"(h) REGISTRATION BY FOREIGN ESTABLISHMENTS.—Any establishment within any foreign country engaged in the manufacture, preparation, compounding, or processing of a tobacco product or tobacco products, shall register under this section under regulations promulgated by the Secretary. Such regulations shall require such establishment to provide the information required by subsection (i) and shall include provisions for registration of any such establishment upon condition that adequate and effective means are available, by arrangement with the government of such foreign country or otherwise, to enable the Secretary to determine from time to time whether tobacco products manufactured, prepared, compounded, or processed in such establishment, if imported or offered for import into the United States, shall be refused admission on any of the grounds set forth in section 801(a). Regulations.

"(i) REGISTRATION INFORMATION.—

"(1) PRODUCT LIST.—Every person who registers with the Secretary under subsection (b), (c), (d), or (h) shall, at the time of registration under any such subsection, file with the Secretary a list of all tobacco products which are being manufactured, prepared, compounded, or processed by that person for commercial distribution and which have not been included in any list of tobacco products filed by that person with the Secretary under this paragraph or paragraph (2) before such time of registration. Such list shall be prepared in such form and manner as the Secretary may prescribe and shall be accompanied by—

"(A) in the case of a tobacco product contained in the applicable list with respect to which a tobacco product standard has been established under section 907 or which is subject to section 910, a reference to the authority for the marketing of such tobacco product and a copy of all labeling for such tobacco product;

"(B) in the case of any other tobacco product contained in an applicable list, a copy of all consumer information and other labeling for such tobacco product, a representative sampling of advertisements for such tobacco product, and, upon request made by the Secretary for good cause, a copy of all advertisements for a particular tobacco product; and

"(C) if the registrant filing a list has determined that a tobacco product contained in such list is not subject to a tobacco product standard established under section 907, a brief statement of the basis upon which the registrant made such determination if the Secretary requests such a statement with respect to that particular tobacco product.

"(2) CONSULTATION WITH RESPECT TO FORMS.—The Secretary shall consult with the Secretary of the Treasury in developing the forms to be used for registration under this section to minimize the burden on those persons required to register with both the Secretary and the Tax and Trade Bureau of the Department of the Treasury.

"(3) BIANNUAL REPORT OF ANY CHANGE IN PRODUCT LIST.—Each person who registers with the Secretary under this section shall report to the Secretary once during the month of June of each year and once during the month of December of each year the following:

"(A) A list of each tobacco product introduced by the registrant for commercial distribution which has not been included in any list previously filed by that person with the Secretary under this subparagraph or paragraph (1). A list under this subparagraph shall list a tobacco product by its established name and shall be accompanied by the other information required by paragraph (1).

Notice.

"(B) If since the date the registrant last made a report under this paragraph that person has discontinued the manufacture, preparation, compounding, or processing for commercial distribution of a tobacco product included in a list filed under subparagraph (A) or paragraph (1), notice of such discontinuance, the date of such discontinuance, and the identity of its established name.

Notice.

"(C) If since the date the registrant reported under subparagraph (B) a notice of discontinuance that person has resumed the manufacture, preparation, compounding, or processing for commercial distribution of the tobacco product with respect to which such notice of discontinuance was reported, notice of such resumption, the date of such resumption, the identity of such tobacco product by established name, and other information required by paragraph (1), unless the registrant has previously reported such resumption to the Secretary under this subparagraph.

"(D) Any material change in any information previously submitted under this paragraph or paragraph (1).

"(j) REPORT PRECEDING INTRODUCTION OF CERTAIN SUBSTANTIALLY EQUIVALENT PRODUCTS INTO INTERSTATE COMMERCE.—

"(1) IN GENERAL.—Each person who is required to register under this section and who proposes to begin the introduction or delivery for introduction into interstate commerce for commercial distribution of a tobacco product intended for human use that was not commercially marketed (other than for test marketing) in the United States as of February 15, 2007, shall, at least 90 days prior to making such introduction or delivery, report to the Secretary (in such form and manner as the Secretary shall prescribe)—

"(A) the basis for such person's determination that—

"(i) the tobacco product is substantially equivalent, within the meaning of section 910, to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007, or to a tobacco product that the Secretary has previously determined, pursuant to subsection (a)(3) of section 910, is substantially equivalent and that is in compliance with the requirements of this Act; or

"(ii) the tobacco product is modified within the meaning of paragraph (3), the modifications are to a product that is commercially marketed and in compliance with the requirements of this Act, and all of the modifications are covered by exemptions granted by the Secretary pursuant to paragraph (3); and

"(B) action taken by such person to comply with the requirements under section 907 that are applicable to the tobacco product.

"(2) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—A report under this subsection for a tobacco product that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act shall be submitted to the Secretary not later than 21 months after such date of enactment.

"(3) EXEMPTIONS.—

"(A) IN GENERAL.—The Secretary may exempt from the requirements of this subsection relating to the demonstration that a tobacco product is substantially equivalent within the meaning of section 910, tobacco products that are modified by adding or deleting a tobacco additive, or increasing or decreasing the quantity of an existing tobacco additive, if the Secretary determines that—

"(i) such modification would be a minor modification of a tobacco product that can be sold under this Act;

"(ii) a report under this subsection is not necessary to ensure that permitting the tobacco product to be marketed would be appropriate for protection of the public health; and

"(iii) an exemption is otherwise appropriate.

"(B) REGULATIONS.—Not later than 15 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations to implement this paragraph. Deadline.

"SEC. 906. GENERAL PROVISIONS RESPECTING CONTROL OF TOBACCO PRODUCTS. 21 USC 387f.

"(a) IN GENERAL.—Any requirement established by or under section 902, 903, 905, or 909 applicable to a tobacco product shall apply to such tobacco product until the applicability of the requirement to the tobacco product has been changed by action taken under section 907, section 910, section 911, or subsection (d) of this section, and any requirement established by or under section 902, 903, 905, or 909 which is inconsistent with a requirement imposed on such tobacco product under section 907, section 910, section 911, or subsection (d) of this section shall not apply to such tobacco product. Applicability.

"(b) INFORMATION ON PUBLIC ACCESS AND COMMENT.—Each notice of proposed rulemaking or other notification under section 907, 908, 909, 910, or 911 or under this section, any other notice which is published in the Federal Register with respect to any other action taken under any such section and which states the reasons for such action, and each publication of findings required to be made in connection with rulemaking under any such section shall set forth— Notice. Federal Register, publication.

"(1) the manner in which interested persons may examine data and other information on which the notice or findings is based; and

Time period.

"(2) the period within which interested persons may present their comments on the notice or findings (including the need therefore) orally or in writing, which period shall be at least 60 days but may not exceed 90 days unless the time is extended by the Secretary by a notice published in the Federal Register stating good cause therefore.

"(c) LIMITED CONFIDENTIALITY OF INFORMATION.—Any information reported to or otherwise obtained by the Secretary or the Secretary's representative under section 903, 904, 907, 908, 909, 910, 911, or 704, or under subsection (e) or (f) of this section, which is exempt from disclosure under subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of that section shall be considered confidential and shall not be disclosed, except that the information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter.

"(d) RESTRICTIONS.—

"(1) IN GENERAL.—The Secretary may by regulation require restrictions on the sale and distribution of a tobacco product, including restrictions on the access to, and the advertising and promotion of, the tobacco product, if the Secretary determines that such regulation would be appropriate for the protection of the public health. The Secretary may by regulation impose restrictions on the advertising and promotion of a tobacco product consistent with and to full extent permitted by the first amendment to the Constitution. The finding as to whether such regulation would be appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

No such regulation may require that the sale or distribution of a tobacco product be limited to the written or oral authorization of a practitioner licensed by law to prescribe medical products.

"(2) LABEL STATEMENTS.—The label of a tobacco product shall bear such appropriate statements of the restrictions required by a regulation under subsection (a) as the Secretary may in such regulation prescribe.

"(3) LIMITATIONS.—

"(A) IN GENERAL.—No restrictions under paragraph (1) may—

"(i) prohibit the sale of any tobacco product in face-to-face transactions by a specific category of retail outlets; or

"(ii) establish a minimum age of sale of tobacco products to any person older than 18 years of age.

"(B) MATCHBOOKS.—For purposes of any regulations issued by the Secretary, matchbooks of conventional size containing not more than 20 paper matches, and which are customarily given away for free with the purchase

of tobacco products, shall be considered as adult-written publications which shall be permitted to contain advertising. Notwithstanding the preceding sentence, if the Secretary finds that such treatment of matchbooks is not appropriate for the protection of the public health, the Secretary may determine by regulation that matchbooks shall not be considered adult-written publications.

"(4) REMOTE SALES.—

"(A) IN GENERAL.—The Secretary shall— Deadlines. Regulations.

"(i) within 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, promulgate regulations regarding the sale and distribution of tobacco products that occur through means other than a direct, face-to-face exchange between a retailer and a consumer in order to prevent the sale and distribution of tobacco products to individuals who have not attained the minimum age established by applicable law for the purchase of such products, including requirements for age verification; and

"(ii) within 2 years after such date of enactment, issue regulations to address the promotion and marketing of tobacco products that are sold or distributed through means other than a direct, face-to-face exchange between a retailer and a consumer in order to protect individuals who have not attained the minimum age established by applicable law for the purchase of such products.

"(B) RELATION TO OTHER AUTHORITY.—Nothing in this paragraph limits the authority of the Secretary to take additional actions under the other paragraphs of this subsection.

"(e) GOOD MANUFACTURING PRACTICE REQUIREMENTS.—

"(1) METHODS, FACILITIES, AND CONTROLS TO CONFORM.—

"(A) IN GENERAL.—In applying manufacturing restrictions to tobacco, the Secretary shall, in accordance with subparagraph (B), prescribe regulations (which may differ based on the type of tobacco product involved) requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a tobacco product), packing, and storage of a tobacco product conform to current good manufacturing practice, or hazard analysis and critical control point methodology, as prescribed in such regulations to assure that the public health is protected and that the tobacco product is in compliance with this chapter. Such regulations may provide for the testing of raw tobacco for pesticide chemical residues regardless of whether a tolerance for such chemical residues has been established. Regulations.

"(B) REQUIREMENTS.—The Secretary shall—

"(i) before promulgating any regulation under subparagraph (A), afford the Tobacco Products Scientific Advisory Committee an opportunity to submit recommendations with respect to the regulation proposed to be promulgated; Recommendations.

Hearings.

"(ii) before promulgating any regulation under subparagraph (A), afford opportunity for an oral hearing;

"(iii) provide the Tobacco Products Scientific Advisory Committee a reasonable time to make its recommendation with respect to proposed regulations under subparagraph (A);

"(iv) in establishing the effective date of a regulation promulgated under this subsection, take into account the differences in the manner in which the different types of tobacco products have historically been produced, the financial resources of the different tobacco product manufacturers, and the state of their existing manufacturing facilities, and shall provide for a reasonable period of time for such manufacturers to conform to good manufacturing practices; and

Compliance date.

"(v) not require any small tobacco product manufacturer to comply with a regulation under subparagraph (A) for at least 4 years following the effective date established by the Secretary for such regulation.

"(2) EXEMPTIONS; VARIANCES.—

"(A) PETITION.—Any person subject to any requirement prescribed under paragraph (1) may petition the Secretary for a permanent or temporary exemption or variance from such requirement. Such a petition shall be submitted to the Secretary in such form and manner as the Secretary shall prescribe and shall—

"(i) in the case of a petition for an exemption from a requirement, set forth the basis for the petitioner's determination that compliance with the requirement is not required to assure that the tobacco product will be in compliance with this chapter;

"(ii) in the case of a petition for a variance from a requirement, set forth the methods proposed to be used in, and the facilities and controls proposed to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement; and

"(iii) contain such other information as the Secretary shall prescribe.

"(B) REFERRAL TO THE TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—The Secretary may refer to the Tobacco Products Scientific Advisory Committee any petition submitted under subparagraph (A). The Tobacco Products Scientific Advisory Committee shall report its recommendations to the Secretary with respect to a petition referred to it within 60 days after the date of the petition's referral. Within 60 days after—

Reports.
Deadline.

"(i) the date the petition was submitted to the Secretary under subparagraph (A); or

"(ii) the day after the petition was referred to the Tobacco Products Scientific Advisory Committee,

whichever occurs later, the Secretary shall by order either deny the petition or approve it.

"(C) APPROVAL.—The Secretary may approve—

"(i) a petition for an exemption for a tobacco product from a requirement if the Secretary determines

that compliance with such requirement is not required to assure that the tobacco product will be in compliance with this chapter; and

"(ii) a petition for a variance for a tobacco product from a requirement if the Secretary determines that the methods to be used in, and the facilities and controls to be used for, the manufacture, packing, and storage of the tobacco product in lieu of the methods, facilities, and controls prescribed by the requirement are sufficient to assure that the tobacco product will be in compliance with this chapter.

"(D) CONDITIONS.—An order of the Secretary approving a petition for a variance shall prescribe such conditions respecting the methods used in, and the facilities and controls used for, the manufacture, packing, and storage of the tobacco product to be granted the variance under the petition as may be necessary to assure that the tobacco product will be in compliance with this chapter.

"(E) HEARING.—After the issuance of an order under subparagraph (B) respecting a petition, the petitioner shall have an opportunity for an informal hearing on such order.

"(3) COMPLIANCE.—Compliance with requirements under this subsection shall not be required before the end of the 3-year period following the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

"(f) RESEARCH AND DEVELOPMENT.—The Secretary may enter into contracts for research, testing, and demonstrations respecting tobacco products and may obtain tobacco products for research, testing, and demonstration purposes.

"SEC. 907. TOBACCO PRODUCT STANDARDS.

21 USC 387g.

"(a) IN GENERAL.—

"(1) SPECIAL RULES.—

Effective dates.

"(A) SPECIAL RULE FOR CIGARETTES.—Beginning 3 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a cigarette or any of its component parts (including the tobacco, filter, or paper) shall not contain, as a constituent (including a smoke constituent) or additive, an artificial or natural flavor (other than tobacco or menthol) or an herb or spice, including strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or tobacco smoke. Nothing in this subparagraph shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol or any artificial or natural flavor, herb, or spice not specified in this subparagraph.

"(B) ADDITIONAL SPECIAL RULE.—Beginning 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, a tobacco product manufacturer shall not use tobacco, including foreign grown tobacco, that contains a pesticide chemical residue that is at a level greater than is specified by any tolerance applicable under Federal law to domestically grown tobacco.

"(2) REVISION OF TOBACCO PRODUCT STANDARDS.—The Secretary may revise the tobacco product standards in paragraph (1) in accordance with subsection (c).

"(3) TOBACCO PRODUCT STANDARDS.—

"(A) IN GENERAL.—The Secretary may adopt tobacco product standards in addition to those in paragraph (1) if the Secretary finds that a tobacco product standard is appropriate for the protection of the public health.

"(B) DETERMINATIONS.—

"(i) CONSIDERATIONS.—In making a finding described in subparagraph (A), the Secretary shall consider scientific evidence concerning—

"(I) the risks and benefits to the population as a whole, including users and nonusers of tobacco products, of the proposed standard;

"(II) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(III) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

"(ii) ADDITIONAL CONSIDERATIONS.—In the event that the Secretary makes a determination, set forth in a proposed tobacco product standard in a proposed rule, that it is appropriate for the protection of public health to require the reduction or elimination of an additive, constituent (including a smoke constituent), or other component of a tobacco product because the Secretary has found that the additive, constituent, or other component is or may be harmful, any party objecting to the proposed standard on the ground that the proposed standard will not reduce or eliminate the risk of illness or injury may provide for the Secretary's consideration scientific evidence that demonstrates that the proposed standard will not reduce or eliminate the risk of illness or injury.

"(4) CONTENT OF TOBACCO PRODUCT STANDARDS.—A tobacco product standard established under this section for a tobacco product—

"(A) shall include provisions that are appropriate for the protection of the public health, including provisions, where appropriate—

"(i) for nicotine yields of the product;

"(ii) for the reduction or elimination of other constituents, including smoke constituents, or harmful components of the product; or

"(iii) relating to any other requirement under subparagraph (B);

"(B) shall, where appropriate for the protection of the public health, include—

"(i) provisions respecting the construction, components, ingredients, additives, constituents, including smoke constituents, and properties of the tobacco product;

"(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the tobacco product;

"(iii) provisions for the measurement of the tobacco product characteristics of the tobacco product;

"(iv) provisions requiring that the results of each or of certain of the tests of the tobacco product required to be made under clause (ii) show that the tobacco product is in conformity with the portions of the standard for which the test or tests were required; and

"(v) a provision requiring that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d);

"(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper use of the tobacco product; and

"(D) shall require tobacco products containing foreign-grown tobacco to meet the same standards applicable to tobacco products containing domestically grown tobacco.

"(5) PERIODIC REEVALUATION OF TOBACCO PRODUCT STANDARDS.—The Secretary shall provide for periodic evaluation of tobacco product standards established under this section to determine whether such standards should be changed to reflect new medical, scientific, or other technological data. The Secretary may provide for testing under paragraph (4)(B) by any person.

"(6) INVOLVEMENT OF OTHER AGENCIES; INFORMED PERSONS.—In carrying out duties under this section, the Secretary shall endeavor to—

"(A) use personnel, facilities, and other technical support available in other Federal agencies;

"(B) consult with other Federal agencies concerned with standard setting and other nationally or internationally recognized standard-setting entities; and

Consultation.

"(C) invite appropriate participation, through joint or other conferences, workshops, or other means, by informed persons representative of scientific, professional, industry, agricultural, or consumer organizations who in the Secretary's judgment can make a significant contribution.

"(b) CONSIDERATIONS BY SECRETARY.—

"(1) TECHNICAL ACHIEVABILITY.—The Secretary shall consider information submitted in connection with a proposed standard regarding the technical achievability of compliance with such standard.

"(2) OTHER CONSIDERATIONS.—The Secretary shall consider all other information submitted in connection with a proposed standard, including information concerning the countervailing effects of the tobacco product standard on the health of adolescent tobacco users, adult tobacco users, or nontobacco users, such as the creation of a significant demand for contraband or other tobacco products that do not meet the requirements of this chapter and the significance of such demand.

"(c) PROPOSED STANDARDS.—

"(1) IN GENERAL.—The Secretary shall publish in the Federal Register a notice of proposed rulemaking for the establishment, amendment, or revocation of any tobacco product standard.

Federal Register, publication. Notice.

"(2) REQUIREMENTS OF NOTICE.—A notice of proposed rulemaking for the establishment or amendment of a tobacco product standard for a tobacco product shall—

"(A) set forth a finding with supporting justification that the tobacco product standard is appropriate for the protection of the public health;

"(B) invite interested persons to submit a draft or proposed tobacco product standard for consideration by the Secretary;

"(C) invite interested persons to submit comments on structuring the standard so that it does not advantage foreign-grown tobacco over domestically grown tobacco; and

"(D) invite the Secretary of Agriculture to provide any information or analysis which the Secretary of Agriculture believes is relevant to the proposed tobacco product standard.

"(3) FINDING.—A notice of proposed rulemaking for the revocation of a tobacco product standard shall set forth a finding with supporting justification that the tobacco product standard is no longer appropriate for the protection of the public health.

"(4) COMMENT.—The Secretary shall provide for a comment period of not less than 60 days.

"(d) PROMULGATION.—

"(1) IN GENERAL.—After the expiration of the period for comment on a notice of proposed rulemaking published under subsection (c) respecting a tobacco product standard and after consideration of comments submitted under subsections (b) and (c) and any report from the Tobacco Products Scientific Advisory Committee, the Secretary shall—

Regulations.
Federal Register, publication.

"(A) if the Secretary determines that the standard would be appropriate for the protection of the public health, promulgate a regulation establishing a tobacco product standard and publish in the Federal Register findings on the matters referred to in subsection (c); or

Publication.
Notice.

"(B) publish a notice terminating the proceeding for the development of the standard together with the reasons for such termination.

"(2) EFFECTIVE DATE.—A regulation establishing a tobacco product standard shall set forth the date or dates upon which the standard shall take effect, but no such regulation may take effect before 1 year after the date of its publication unless the Secretary determines that an earlier effective date is necessary for the protection of the public health. Such date or dates shall be established so as to minimize, consistent with the public health, economic loss to, and disruption or dislocation of, domestic and international trade. In establishing such effective date or dates, the Secretary shall consider information submitted in connection with a proposed product standard by interested parties, including manufacturers and tobacco growers, regarding the technical achievability of compliance with the standard, and including information concerning the existence of patents that make it impossible to comply in the timeframe envisioned in the proposed standard. If the Secretary determines, based on the Secretary's evaluation of submitted comments, that a product standard can be met only by manufacturers requiring substantial changes to the methods of farming the domestically grown tobacco used by the manufacturer, the

effective date of that product standard shall be not less than 2 years after the date of publication of the final regulation establishing the standard.

"(3) LIMITATION ON POWER GRANTED TO THE FOOD AND DRUG ADMINISTRATION.—Because of the importance of a decision of the Secretary to issue a regulation—

"(A) banning all cigarettes, all smokeless tobacco products, all little cigars, all cigars other than little cigars, all pipe tobacco, or all roll-your-own tobacco products; or

"(B) requiring the reduction of nicotine yields of a tobacco product to zero,

the Secretary is prohibited from taking such actions under this Act.

"(4) AMENDMENT; REVOCATION.—

"(A) AUTHORITY.—The Secretary, upon the Secretary's own initiative or upon petition of an interested person, may by a regulation, promulgated in accordance with the requirements of subsection (c) and paragraph (2), amend or revoke a tobacco product standard.

"(B) EFFECTIVE DATE.—The Secretary may declare a proposed amendment of a tobacco product standard to be effective on and after its publication in the Federal Register and until the effective date of any final action taken on such amendment if the Secretary determines that making it so effective is in the public interest.

"(5) REFERRAL TO ADVISORY COMMITTEE.—

"(A) IN GENERAL.—The Secretary may refer a proposed regulation for the establishment, amendment, or revocation of a tobacco product standard to the Tobacco Products Scientific Advisory Committee for a report and recommendation with respect to any matter involved in the proposed regulation which requires the exercise of scientific judgment.

"(B) INITIATION OF REFERRAL.—The Secretary may make a referral under this paragraph—

"(i) on the Secretary's own initiative; or

"(ii) upon the request of an interested person that—

"(I) demonstrates good cause for the referral; and

"(II) is made before the expiration of the period for submission of comments on the proposed regulation. Deadline.

"(C) PROVISION OF DATA.—If a proposed regulation is referred under this paragraph to the Tobacco Products Scientific Advisory Committee, the Secretary shall provide the Advisory Committee with the data and information on which such proposed regulation is based.

"(D) REPORT AND RECOMMENDATION.—The Tobacco Products Scientific Advisory Committee shall, within 60 days after the referral of a proposed regulation under this paragraph and after independent study of the data and information furnished to it by the Secretary and other data and information before it, submit to the Secretary a report and recommendation respecting such regulation, together with all underlying data and information and a statement of the reason or basis for the recommendation. Statement.

"(E) PUBLIC AVAILABILITY.—The Secretary shall make a copy of each report and recommendation under subparagraph (D) publicly available.

"(e) MENTHOL CIGARETTES.—

"(1) REFERRAL; CONSIDERATIONS.—Immediately upon the establishment of the Tobacco Products Scientific Advisory Committee under section 917(a), the Secretary shall refer to the Committee for report and recommendation, under section 917(c)(4), the issue of the impact of the use of menthol in cigarettes on the public health, including such use among children, African-Americans, Hispanics, and other racial and ethnic minorities. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsections (a)(3)(B)(i) and (b).

"(2) REPORT AND RECOMMENDATION.—Not later than 1 year after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act applicable to menthol.

"(f) DISSOLVABLE TOBACCO PRODUCTS.—

"(1) REFERRAL; CONSIDERATIONS.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee for report and recommendation, under section 917(c)(4), the issue of the nature and impact of the use of dissolvable tobacco products on the public health, including such use among children. In its review, the Tobacco Products Scientific Advisory Committee shall address the considerations listed in subsection (a)(3)(B)(i).

"(2) REPORT AND RECOMMENDATION.—Not later than 2 years after its establishment, the Tobacco Product Scientific Advisory Committee shall submit to the Secretary the report and recommendations required pursuant to paragraph (1).

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the Secretary's authority to take action under this section or other sections of this Act at any time applicable to any dissolvable tobacco product.

21 USC 387h.

"SEC. 908. NOTIFICATION AND OTHER REMEDIES.

"(a) NOTIFICATION.—If the Secretary determines that—

"(1) a tobacco product which is introduced or delivered for introduction into interstate commerce for commercial distribution presents an unreasonable risk of substantial harm to the public health; and

"(2) notification under this subsection is necessary to eliminate the unreasonable risk of such harm and no more practicable means is available under the provisions of this chapter (other than this section) to eliminate such risk,

the Secretary may issue such order as may be necessary to assure that adequate notification is provided in an appropriate form, by the persons and means best suited under the circumstances involved, to all persons who should properly receive such notification in order to eliminate such risk. The Secretary may order notification by any appropriate means, including public service announcements.

Before issuing an order under this subsection, the Secretary shall consult with the persons who are to give notice under the order. Consultation.

"(b) NO EXEMPTION FROM OTHER LIABILITY.—Compliance with an order issued under this section shall not relieve any person from liability under Federal or State law. In awarding damages for economic loss in an action brought for the enforcement of any such liability, the value to the plaintiff in such action of any remedy provided under such order shall be taken into account.

"(c) RECALL AUTHORITY.—

"(1) IN GENERAL.—If the Secretary finds that there is a reasonable probability that a tobacco product contains a manufacturing or other defect not ordinarily contained in tobacco products on the market that would cause serious, adverse health consequences or death, the Secretary shall issue an order requiring the appropriate person (including the manufacturers, importers, distributors, or retailers of the tobacco product) to immediately cease distribution of such tobacco product. The order shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than 10 days after the date of the issuance of the order, on the actions required by the order and on whether the order should be amended to require a recall of such tobacco product. If, after providing an opportunity for such a hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order. Order. Deadline.

"(2) AMENDMENT OF ORDER TO REQUIRE RECALL.—

"(A) IN GENERAL.—If, after providing an opportunity for an informal hearing under paragraph (1), the Secretary determines that the order should be amended to include a recall of the tobacco product with respect to which the order was issued, the Secretary shall, except as provided in subparagraph (B), amend the order to require a recall. The Secretary shall specify a timetable in which the tobacco product recall will occur and shall require periodic reports to the Secretary describing the progress of the recall. Timetable. Reports.

"(B) NOTICE.—An amended order under subparagraph (A)—

"(i) shall not include recall of a tobacco product from individuals; and

"(ii) shall provide for notice to persons subject to the risks associated with the use of such tobacco product.

In providing the notice required by clause (ii), the Secretary may use the assistance of retailers and other persons who distributed such tobacco product. If a significant number of such persons cannot be identified, the Secretary shall notify such persons under section 705(b). Notification.

"(3) REMEDY NOT EXCLUSIVE.—The remedy provided by this subsection shall be in addition to remedies provided by subsection (a).

"SEC. 909. RECORDS AND REPORTS ON TOBACCO PRODUCTS.

Regulations. 21 USC 387i.

"(a) IN GENERAL.—Every person who is a tobacco product manufacturer or importer of a tobacco product shall establish and maintain such records, make such reports, and provide such information, as the Secretary may by regulation reasonably require to assure

that such tobacco product is not adulterated or misbranded and to otherwise protect public health. Regulations prescribed under the preceding sentence—

"(1) may require a tobacco product manufacturer or importer to report to the Secretary whenever the manufacturer or importer receives or otherwise becomes aware of information that reasonably suggests that one of its marketed tobacco products may have caused or contributed to a serious unexpected adverse experience associated with the use of the product or any significant increase in the frequency of a serious, expected adverse product experience;

"(2) shall require reporting of other significant adverse tobacco product experiences as determined by the Secretary to be necessary to be reported;

"(3) shall not impose requirements unduly burdensome to a tobacco product manufacturer or importer, taking into account the cost of complying with such requirements and the need for the protection of the public health and the implementation of this chapter;

"(4) when prescribing the procedure for making requests for reports or information, shall require that each request made under such regulations for submission of a report or information to the Secretary state the reason or purpose for such request and identify to the fullest extent practicable such report or information;

"(5) when requiring submission of a report or information to the Secretary, shall state the reason or purpose for the submission of such report or information and identify to the fullest extent practicable such report or information; and

"(6) may not require that the identity of any patient or user be disclosed in records, reports, or information required under this subsection unless required for the medical welfare of an individual, to determine risks to public health of a tobacco product, or to verify a record, report, or information submitted under this chapter.

In prescribing regulations under this subsection, the Secretary shall have due regard for the professional ethics of the medical profession and the interests of patients. The prohibitions of paragraph (6) continue to apply to records, reports, and information concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

Applicability.

"(b) REPORTS OF REMOVALS AND CORRECTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall by regulation require a tobacco product manufacturer or importer of a tobacco product to report promptly to the Secretary any corrective action taken or removal from the market of a tobacco product undertaken by such manufacturer or importer if the removal or correction was undertaken—

"(A) to reduce a risk to health posed by the tobacco product; or

"(B) to remedy a violation of this chapter caused by the tobacco product which may present a risk to health.

A tobacco product manufacturer or importer of a tobacco product who undertakes a corrective action or removal from the market of a tobacco product which is not required to be

reported under this subsection shall keep a record of such correction or removal.

"(2) EXCEPTION.—No report of the corrective action or removal of a tobacco product may be required under paragraph (1) if a report of the corrective action or removal is required and has been submitted under subsection (a).

"SEC. 910. APPLICATION FOR REVIEW OF CERTAIN TOBACCO PRODUCTS. 21 USC 387j.

"(a) IN GENERAL.—

"(1) NEW TOBACCO PRODUCT DEFINED.—For purposes of this section the term 'new tobacco product' means—

"(A) any tobacco product (including those products in test markets) that was not commercially marketed in the United States as of February 15, 2007; or

"(B) any modification (including a change in design, any component, any part, or any constituent, including a smoke constituent, or in the content, delivery or form of nicotine, or any other additive or ingredient) of a tobacco product where the modified product was commercially marketed in the United States after February 15, 2007.

"(2) PREMARKET REVIEW REQUIRED.—

"(A) NEW PRODUCTS.—An order under subsection (c)(1)(A)(i) for a new tobacco product is required unless—

"(i) the manufacturer has submitted a report under section 905(j); and the Secretary has issued an order that the tobacco product—

"(I) is substantially equivalent to a tobacco product commercially marketed (other than for test marketing) in the United States as of February 15, 2007; and

"(II) is in compliance with the requirements of this Act; or

"(ii) the tobacco product is exempt from the requirements of section 905(j) pursuant to a regulation issued under section 905(j)(3).

"(B) APPLICATION TO CERTAIN POST-FEBRUARY 15, 2007, PRODUCTS.—Subparagraph (A) shall not apply to a tobacco product—

"(i) that was first introduced or delivered for introduction into interstate commerce for commercial distribution in the United States after February 15, 2007, and prior to the date that is 21 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act; and

"(ii) for which a report was submitted under section 905(j) within such 21-month period,

except that subparagraph (A) shall apply to the tobacco product if the Secretary issues an order that the tobacco product is not substantially equivalent.

"(3) SUBSTANTIALLY EQUIVALENT DEFINED.—

"(A) IN GENERAL.—In this section and section 905(j), the term 'substantially equivalent' or 'substantial equivalence' means, with respect to the tobacco product being compared to the predicate tobacco product, that the Secretary by order has found that the tobacco product—

"(i) has the same characteristics as the predicate tobacco product; or

"(ii) has different characteristics and the information submitted contains information, including clinical data if deemed necessary by the Secretary, that demonstrates that it is not appropriate to regulate the product under this section because the product does not raise different questions of public health.

"(B) CHARACTERISTICS.—In subparagraph (A), the term 'characteristics' means the materials, ingredients, design, composition, heating source, or other features of a tobacco product.

"(C) LIMITATION.—A tobacco product may not be found to be substantially equivalent to a predicate tobacco product that has been removed from the market at the initiative of the Secretary or that has been determined by a judicial order to be misbranded or adulterated.

"(4) HEALTH INFORMATION.—

"(A) SUMMARY.—As part of a submission under section 905(j) respecting a tobacco product, the person required to file a premarket notification under such section shall provide an adequate summary of any health information related to the tobacco product or state that such information will be made available upon request by any person.

Public information. Deadline.

"(B) REQUIRED INFORMATION.—Any summary under subparagraph (A) respecting a tobacco product shall contain detailed information regarding data concerning adverse health effects and shall be made available to the public by the Secretary within 30 days of the issuance of a determination that such tobacco product is substantially equivalent to another tobacco product.

"(b) APPLICATION.—

"(1) CONTENTS.—An application under this section shall contain—

"(A) full reports of all information, published or known to, or which should reasonably be known to, the applicant, concerning investigations which have been made to show the health risks of such tobacco product and whether such tobacco product presents less risk than other tobacco products;

"(B) a full statement of the components, ingredients, additives, and properties, and of the principle or principles of operation, of such tobacco product;

"(C) a full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and, when relevant, packing and installation of, such tobacco product;

"(D) an identifying reference to any tobacco product standard under section 907 which would be applicable to any aspect of such tobacco product, and either adequate information to show that such aspect of such tobacco product fully meets such tobacco product standard or adequate information to justify any deviation from such standard;

"(E) such samples of such tobacco product and of components thereof as the Secretary may reasonably require;

"(F) specimens of the labeling proposed to be used for such tobacco product; and

"(G) such other information relevant to the subject matter of the application as the Secretary may require.

"(2) REFERRAL TO TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.—Upon receipt of an application meeting the requirements set forth in paragraph (1), the Secretary—

"(A) may, on the Secretary's own initiative; or

"(B) may, upon the request of an applicant,

refer such application to the Tobacco Products Scientific Advisory Committee for reference and for submission (within such period as the Secretary may establish) of a report and recommendation respecting the application, together with all underlying data and the reasons or basis for the recommendation.

"(c) ACTION ON APPLICATION.—

"(1) DEADLINE.—

"(A) IN GENERAL.—As promptly as possible, but in no event later than 180 days after the receipt of an application under subsection (b), the Secretary, after considering the report and recommendation submitted under subsection (b)(2), shall—

"(i) issue an order that the new product may be introduced or delivered for introduction into interstate commerce if the Secretary finds that none of the grounds specified in paragraph (2) of this subsection applies; or

"(ii) issue an order that the new product may not be introduced or delivered for introduction into interstate commerce if the Secretary finds (and sets forth the basis for such finding as part of or accompanying such denial) that 1 or more grounds for denial specified in paragraph (2) of this subsection apply.

"(B) RESTRICTIONS ON SALE AND DISTRIBUTION.—An order under subparagraph (A)(i) may require that the sale and distribution of the tobacco product be restricted but only to the extent that the sale and distribution of a tobacco product may be restricted under a regulation under section 906(d).

"(2) DENIAL OF APPLICATION.—The Secretary shall deny an application submitted under subsection (b) if, upon the basis of the information submitted to the Secretary as part of the application and any other information before the Secretary with respect to such tobacco product, the Secretary finds that—

"(A) there is a lack of a showing that permitting such tobacco product to be marketed would be appropriate for the protection of the public health;

"(B) the methods used in, or the facilities or controls used for, the manufacture, processing, or packing of such tobacco product do not conform to the requirements of section 906(e);

"(C) based on a fair evaluation of all material facts, the proposed labeling is false or misleading in any particular; or

"(D) such tobacco product is not shown to conform in all respects to a tobacco product standard in effect under

section 907, and there is a lack of adequate information to justify the deviation from such standard.

Statement.

"(3) DENIAL INFORMATION.—Any denial of an application shall, insofar as the Secretary determines to be practicable, be accompanied by a statement informing the applicant of the measures required to remove such application from deniable form (which measures may include further research by the applicant in accordance with 1 or more protocols prescribed by the Secretary).

"(4) BASIS FOR FINDING.—For purposes of this section, the finding as to whether the marketing of a tobacco product for which an application has been submitted is appropriate for the protection of the public health shall be determined with respect to the risks and benefits to the population as a whole, including users and nonusers of the tobacco product, and taking into account—

"(A) the increased or decreased likelihood that existing users of tobacco products will stop using such products; and

"(B) the increased or decreased likelihood that those who do not use tobacco products will start using such products.

"(5) BASIS FOR ACTION.—

"(A) INVESTIGATIONS.—For purposes of paragraph (2)(A), whether permitting a tobacco product to be marketed would be appropriate for the protection of the public health shall, when appropriate, be determined on the basis of well-controlled investigations, which may include 1 or more clinical investigations by experts qualified by training and experience to evaluate the tobacco product.

"(B) OTHER EVIDENCE.—If the Secretary determines that there exists valid scientific evidence (other than evidence derived from investigations described in subparagraph (A)) which is sufficient to evaluate the tobacco product, the Secretary may authorize that the determination for purposes of paragraph (2)(A) be made on the basis of such evidence.

"(d) WITHDRAWAL AND TEMPORARY SUSPENSION.—

Notice.
Hearings.

"(1) IN GENERAL.—The Secretary shall, upon obtaining, where appropriate, advice on scientific matters from the Tobacco Products Scientific Advisory Committee, and after due notice and opportunity for informal hearing for a tobacco product for which an order was issued under subsection (c)(1)(A)(i), issue an order withdrawing the order if the Secretary finds—

"(A) that the continued marketing of such tobacco product no longer is appropriate for the protection of the public health;

"(B) that the application contained or was accompanied by an untrue statement of a material fact;

"(C) that the applicant—

"(i) has failed to establish a system for maintaining records, or has repeatedly or deliberately failed to maintain records or to make reports, required by an applicable regulation under section 909;

"(ii) has refused to permit access to, or copying or verification of, such records as required by section 704; or

"(iii) has not complied with the requirements of section 905;

"(D) on the basis of new information before the Secretary with respect to such tobacco product, evaluated together with the evidence before the Secretary when the application was reviewed, that the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or installation of such tobacco product do not conform with the requirements of section 906(e) and were not brought into conformity with such requirements within a reasonable time after receipt of written notice from the Secretary of nonconformity;

"(E) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when the application was reviewed, that the labeling of such tobacco product, based on a fair evaluation of all material facts, is false or misleading in any particular and was not corrected within a reasonable time after receipt of written notice from the Secretary of such fact; or

"(F) on the basis of new information before the Secretary, evaluated together with the evidence before the Secretary when such order was issued, that such tobacco product is not shown to conform in all respects to a tobacco product standard which is in effect under section 907, compliance with which was a condition to the issuance of an order relating to the application, and that there is a lack of adequate information to justify the deviation from such standard.

"(2) APPEAL.—The holder of an application subject to an order issued under paragraph (1) withdrawing an order issued pursuant to subsection (c)(1)(A)(i) may, by petition filed on or before the 30th day after the date upon which such holder receives notice of such withdrawal, obtain review thereof in accordance with section 912.

"(3) TEMPORARY SUSPENSION.—If, after providing an opportunity for an informal hearing, the Secretary determines there is reasonable probability that the continuation of distribution of a tobacco product under an order would cause serious, adverse health consequences or death, that is greater than ordinarily caused by tobacco products on the market, the Secretary shall by order temporarily suspend the authority of the manufacturer to market the product. If the Secretary issues such an order, the Secretary shall proceed expeditiously under paragraph (1) to withdraw such application. Order.

"(e) SERVICE OF ORDER.—An order issued by the Secretary under this section shall be served—

"(1) in person by any officer or employee of the department designated by the Secretary; or

"(2) by mailing the order by registered mail or certified mail addressed to the applicant at the applicant's last known address in the records of the Secretary.

"(f) RECORDS.—

"(1) ADDITIONAL INFORMATION.—In the case of any tobacco product for which an order issued pursuant to subsection Reports.

(c)(1)(A)(i) for an application filed under subsection (b) is in effect, the applicant shall establish and maintain such records, and make such reports to the Secretary, as the Secretary may by regulation, or by order with respect to such application, prescribe on the basis of a finding that such records and reports are necessary in order to enable the Secretary to determine, or facilitate a determination of, whether there is or may be grounds for withdrawing or temporarily suspending such order.

"(2) ACCESS TO RECORDS.—Each person required under this section to maintain records, and each person in charge of custody thereof, shall, upon request of an officer or employee designated by the Secretary, permit such officer or employee at all reasonable times to have access to and copy and verify such records.

"(g) INVESTIGATIONAL TOBACCO PRODUCT EXEMPTION FOR INVESTIGATIONAL USE.—The Secretary may exempt tobacco products intended for investigational use from the provisions of this chapter under such conditions as the Secretary may by regulation prescribe.

21 USC 387k.

"SEC. 911. MODIFIED RISK TOBACCO PRODUCTS.

"(a) IN GENERAL.—No person may introduce or deliver for introduction into interstate commerce any modified risk tobacco product unless an order issued pursuant to subsection (g) is effective with respect to such product.

"(b) DEFINITIONS.—In this section:

"(1) MODIFIED RISK TOBACCO PRODUCT.—The term 'modified risk tobacco product' means any tobacco product that is sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products.

"(2) SOLD OR DISTRIBUTED.—

"(A) IN GENERAL.—With respect to a tobacco product, the term 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' means a tobacco product—

"(i) the label, labeling, or advertising of which represents explicitly or implicitly that—

"(I) the tobacco product presents a lower risk of tobacco-related disease or is less harmful than one or more other commercially marketed tobacco products;

"(II) the tobacco product or its smoke contains a reduced level of a substance or presents a reduced exposure to a substance; or

"(III) the tobacco product or its smoke does not contain or is free of a substance;

"(ii) the label, labeling, or advertising of which uses the descriptors 'light', 'mild', or 'low' or similar descriptors; or

"(iii) the tobacco product manufacturer of which has taken any action directed to consumers through the media or otherwise, other than by means of the tobacco product's label, labeling, or advertising, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, respecting the product

that would be reasonably expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

"(B) LIMITATION.—No tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products', except as described in subparagraph (A).

"(C) SMOKELESS TOBACCO PRODUCT.—No smokeless tobacco product shall be considered to be 'sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products' solely because its label, labeling, or advertising uses the following phrases to describe such product and its use: 'smokeless tobacco', 'smokeless tobacco product', 'not consumed by smoking', 'does not produce smoke', 'smokefree', 'smoke-free', 'without smoke', 'no smoke', or 'not smoke'.

"(3) EFFECTIVE DATE.—The provisions of paragraph (2)(A)(ii) shall take effect 12 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act for those products whose label, labeling, or advertising contains the terms described in such paragraph on such date of enactment. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with paragraph (2)(A)(ii).

"(c) TOBACCO DEPENDENCE PRODUCTS.—A product that is intended to be used for the treatment of tobacco dependence, including smoking cessation, is not a modified risk tobacco product under this section if it has been approved as a drug or device by the Food and Drug Administration and is subject to the requirements of chapter V.

"(d) FILING.—Any person may file with the Secretary an application for a modified risk tobacco product. Such application shall include—

"(1) a description of the proposed product and any proposed advertising and labeling;

"(2) the conditions for using the product;

"(3) the formulation of the product;

"(4) sample product labels and labeling;

"(5) all documents (including underlying scientific information) relating to research findings conducted, supported, or possessed by the tobacco product manufacturer relating to the effect of the product on tobacco-related diseases and health-related conditions, including information both favorable and unfavorable to the ability of the product to reduce risk or exposure and relating to human health;

"(6) data and information on how consumers actually use the tobacco product; and

"(7) such other information as the Secretary may require.

"(e) PUBLIC AVAILABILITY.—The Secretary shall make the application described in subsection (d) publicly available (except Comment period.

matters in the application which are trade secrets or otherwise confidential, commercial information) and shall request comments by interested persons on the information contained in the application and on the label, labeling, and advertising accompanying such application.

"(f) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary shall refer to the Tobacco Products Scientific Advisory Committee any application submitted under this section.

Deadline. Reports.

"(2) RECOMMENDATIONS.—Not later than 60 days after the date an application is referred to the Tobacco Products Scientific Advisory Committee under paragraph (1), the Advisory Committee shall report its recommendations on the application to the Secretary.

"(g) MARKETING.—

Order.

"(1) MODIFIED RISK PRODUCTS.—Except as provided in paragraph (2), the Secretary shall, with respect to an application submitted under this section, issue an order that a modified risk product may be commercially marketed only if the Secretary determines that the applicant has demonstrated that such product, as it is actually used by consumers, will—

"(A) significantly reduce harm and the risk of tobacco-related disease to individual tobacco users; and

"(B) benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

"(2) SPECIAL RULE FOR CERTAIN PRODUCTS.—

"(A) IN GENERAL.—The Secretary may issue an order that a tobacco product may be introduced or delivered for introduction into interstate commerce, pursuant to an application under this section, with respect to a tobacco product that may not be commercially marketed under paragraph (1) if the Secretary makes the findings required under this paragraph and determines that the applicant has demonstrated that—

"(i) such order would be appropriate to promote the public health;

"(ii) any aspect of the label, labeling, and advertising for such product that would cause the tobacco product to be a modified risk tobacco product under subsection (b) is limited to an explicit or implicit representation that such tobacco product or its smoke does not contain or is free of a substance or contains a reduced level of a substance, or presents a reduced exposure to a substance in tobacco smoke;

"(iii) scientific evidence is not available and, using the best available scientific methods, cannot be made available without conducting long-term epidemiological studies for an application to meet the standards set forth in paragraph (1); and

"(iv) the scientific evidence that is available without conducting long-term epidemiological studies demonstrates that a measurable and substantial reduction in morbidity or mortality among individual tobacco users is reasonably likely in subsequent studies.

"(B) ADDITIONAL FINDINGS REQUIRED.—To issue an order under subparagraph (A) the Secretary must also find that the applicant has demonstrated that—

"(i) the magnitude of the overall reductions in exposure to the substance or substances which are the subject of the application is substantial, such substance or substances are harmful, and the product as actually used exposes consumers to the specified reduced level of the substance or substances;

"(ii) the product as actually used by consumers will not expose them to higher levels of other harmful substances compared to the similar types of tobacco products then on the market unless such increases are minimal and the reasonably likely overall impact of use of the product remains a substantial and measurable reduction in overall morbidity and mortality among individual tobacco users;

"(iii) testing of actual consumer perception shows that, as the applicant proposes to label and market the product, consumers will not be misled into believing that the product—

"(I) is or has been demonstrated to be less harmful; or

"(II) presents or has been demonstrated to present less of a risk of disease than 1 or more other commercially marketed tobacco products; and

"(iv) issuance of an order with respect to the application is expected to benefit the health of the population as a whole taking into account both users of tobacco products and persons who do not currently use tobacco products.

"(C) CONDITIONS OF MARKETING.—

"(i) IN GENERAL.—Applications subject to an order under this paragraph shall be limited to a term of not more than 5 years, but may be renewed upon a finding by the Secretary that the requirements of this paragraph continue to be satisfied based on the filing of a new application.

"(ii) AGREEMENTS BY APPLICANT.—An order under this paragraph shall be conditioned on the applicant's agreement to conduct postmarket surveillance and studies and to submit to the Secretary the results of such surveillance and studies to determine the impact of the order on consumer perception, behavior, and health and to enable the Secretary to review the accuracy of the determinations upon which the order was based in accordance with a protocol approved by the Secretary. Study.

"(iii) ANNUAL SUBMISSION.—The results of such postmarket surveillance and studies described in clause (ii) shall be submitted annually.

"(3) BASIS.—The determinations under paragraphs (1) and (2) shall be based on—

"(A) the scientific evidence submitted by the applicant; and

"(B) scientific evidence and other information that is made available to the Secretary.

"(4) BENEFIT TO HEALTH OF INDIVIDUALS AND OF POPULATION AS A WHOLE.—In making the determinations under paragraphs (1) and (2), the Secretary shall take into account—

"(A) the relative health risks to individuals of the tobacco product that is the subject of the application;

"(B) the increased or decreased likelihood that existing users of tobacco products who would otherwise stop using such products will switch to the tobacco product that is the subject of the application;

"(C) the increased or decreased likelihood that persons who do not use tobacco products will start using the tobacco product that is the subject of the application;

"(D) the risks and benefits to persons from the use of the tobacco product that is the subject of the application as compared to the use of products for smoking cessation approved under chapter V to treat nicotine dependence; and

"(E) comments, data, and information submitted by interested persons.

"(h) ADDITIONAL CONDITIONS FOR MARKETING.—

"(1) MODIFIED RISK PRODUCTS.—The Secretary shall require for the marketing of a product under this section that any advertising or labeling concerning modified risk products enable the public to comprehend the information concerning modified risk and to understand the relative significance of such information in the context of total health and in relation to all of the diseases and health-related conditions associated with the use of tobacco products.

"(2) COMPARATIVE CLAIMS.—

"(A) IN GENERAL.—The Secretary may require for the marketing of a product under this subsection that a claim comparing a tobacco product to 1 or more other commercially marketed tobacco products shall compare the tobacco product to a commercially marketed tobacco product that is representative of that type of tobacco product on the market (for example the average value of the top 3 brands of an established regular tobacco product).

"(B) QUANTITATIVE COMPARISONS.—The Secretary may also require, for purposes of subparagraph (A), that the percent (or fraction) of change and identity of the reference tobacco product and a quantitative comparison of the amount of the substance claimed to be reduced shall be stated in immediate proximity to the most prominent claim.

"(3) LABEL DISCLOSURE.—

"(A) IN GENERAL.—The Secretary may require the disclosure on the label of other substances in the tobacco product, or substances that may be produced by the consumption of that tobacco product, that may affect a disease or health-related condition or may increase the risk of other diseases or health-related conditions associated with the use of tobacco products.

"(B) CONDITIONS OF USE.—If the conditions of use of the tobacco product may affect the risk of the product to human health, the Secretary may require the labeling of conditions of use.

"(4) TIME.—An order issued under subsection (g)(1) shall be effective for a specified period of time.

"(5) ADVERTISING.—The Secretary may require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the product comply with requirements relating to advertising and promotion of the tobacco product.

"(i) POSTMARKET SURVEILLANCE AND STUDIES.—

"(1) IN GENERAL.—The Secretary shall require, with respect to a product for which an applicant obtained an order under subsection (g)(1), that the applicant conduct postmarket surveillance and studies for such a tobacco product to determine the impact of the order issuance on consumer perception, behavior, and health, to enable the Secretary to review the accuracy of the determinations upon which the order was based, and to provide information that the Secretary determines is otherwise necessary regarding the use or health risks involving the tobacco product. The results of postmarket surveillance and studies shall be submitted to the Secretary on an annual basis. Deadline.

"(2) SURVEILLANCE PROTOCOL.—Each applicant required to conduct a surveillance of a tobacco product under paragraph (1) shall, within 30 days after receiving notice that the applicant is required to conduct such surveillance, submit, for the approval of the Secretary, a protocol for the required surveillance. The Secretary, within 60 days of the receipt of such protocol, shall determine if the principal investigator proposed to be used in the surveillance has sufficient qualifications and experience to conduct such surveillance and if such protocol will result in collection of the data or other information designated by the Secretary as necessary to protect the public health. Deadlines. Notice.

"(j) WITHDRAWAL OF AUTHORIZATION.—The Secretary, after an opportunity for an informal hearing, shall withdraw an order under subsection (g) if the Secretary determines that— Hearings.

"(1) the applicant, based on new information, can no longer make the demonstrations required under subsection (g), or the Secretary can no longer make the determinations required under subsection (g);

"(2) the application failed to include material information or included any untrue statement of material fact;

"(3) any explicit or implicit representation that the product reduces risk or exposure is no longer valid, including if—

"(A) a tobacco product standard is established pursuant to section 907;

"(B) an action is taken that affects the risks presented by other commercially marketed tobacco products that were compared to the product that is the subject of the application; or

"(C) any postmarket surveillance or studies reveal that the order is no longer consistent with the protection of the public health;

"(4) the applicant failed to conduct or submit the postmarket surveillance and studies required under subsection (g)(2)(C)(ii) or subsection (i); or

"(5) the applicant failed to meet a condition imposed under subsection (h).

"(k) CHAPTER IV OR V.—A product for which the Secretary has issued an order pursuant to subsection (g) shall not be subject to chapter IV or V.

"(l) IMPLEMENTING REGULATIONS OR GUIDANCE.—

Deadline.

"(1) SCIENTIFIC EVIDENCE.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations or guidance (or any combination thereof) on the scientific evidence required for assessment and ongoing review of modified risk tobacco products. Such regulations or guidance shall—

"(A) to the extent that adequate scientific evidence exists, establish minimum standards for scientific studies needed prior to issuing an order under subsection (g) to show that a substantial reduction in morbidity or mortality among individual tobacco users occurs for products described in subsection (g)(1) or is reasonably likely for products described in subsection (g)(2);

"(B) include validated biomarkers, intermediate clinical endpoints, and other feasible outcome measures, as appropriate;

"(C) establish minimum standards for postmarket studies, that shall include regular and long-term assessments of health outcomes and mortality, intermediate clinical endpoints, consumer perception of harm reduction, and the impact on quitting behavior and new use of tobacco products, as appropriate;

"(D) establish minimum standards for required postmarket surveillance, including ongoing assessments of consumer perception;

"(E) require that data from the required studies and surveillance be made available to the Secretary prior to the decision on renewal of a modified risk tobacco product; and

"(F) establish a reasonable timetable for the Secretary to review an application under this section.

"(2) CONSULTATION.—The regulations or guidance issued under paragraph (1) shall be developed in consultation with the Institute of Medicine, and with the input of other appropriate scientific and medical experts, on the design and conduct of such studies and surveillance.

"(3) REVISION.—The regulations or guidance under paragraph (1) shall be revised on a regular basis as new scientific information becomes available.

Deadline.

"(4) NEW TOBACCO PRODUCTS.—Not later than 2 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue a regulation or guidance that permits the filing of a single application for any tobacco product that is a new tobacco product under section 910 and which the applicant seeks to commercially market under this section.

"(m) DISTRIBUTORS.—Except as provided in this section, no distributor may take any action, after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, with respect to a tobacco product that would reasonably be expected to result in consumers believing that the tobacco product or its smoke may present a lower risk of disease or is less harmful

than one or more commercially marketed tobacco products, or presents a reduced exposure to, or does not contain or is free of, a substance or substances.

"SEC. 912. JUDICIAL REVIEW. 21 USC 387*l*.

"(a) RIGHT TO REVIEW.—

"(1) IN GENERAL.—Not later than 30 days after— Deadline.

"(A) the promulgation of a regulation under section 907 establishing, amending, or revoking a tobacco product standard; or

"(B) a denial of an application under section 910(c), any person adversely affected by such regulation or denial may file a petition for judicial review of such regulation or denial with the United States Court of Appeals for the District of Columbia or for the circuit in which such person resides or has their principal place of business.

"(2) REQUIREMENTS.—

"(A) COPY OF PETITION.—A copy of the petition filed under paragraph (1) shall be transmitted by the clerk of the court involved to the Secretary.

"(B) RECORD OF PROCEEDINGS.—On receipt of a petition under subparagraph (A), the Secretary shall file in the court in which such petition was filed—

"(i) the record of the proceedings on which the regulation or order was based; and

"(ii) a statement of the reasons for the issuance of such a regulation or order. Statement.

"(C) DEFINITION OF RECORD.—In this section, the term 'record' means—

"(i) all notices and other matter published in the Federal Register with respect to the regulation or order reviewed;

"(ii) all information submitted to the Secretary with respect to such regulation or order;

"(iii) proceedings of any panel or advisory committee with respect to such regulation or order;

"(iv) any hearing held with respect to such regulation or order; and

"(v) any other information identified by the Secretary, in the administrative proceeding held with respect to such regulation or order, as being relevant to such regulation or order.

"(b) STANDARD OF REVIEW.—Upon the filing of the petition under subsection (a) for judicial review of a regulation or order, the court shall have jurisdiction to review the regulation or order in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief, including interim relief, as provided for in such chapter. A regulation or denial described in subsection (a) shall be reviewed in accordance with section 706(2)(A) of title 5, United States Code.

"(c) FINALITY OF JUDGMENT.—The judgment of the court affirming or setting aside, in whole or in part, any regulation or order shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

"(d) OTHER REMEDIES.—The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

Statement.

"(e) REGULATIONS AND ORDERS MUST RECITE BASIS IN RECORD.—To facilitate judicial review, a regulation or order issued under section 906, 907, 908, 909, 910, or 916 shall contain a statement of the reasons for the issuance of such regulation or order in the record of the proceedings held in connection with its issuance.

Regulations.
21 USC 387m.

"SEC. 913. EQUAL TREATMENT OF RETAIL OUTLETS.

"The Secretary shall issue regulations to require that retail establishments for which the predominant business is the sale of tobacco products comply with any advertising restrictions applicable to retail establishments accessible to individuals under the age of 18.

21 USC 387n.

"SEC. 914. JURISDICTION OF AND COORDINATION WITH THE FEDERAL TRADE COMMISSION.

"(a) JURISDICTION.—

"(1) IN GENERAL.—Except where expressly provided in this chapter, nothing in this chapter shall be construed as limiting or diminishing the authority of the Federal Trade Commission to enforce the laws under its jurisdiction with respect to the advertising, sale, or distribution of tobacco products.

"(2) ENFORCEMENT.—Any advertising that violates this chapter or a provision of the regulations referred to in section 102 of the Family Smoking Prevention and Tobacco Control Act, is an unfair or deceptive act or practice under section 5(a) of the Federal Trade Commission Act and shall be considered a violation of a rule promulgated under section 18 of that Act.

"(b) COORDINATION.—With respect to the requirements of section 4 of the Federal Cigarette Labeling and Advertising Act and section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986—

"(1) the Chairman of the Federal Trade Commission shall coordinate with the Secretary concerning the enforcement of such Act as such enforcement relates to unfair or deceptive acts or practices in the advertising of cigarettes or smokeless tobacco; and

Consultation.

"(2) the Secretary shall consult with the Chairman of such Commission in revising the label statements and requirements under such sections.

21 USC 387o.

"SEC. 915. REGULATION REQUIREMENT.

"(a) TESTING, REPORTING, AND DISCLOSURE.—Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall promulgate regulations under this Act that meet the requirements of subsection (b).

"(b) CONTENTS OF RULES.—The regulations promulgated under subsection (a)—

"(1) shall require testing and reporting of tobacco product constituents, ingredients, and additives, including smoke constituents, by brand and subbrand that the Secretary determines should be tested to protect the public health, provided that, for purposes of the testing requirements of this paragraph,

tobacco products manufactured and sold by a single tobacco product manufacturer that are identical in all respects except the labels, packaging design, logo, trade dress, trademark, brand name, or any combination thereof, shall be considered as a single brand; and

"(2) may require that tobacco product manufacturers, packagers, or importers make disclosures relating to the results of the testing of tar and nicotine through labels or advertising or other appropriate means, and make disclosures regarding the results of the testing of other constituents, including smoke constituents, ingredients, or additives, that the Secretary determines should be disclosed to the public to protect the public health and will not mislead consumers about the risk of tobacco-related disease.

"(c) AUTHORITY.—The Secretary shall have the authority under this chapter to conduct or to require the testing, reporting, or disclosure of tobacco product constituents, including smoke constituents.

"(d) SMALL TOBACCO PRODUCT MANUFACTURERS.—

"(1) FIRST COMPLIANCE DATE.—The initial regulations promulgated under subsection (a) shall not impose requirements on small tobacco product manufacturers before the later of—

"(A) the end of the 2-year period following the final promulgation of such regulations; and

"(B) the initial date set by the Secretary for compliance with such regulations by manufacturers that are not small tobacco product manufacturers.

"(2) TESTING AND REPORTING INITIAL COMPLIANCE PERIOD.—

"(A) 4-YEAR PERIOD.—The initial regulations promulgated under subsection (a) shall give each small tobacco product manufacturer a 4-year period over which to conduct testing and reporting for all of its tobacco products. Subject to paragraph (1), the end of the first year of such 4-year period shall coincide with the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers or the end of the 2-year period following the final promulgation of such regulations, as described in paragraph (1)(A). A small tobacco product manufacturer shall be required—

"(i) to conduct such testing and reporting for 25 percent of its tobacco products during each year of such 4-year period; and

"(ii) to conduct such testing and reporting for its largest-selling tobacco products (as determined by the Secretary) before its other tobacco products, or in such other order of priority as determined by the Secretary.

"(B) CASE-BY-CASE DELAY.—Notwithstanding subparagraph (A), the Secretary may, on a case-by-case basis, delay the date by which an individual small tobacco product manufacturer must conduct testing and reporting for its tobacco products under this section based upon a showing of undue hardship to such manufacturer. Notwithstanding the preceding sentence, the Secretary shall not extend the deadline for a small tobacco product manufacturer to conduct testing and reporting for all of its tobacco products

beyond a total of 5 years after the initial date of compliance under this section set by the Secretary with respect to manufacturers that are not small tobacco product manufacturers.

"(3) SUBSEQUENT AND ADDITIONAL TESTING AND REPORTING.—The regulations promulgated under subsection (a) shall provide that, with respect to any subsequent or additional testing and reporting of tobacco products required under this section, such testing and reporting by a small tobacco product manufacturer shall be conducted in accordance with the timeframes described in paragraph (2)(A), except that, in the case of a new product, or if there has been a modification described in section 910(a)(1)(B) of any product of a small tobacco product manufacturer since the last testing and reporting required under this section, the Secretary shall require that any subsequent or additional testing and reporting be conducted in accordance with the same timeframe applicable to manufacturers that are not small tobacco product manufacturers.

"(4) JOINT LABORATORY TESTING SERVICES.—The Secretary shall allow any 2 or more small tobacco product manufacturers to join together to purchase laboratory testing services required by this section on a group basis in order to ensure that such manufacturers receive access to, and fair pricing of, such testing services.

"(e) EXTENSIONS FOR LIMITED LABORATORY CAPACITY.—

"(1) IN GENERAL.—The regulations promulgated under subsection (a) shall provide that a small tobacco product manufacturer shall not be considered to be in violation of this section before the deadline applicable under paragraphs (3) and (4), if—

"(A) the tobacco products of such manufacturer are in compliance with all other requirements of this chapter; and

"(B) the conditions described in paragraph (2) are met.

Deadline.
Evidence.

"(2) CONDITIONS.—Notwithstanding the requirements of this section, the Secretary may delay the date by which a small tobacco product manufacturer must be in compliance with the testing and reporting required by this section until such time as the testing is reported if, not later than 90 days before the deadline for reporting in accordance with this section, a small tobacco product manufacturer provides evidence to the Secretary demonstrating that—

"(A) the manufacturer has submitted the required products for testing to a laboratory and has done so sufficiently in advance of the deadline to create a reasonable expectation of completion by the deadline;

"(B) the products currently are awaiting testing by the laboratory; and

"(C) neither that laboratory nor any other laboratory is able to complete testing by the deadline at customary, nonexpedited testing fees.

"(3) EXTENSION.—The Secretary, taking into account the laboratory testing capacity that is available to tobacco product manufacturers, shall review and verify the evidence submitted by a small tobacco product manufacturer in accordance with paragraph (2). If the Secretary finds that the conditions described in such paragraph are met, the Secretary shall notify

Notification.

the small tobacco product manufacturer that the manufacturer shall not be considered to be in violation of the testing and reporting requirements of this section until the testing is reported or until 1 year after the reporting deadline has passed, whichever occurs sooner. If, however, the Secretary has not made a finding before the reporting deadline, the manufacturer shall not be considered to be in violation of such requirements until the Secretary finds that the conditions described in paragraph (2) have not been met, or until 1 year after the reporting deadline, whichever occurs sooner.

"(4) ADDITIONAL EXTENSION.—In addition to the time that may be provided under paragraph (3), the Secretary may provide further extensions of time, in increments of no more than 1 year, for required testing and reporting to occur if the Secretary determines, based on evidence properly and timely submitted by a small tobacco product manufacturer in accordance with paragraph (2), that a lack of available laboratory capacity prevents the manufacturer from completing the required testing during the period described in paragraph (3).

"(f) RULE OF CONSTRUCTION.—Nothing in subsection (d) or (e) shall be construed to authorize the extension of any deadline, or to otherwise affect any timeframe, under any provision of this Act or the Family Smoking Prevention and Tobacco Control Act other than this section.

"SEC. 916. PRESERVATION OF STATE AND LOCAL AUTHORITY. 21 USC 387p.

"(a) IN GENERAL.—

"(1) PRESERVATION.—Except as provided in paragraph (2)(A), nothing in this chapter, or rules promulgated under this chapter, shall be construed to limit the authority of a Federal agency (including the Armed Forces), a State or political subdivision of a State, or the government of an Indian tribe to enact, adopt, promulgate, and enforce any law, rule, regulation, or other measure with respect to tobacco products that is in addition to, or more stringent than, requirements established under this chapter, including a law, rule, regulation, or other measure relating to or prohibiting the sale, distribution, possession, exposure to, access to, advertising and promotion of, or use of tobacco products by individuals of any age, information reporting to the State, or measures relating to fire safety standards for tobacco products. No provision of this chapter shall limit or otherwise affect any State, tribal, or local taxation of tobacco products.

"(2) PREEMPTION OF CERTAIN STATE AND LOCAL REQUIREMENTS.—

"(A) IN GENERAL.—No State or political subdivision of a State may establish or continue in effect with respect to a tobacco product any requirement which is different from, or in addition to, any requirement under the provisions of this chapter relating to tobacco product standards, premarket review, adulteration, misbranding, labeling, registration, good manufacturing standards, or modified risk tobacco products.

"(B) EXCEPTION.—Subparagraph (A) does not apply to requirements relating to the sale, distribution, possession, information reporting to the State, exposure to, access to, the advertising and promotion of, or use of, tobacco products

by individuals of any age, or relating to fire safety standards for tobacco products. Information disclosed to a State under subparagraph (A) that is exempt from disclosure under section 552(b)(4) of title 5, United States Code, shall be treated as a trade secret and confidential information by the State.

"(b) RULE OF CONSTRUCTION REGARDING PRODUCT LIABILITY.—No provision of this chapter relating to a tobacco product shall be construed to modify or otherwise affect any action or the liability of any person under the product liability law of any State.

21 USC 387q.

"SEC. 917. TOBACCO PRODUCTS SCIENTIFIC ADVISORY COMMITTEE.

Deadline.

"(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall establish a 12-member advisory committee, to be known as the Tobacco Products Scientific Advisory Committee (in this section referred to as the 'Advisory Committee').

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—

"(A) MEMBERS.—The Secretary shall appoint as members of the Tobacco Products Scientific Advisory Committee individuals who are technically qualified by training and experience in medicine, medical ethics, science, or technology involving the manufacture, evaluation, or use of tobacco products, who are of appropriately diversified professional backgrounds. The committee shall be composed of—

"(i) 7 individuals who are physicians, dentists, scientists, or health care professionals practicing in the area of oncology, pulmonology, cardiology, toxicology, pharmacology, addiction, or any other relevant specialty;

"(ii) 1 individual who is an officer or employee of a State or local government or of the Federal Government;

"(iii) 1 individual as a representative of the general public;

"(iv) 1 individual as a representative of the interests of the tobacco manufacturing industry;

"(v) 1 individual as a representative of the interests of the small business tobacco manufacturing industry, which position may be filled on a rotating, sequential basis by representatives of different small business tobacco manufacturers based on areas of expertise relevant to the topics being considered by the Advisory Committee; and

"(vi) 1 individual as a representative of the interests of the tobacco growers.

"(B) NONVOTING MEMBERS.—The members of the committee appointed under clauses (iv), (v), and (vi) of subparagraph (A) shall serve as consultants to those described in clauses (i) through (iii) of subparagraph (A) and shall be nonvoting representatives.

"(C) CONFLICTS OF INTEREST.—No members of the committee, other than members appointed pursuant to clauses (iv), (v), and (vi) of subparagraph (A) shall, during the member's tenure on the committee or for the 18-month

period prior to becoming such a member, receive any salary, grants, or other payments or support from any business that manufactures, distributes, markets, or sells cigarettes or other tobacco products.

"(2) LIMITATION.—The Secretary may not appoint to the Advisory Committee any individual who is in the regular full-time employ of the Food and Drug Administration or any agency responsible for the enforcement of this Act. The Secretary may appoint Federal officials as ex officio members.

"(3) CHAIRPERSON.—The Secretary shall designate 1 of the members appointed under clauses (i), (ii), and (iii) of paragraph (1)(A) to serve as chairperson.

"(c) DUTIES.—The Tobacco Products Scientific Advisory Committee shall provide advice, information, and recommendations to the Secretary—

"(1) as provided in this chapter;

"(2) on the effects of the alteration of the nicotine yields from tobacco products;

"(3) on whether there is a threshold level below which nicotine yields do not produce dependence on the tobacco product involved; and

"(4) on its review of other safety, dependence, or health issues relating to tobacco products as requested by the Secretary.

"(d) COMPENSATION; SUPPORT; FACA.—

"(1) COMPENSATION AND TRAVEL.—Members of the Advisory Committee who are not officers or employees of the United States, while attending conferences or meetings of the committee or otherwise engaged in its business, shall be entitled to receive compensation at rates to be fixed by the Secretary, which may not exceed the daily equivalent of the rate in effect under the Senior Executive Schedule under section 5382 of title 5, United States Code, for each day (including travel time) they are so engaged; and while so serving away from their homes or regular places of business each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(2) ADMINISTRATIVE SUPPORT.—The Secretary shall furnish the Advisory Committee clerical and other assistance.

"(3) NONAPPLICATION OF FACA.—Section 14 of the Federal Advisory Committee Act does not apply to the Advisory Committee.

"(e) PROCEEDINGS OF ADVISORY PANELS AND COMMITTEES.— Records.
The Advisory Committee shall make and maintain a transcript of any proceeding of the panel or committee. Each such panel and committee shall delete from any transcript made under this subsection information which is exempt from disclosure under section 552(b) of title 5, United States Code.

"SEC. 918. DRUG PRODUCTS USED TO TREAT TOBACCO DEPENDENCE. 21 USC 387r.

"(a) IN GENERAL.—The Secretary shall—

"(1) at the request of the applicant, consider designating products for smoking cessation, including nicotine replacement products as fast track research and approval products within the meaning of section 506;

"(2) consider approving the extended use of nicotine replacement products (such as nicotine patches, nicotine gum, and nicotine lozenges) for the treatment of tobacco dependence; and

"(3) review and consider the evidence for additional indications for nicotine replacement products, such as for craving relief or relapse prevention.

"(b) REPORT ON INNOVATIVE PRODUCTS.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary, after consultation with recognized scientific, medical, and public health experts (including both Federal agencies and nongovernmental entities, the Institute of Medicine of the National Academy of Sciences, and the Society for Research on Nicotine and Tobacco), shall submit to the Congress a report that examines how best to regulate, promote, and encourage the development of innovative products and treatments (including nicotine-based and non-nicotine-based products and treatments) to better achieve, in a manner that best protects and promotes the public health—

"(A) total abstinence from tobacco use;

"(B) reductions in consumption of tobacco; and

"(C) reductions in the harm associated with continued tobacco use.

"(2) RECOMMENDATIONS.—The report under paragraph (1) shall include the recommendations of the Secretary on how the Food and Drug Administration should coordinate and facilitate the exchange of information on such innovative products and treatments among relevant offices and centers within the Administration and within the National Institutes of Health, the Centers for Disease Control and Prevention, and other relevant agencies.

21 USC 387s.

"SEC. 919. USER FEES.

Effective date.

"(a) ESTABLISHMENT OF QUARTERLY FEE.—Beginning on the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall in accordance with this section assess user fees on, and collect such fees from, each manufacturer and importer of tobacco products subject to this chapter. The fees shall be assessed and collected with respect to each quarter of each fiscal year, and the total amount assessed and collected for a fiscal year shall be the amount specified in subsection (b)(1) for such year, subject to subsection (c).

"(b) ASSESSMENT OF USER FEE.—

"(1) AMOUNT OF ASSESSMENT.—The total amount of user fees authorized to be assessed and collected under subsection (a) for a fiscal year is the following, as applicable to the fiscal year involved:

"(A) For fiscal year 2009, $85,000,000 (subject to subsection (e)).

"(B) For fiscal year 2010, $235,000,000.

"(C) For fiscal year 2011, $450,000,000.

"(D) For fiscal year 2012, $477,000,000.

"(E) For fiscal year 2013, $505,000,000.

"(F) For fiscal year 2014, $534,000,000.

"(G) For fiscal year 2015, $566,000,000.

"(H) For fiscal year 2016, $599,000,000.

"(I) For fiscal year 2017, $635,000,000.

"(J) For fiscal year 2018, $672,000,000.

"(K) For fiscal year 2019 and each subsequent fiscal year, $712,000,000.

"(2) ALLOCATIONS OF ASSESSMENT BY CLASS OF TOBACCO PRODUCTS.—

"(A) IN GENERAL.—The total user fees assessed and collected under subsection (a) each fiscal year with respect to each class of tobacco products shall be an amount that is equal to the applicable percentage of each class for the fiscal year multiplied by the amount specified in paragraph (1) for the fiscal year.

"(B) APPLICABLE PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the applicable percentage for a fiscal year for each of the following classes of tobacco products shall be determined in accordance with clause (ii):

"(I) Cigarettes.

"(II) Cigars, including small cigars and cigars other than small cigars.

"(III) Snuff.

"(IV) Chewing tobacco.

"(V) Pipe tobacco.

"(VI) Roll-your-own tobacco.

"(ii) ALLOCATIONS.—The applicable percentage of each class of tobacco product described in clause (i) for a fiscal year shall be the percentage determined under section 625(c) of Public Law 108–357 for each such class of product for such fiscal year.

"(iii) REQUIREMENT OF REGULATIONS.—Notwithstanding clause (ii), no user fees shall be assessed on a class of tobacco products unless such class of tobacco products is listed in section 901(b) or is deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter.

"(iv) REALLOCATIONS.—In the case of a class of tobacco products that is not listed in section 901(b) or deemed by the Secretary in a regulation under section 901(b) to be subject to this chapter, the amount of user fees that would otherwise be assessed to such class of tobacco products shall be reallocated to the classes of tobacco products that are subject to this chapter in the same manner and based on the same relative percentages otherwise determined under clause (ii).

"(3) DETERMINATION OF USER FEE BY COMPANY.—

"(A) IN GENERAL.—The total user fee to be paid by each manufacturer or importer of a particular class of tobacco products shall be determined for each quarter by multiplying—

"(i) such manufacturer's or importer's percentage share as determined under paragraph (4); by

"(ii) the portion of the user fee amount for the current quarter to be assessed on all manufacturers and importers of such class of tobacco products as determined under paragraph (2).

"(B) NO FEE IN EXCESS OF PERCENTAGE SHARE.—No manufacturer or importer of tobacco products shall be required to pay a user fee in excess of the percentage share of such manufacturer or importer.

"(4) ALLOCATION OF ASSESSMENT WITHIN EACH CLASS OF TOBACCO PRODUCT.—The percentage share of each manufacturer or importer of a particular class of tobacco products of the total user fee to be paid by all manufacturers or importers of that class of tobacco products shall be the percentage determined for purposes of allocations under subsections (e) through (h) of section 625 of Public Law 108–357.

"(5) ALLOCATION FOR CIGARS.—Notwithstanding paragraph (4), if a user fee assessment is imposed on cigars, the percentage share of each manufacturer or importer of cigars shall be based on the excise taxes paid by such manufacturer or importer during the prior fiscal year.

Notification.

"(6) TIMING OF ASSESSMENT.—The Secretary shall notify each manufacturer and importer of tobacco products subject to this section of the amount of the quarterly assessment imposed on such manufacturer or importer under this subsection for each quarter of each fiscal year. Such notifications shall occur not later than 30 days prior to the end of the quarter for which such assessment is made, and payments of all assessments shall be made by the last day of the quarter involved.

Deadlines.

"(7) MEMORANDUM OF UNDERSTANDING.—

"(A) IN GENERAL.—The Secretary shall request the appropriate Federal agency to enter into a memorandum of understanding that provides for the regular and timely transfer from the head of such agency to the Secretary of the information described in paragraphs (2)(B)(ii) and (4) and all necessary information regarding all tobacco product manufacturers and importers required to pay user fees. The Secretary shall maintain all disclosure restrictions established by the head of such agency regarding the information provided under the memorandum of understanding.

Disclosure.

Effective dates.

"(B) ASSURANCES.—Beginning not later than fiscal year 2015, and for each subsequent fiscal year, the Secretary shall ensure that the Food and Drug Administration is able to determine the applicable percentages described in paragraph (2) and the percentage shares described in paragraph (4). The Secretary may carry out this subparagraph by entering into a contract with the head of the Federal agency referred to in subparagraph (A) to continue to provide the necessary information.

"(c) CREDITING AND AVAILABILITY OF FEES.—

"(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts, subject to paragraph (2)(D). Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation.

"(2) AVAILABILITY.—

"(A) IN GENERAL.—Fees appropriated under paragraph (3) are available only for the purpose of paying the costs of the activities of the Food and Drug Administration related to the regulation of tobacco products under this chapter and the Family Smoking Prevention and Tobacco Control Act (referred to in this subsection as 'tobacco regulation activities'), except that such fees may be used for the reimbursement specified in subparagraph (C).

"(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), fees collected under subsection (a) are the only funds authorized to be made available for tobacco regulation activities.

"(ii) STARTUP COSTS.—Clause (i) does not apply until October 1, 2009. Until such date, any amounts available to the Food and Drug Administration (excluding user fees) shall be available and allocated as needed to pay the costs of tobacco regulation activities. Effective date.

"(C) REIMBURSEMENT OF START-UP AMOUNTS.—

"(i) IN GENERAL.—Any amounts allocated for the start-up period pursuant to subparagraph (B)(ii) shall be reimbursed through any appropriated fees collected under subsection (a), in such manner as the Secretary determines appropriate to ensure that such allocation results in no net change in the total amount of funds otherwise available, for the period from October 1, 2008, through September 30, 2010, for Food and Drug Administration programs and activities (other than tobacco regulation activities) for such period.

"(ii) TREATMENT OF REIMBURSED AMOUNTS.—Amounts reimbursed under clause (i) shall be available for the programs and activities for which funds allocated for the start-up period were available, prior to such allocation, until September 30, 2010, notwithstanding any otherwise applicable limits on amounts for such programs or activities for a fiscal year. Deadline.

"(D) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding the first sentence of paragraph (1), fees under subsection (a) may be collected through September 30, 2009 under subparagraph (B)(ii) and shall be available for obligation and remain available until expended. Such offsetting collections shall be credited to the salaries and expenses account of the Food and Drug Administration. Deadline.

"(E) OBLIGATION OF START-UP COSTS IN ANTICIPATION OF AVAILABLE FEE COLLECTIONS.—Notwithstanding any other provision of law, following the enactment of an appropriation for fees under this section for fiscal year 2010, or any portion thereof, obligations for costs of tobacco regulation activities during the start-up period may be incurred in anticipation of the receipt of offsetting fee collections through procedures specified in section 1534 of title 31, United States Code.

"(3) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2009 and each subsequent fiscal year, there is authorized to be appropriated for fees under this section an amount equal to the amount specified in subsection (b)(1) for the fiscal year.

Deadline.

"(d) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

"(e) APPLICABILITY TO FISCAL YEAR 2009.—If the date of enactment of the Family Smoking Prevention and Tobacco Control Act occurs during fiscal year 2009, the following applies, subject to subsection (c):

Fees.

"(1) The Secretary shall determine the fees that would apply for a single quarter of such fiscal year according to the application of subsection (b) to the amount specified in paragraph (1)(A) of such subsection (referred to in this subsection as the 'quarterly fee amounts').

"(2) For the quarter in which such date of enactment occurs, the amount of fees assessed shall be a pro rata amount, determined according to the number of days remaining in the quarter (including such date of enactment) and according to the daily equivalent of the quarterly fee amounts. Fees assessed under the preceding sentence shall not be collected until the next quarter.

"(3) For the quarter following the quarter to which paragraph (2) applies, the full quarterly fee amounts shall be assessed and collected, in addition to collection of the pro rata fees assessed under paragraph (2).".

(c) CONFORMING AMENDMENT.—Section 9(1) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4408(i)) is amended to read as follows:

"(1) The term 'smokeless tobacco' has the meaning given such term by section 900(18) of the Federal Food, Drug, and Cosmetic Act.".

21 USC 387a–1.

SEC. 102. FINAL RULE.

(a) CIGARETTES AND SMOKELESS TOBACCO.—

Deadline.
Federal Register, publication.

(1) IN GENERAL.—On the first day of publication of the Federal Register that is 180 days or more after the date of enactment of this Act, the Secretary of Health and Human Services shall publish in the Federal Register a final rule regarding cigarettes and smokeless tobacco, which—

(A) is deemed to be issued under chapter 9 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of this division; and

(B) shall be deemed to be in compliance with all applicable provisions of chapter 5 of title 5, United States Code, and all other provisions of law relating to rulemaking procedures.

(2) CONTENTS OF RULE.—Except as provided in this subsection, the final rule published under paragraph (1), shall be identical in its provisions to part 897 of the regulations promulgated by the Secretary of Health and Human Services in the August 28, 1996, issue of the Federal Register (61 Fed. Reg. 44615–44618). Such rule shall—

(A) provide for the designation of jurisdictional authority that is in accordance with this subsection in accordance with this division and the amendments made by this division;

(B) strike Subpart C—Labels and section 897.32(c);

(C) strike paragraphs (a), (b), and (i) of section 897.3 and insert definitions of the terms "cigarette", "cigarette tobacco", and "smokeless tobacco" as defined in section 900 of the Federal Food, Drug, and Cosmetic Act;

(D) insert "or roll-your-own paper" in section 897.34(a) after "other than cigarettes or smokeless tobacco";

(E) include such modifications to section 897.30(b), if any, that the Secretary determines are appropriate in light of governing First Amendment case law, including the decision of the Supreme Court of the United States in Lorillard Tobacco Co. v. Reilly (533 U.S. 525 (2001));

(F) become effective on the date that is 1 year after the date of enactment of this Act; and Effective date.

(G) amend paragraph (d) of section 897.16 to read as follows:

"(d)(1) Except as provided in subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food, Drug, and Cosmetic Act).

"(2)(A) Subparagraph (1) does not prohibit a manufacturer, distributor, or retailer from distributing or causing to be distributed free samples of smokeless tobacco in a qualified adult-only facility.

"(B) This subparagraph does not affect the authority of a State or local government to prohibit or otherwise restrict the distribution of free samples of smokeless tobacco.

"(C) For purposes of this paragraph, the term 'qualified adult-only facility' means a facility or restricted area that—

"(i) requires each person present to provide to a law enforcement officer (whether on or off duty) or to a security guard licensed by a governmental entity government-issued identification showing a photograph and at least the minimum age established by applicable law for the purchase of smokeless tobacco;

"(ii) does not sell, serve, or distribute alcohol;

"(iii) is not located adjacent to or immediately across from (in any direction) a space that is used primarily for youth-oriented marketing, promotional, or other activities;

"(iv) is a temporary structure constructed, designated, and operated as a distinct enclosed area for the purpose of distributing free samples of smokeless tobacco in accordance with this subparagraph;

"(v) is enclosed by a barrier that—

"(I) is constructed of, or covered with, an opaque material (except for entrances and exits);

"(II) extends from no more than 12 inches above the ground or floor (which area at the bottom of the barrier must be covered with material that restricts visibility but may allow airflow) to at least 8 feet above the ground or floor (or to the ceiling); and

"(III) prevents persons outside the qualified adult-only facility from seeing into the qualified adult-only facility, unless they make unreasonable efforts to do so; and

"(vi) does not display on its exterior—

"(I) any tobacco product advertising;

"(II) a brand name other than in conjunction with words for an area or enclosure to identify an adult-only facility; or

"(III) any combination of words that would imply to a reasonable observer that the manufacturer, distributor, or retailer has a sponsorship that would violate section 897.34(c).

"(D) Distribution of samples of smokeless tobacco under this subparagraph permitted to be taken out of the qualified adult-only facility shall be limited to 1 package per adult consumer containing no more than 0.53 ounces (15 grams) of smokeless tobacco. If such package of smokeless tobacco contains individual portions of smokeless tobacco, the individual portions of smokeless tobacco shall not exceed 8 individual portions and the collective weight of such individual portions shall not exceed 0.53 ounces (15 grams). Any manufacturer, distributor, or retailer who distributes or causes to be distributed free samples also shall take reasonable steps to ensure that the above amounts are limited to one such package per adult consumer per day.

"(3) Notwithstanding subparagraph (2), no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of smokeless tobacco—

"(A) to a sports team or entertainment group; or

"(B) at any football, basketball, baseball, soccer, or hockey event or any other sporting or entertainment event determined by the Secretary to be covered by this subparagraph.

Reports. Deadline.

"(4) The Secretary shall implement a program to ensure compliance with this paragraph and submit a report to the Congress on such compliance not later than 18 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act.

"(5) Nothing in this paragraph shall be construed to authorize any person to distribute or cause to be distributed any sample of a tobacco product to any individual who has not attained the minimum age established by applicable law for the purchase of such product.".

(3) AMENDMENTS TO RULE.—Prior to making amendments to the rule published under paragraph (1), the Secretary shall promulgate a proposed rule in accordance with chapter 5 of title 5, United States Code.

(4) RULE OF CONSTRUCTION.—Except as provided in paragraph (3), nothing in this section shall be construed to limit the authority of the Secretary to amend, in accordance with chapter 5 of title 5, United States Code, the regulation promulgated pursuant to this section, including the provisions of such regulation relating to distribution of free samples.

(5) ENFORCEMENT OF RETAIL SALE PROVISIONS.—The Secretary of Health and Human Services shall ensure that the provisions of this division, the amendments made by this division, and the implementing regulations (including such provisions, amendments, and regulations relating to the retail sale of tobacco products) are enforced with respect to the United States and Indian tribes.

Penalties.

(6) QUALIFIED ADULT-ONLY FACILITY.—A qualified adult-only facility (as such term is defined in section 897.16(d) of the final rule published under paragraph (1)) that is also a retailer and that commits a violation as a retailer shall not

be subject to the limitations in section 103(q) and shall be subject to penalties applicable to a qualified adult-only facility.

(7) CONGRESSIONAL REVIEW PROVISIONS.—Section 801 of title 5, United States Code, shall not apply to the final rule published under paragraph (1).

(b) LIMITATION ON ADVISORY OPINIONS.—As of the date of enactment of this Act, the following documents issued by the Food and Drug Administration shall not constitute advisory opinions under section 10.85(d)(1) of title 21, Code of Federal Regulations, except as they apply to tobacco products, and shall not be cited by the Secretary of Health and Human Services or the Food and Drug Administration as binding precedent:

(1) The preamble to the proposed rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco Products to Protect Children and Adolescents" (60 Fed. Reg. 41314–41372 (August 11, 1995)).

(2) The document titled "Nicotine in Cigarettes and Smokeless Tobacco Products is a Drug and These Products Are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act" (60 Fed. Reg. 41453–41787 (August 11, 1995)).

(3) The preamble to the final rule in the document titled "Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents" (61 Fed. Reg. 44396–44615 (August 28, 1996)).

(4) The document titled "Nicotine in Cigarettes and Smokeless Tobacco is a Drug and These Products are Nicotine Delivery Devices Under the Federal Food, Drug, and Cosmetic Act; Jurisdictional Determination" (61 Fed. Reg. 44619–45318 (August 28, 1996)).

SEC. 103. CONFORMING AND OTHER AMENDMENTS TO GENERAL PROVISIONS.

(a) AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT.—Except as otherwise expressly provided, whenever in this section an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended—

(1) in subsection (a), by inserting "tobacco product," after "device,";

(2) in subsection (b), by inserting "tobacco product," after "device,";

(3) in subsection (c), by inserting "tobacco product," after "device,";

(4) in subsection (e)—

(A) by striking the period after "572(i)"; and

(B) by striking "or 761 or the refusal to permit access to" and inserting "761, 909, or 920 or the refusal to permit access to";

(5) in subsection (g), by inserting "tobacco product," after "device,";

(6) in subsection (h), by inserting "tobacco product," after "device,";

(7) in subsection (j)—

(A) by striking the period after "573"; and

(B) by striking "708, or 721" and inserting "708, 721, 904, 905, 906, 907, 908, 909, or 920(b)";

(8) in subsection (k), by inserting "tobacco product," after "device,";

(9) by striking subsection (p) and inserting the following:

"(p) The failure to register in accordance with section 510 or 905, the failure to provide any information required by section 510(j), 510(k), 905(i), or 905(j), or the failure to provide a notice required by section 510(j)(2) or 905(i)(3).";

(10) by striking subsection (q)(1) and inserting the following:

"(q)(1) The failure or refusal—

"(A) to comply with any requirement prescribed under section 518, 520(g), 903(b), 907, 908, or 915;

"(B) to furnish any notification or other material or information required by or under section 519, 520(g), 904, 909, or 920; or

"(C) to comply with a requirement under section 522 or 913.";

(11) in subsection (q)(2), by striking "device," and inserting "device or tobacco product,";

(12) in subsection (r), by inserting "or tobacco product" after the term "device" each time that such term appears; and

(13) by adding at the end the following:

"(oo) The sale of tobacco products in violation of a no-tobacco-sale order issued under section 303(f).

"(pp) The introduction or delivery for introduction into interstate commerce of a tobacco product in violation of section 911.

"(qq)(1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp (including tax stamp), tag, label, or other identification device upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

"(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other item that is designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any tobacco product or container or labeling thereof so as to render such tobacco product a counterfeit tobacco product.

"(3) The doing of any act that causes a tobacco product to be a counterfeit tobacco product, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit tobacco product.

"(rr) The charitable distribution of tobacco products.

"(ss) The failure of a manufacturer or distributor to notify the Attorney General and the Secretary of the Treasury of their knowledge of tobacco products used in illicit trade.

"(tt) Making any express or implied statement or representation directed to consumers with respect to a tobacco product, in a label or labeling or through the media or advertising, that either conveys, or misleads or would mislead consumers into believing, that—

"(1) the product is approved by the Food and Drug Administration;

"(2) the Food and Drug Administration deems the product to be safe for use by consumers;

"(3) the product is endorsed by the Food and Drug Administration for use by consumers; or

"(4) the product is safe or less harmful by virtue of—

"(A) its regulation or inspection by the Food and Drug Administration; or

"(B) its compliance with regulatory requirements set by the Food and Drug Administration;

including any such statement or representation rendering the product misbranded under section 903.".

(c) SECTION 303.—Section 303(f) (21 U.S.C. 333(f)) is amended—

(1) in paragraph (5)—

(A) by striking "paragraph (1), (2), (3), or (4)" each place such appears and inserting "paragraph (1), (2), (3), (4), or (9)";

(B) in subparagraph (A)—

(i) by striking "assessed" the first time it appears and inserting "assessed, or a no-tobacco-sale order may be imposed,"; and

(ii) by striking "penalty" the second time it appears and inserting "penalty, or upon whom a no-tobacco-sale order is to be imposed,";

(C) in subparagraph (B)—

(i) by inserting after "penalty," the following: "or the period to be covered by a no-tobacco-sale order,"; and

(ii) by adding at the end the following: "A no-tobacco-sale order permanently prohibiting an individual retail outlet from selling tobacco products shall include provisions that allow the outlet, after a specified period of time, to request that the Secretary compromise, modify, or terminate the order."; and

(D) by adding at the end the following:

"(D) The Secretary may compromise, modify, or terminate, with or without conditions, any no-tobacco-sale order.";

(2) in paragraph (6)—

(A) by inserting "or the imposition of a no-tobacco-sale order" after the term "penalty" each place such term appears; and

(B) by striking "issued." and inserting "issued, or on which the no-tobacco-sale order was imposed, as the case may be."; and

(3) by adding at the end the following:

"(8) If the Secretary finds that a person has committed repeated violations of restrictions promulgated under section 906(d) at a particular retail outlet then the Secretary may impose a no-tobacco-sale order on that person prohibiting the sale of tobacco products in that outlet. A no-tobacco-sale order may be imposed with a civil penalty under paragraph (1). Prior to the entry of a no-sale order under this paragraph, a person shall be entitled to a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties, including at a retailer's request a hearing by telephone, or at the nearest regional or field office of the Food and Drug Administration, or at a Federal, State, or county facility within 100 miles from the location of the retail outlet, if such a facility is available.

"(9) CIVIL MONETARY PENALTIES FOR VIOLATION OF TOBACCO PRODUCT REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), any person who violates a requirement of this Act which relates to tobacco products shall be liable to the United States for a civil penalty in an amount not to exceed $15,000 for each such violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding.

"(B) ENHANCED PENALTIES.—

"(i) Any person who intentionally violates a requirement of section 902(5), 902(6), 904, 908(c), or 911(a), shall be subject to a civil monetary penalty of—

"(I) not to exceed $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

Notice.

"(II) in the case of a violation that continues after the Secretary provides written notice to such person, $250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed $1,000,000 for any 30-day period, and not to exceed $10,000,000 for all such violations adjudicated in a single proceeding.

"(ii) Any person who violates a requirement of section 911(g)(2)(C)(ii) or 911(i)(1), shall be subject to a civil monetary penalty of—

"(I) not to exceed $250,000 per violation, and not to exceed $1,000,000 for all such violations adjudicated in a single proceeding; or

Notice.

"(II) in the case of a violation that continues after the Secretary provides written notice to such person, $250,000 for the first 30-day period (or any portion thereof) that the person continues to be in violation, and such amount shall double for every 30-day period thereafter that the violation continues, not to exceed $1,000,000 for any 30-day period, and not to exceed $10,000,000 for all such violations adjudicated in a single proceeding.

"(iii) In determining the amount of a civil penalty under clause (i)(II) or (ii)(II), the Secretary shall take into consideration whether the person is making efforts toward correcting the violation of the requirements of the section for which such person is subject to such civil penalty.".

(d) SECTION 304.—Section 304 (21 U.S.C. 334) is amended—

(1) in subsection (a)(2)—

(A) by striking "and" before "(D)"; and

(B) by striking "device." and inserting the following: "device, and (E) Any adulterated or misbranded tobacco product.";

(2) in subsection (d)(1), by inserting "tobacco product," after "device,";

(3) in subsection (g)(1), by inserting "or tobacco product" after the term "device" each place such term appears; and

(4) in subsection (g)(2)(A), by inserting "or tobacco product" after "device".

(e) SECTION 505.—Section 505(n)(2) (21 U.S.C. 355(n)(2)) is amended by striking "section 904" and inserting "section 1004".

(f) SECTION 523.—Section 523(b)(2)(D) (21 U.S.C. 360m(b)(2)(D)) is amended by striking "section 903(g)" and inserting "section 1003(g)".

(g) SECTION 702.—Section 702(a)(1) (U.S.C. 372(a)(1)) is amended— 21 USC 372.

(1) by striking "(a)(1)" and inserting "(a)(1)(A)"; and

(2) by adding at the end the following:

"(B)(i) For a tobacco product, to the extent feasible, the Secretary shall contract with the States in accordance with this paragraph to carry out inspections of retailers within that State in connection with the enforcement of this Act. Contracts. Intergovernmental relations.

"(ii) The Secretary shall not enter into any contract under clause (i) with the government of any of the several States to exercise enforcement authority under this Act on Indian country without the express written consent of the Indian tribe involved.".

(h) SECTION 703.—Section 703 (21 U.S.C. 373) is amended—

(1) by inserting "tobacco product," after the term "device," each place such term appears; and

(2) by inserting "tobacco products," after the term "devices," each place such term appears.

(i) SECTION 704.—Section 704 (21 U.S.C. 374) is amended—

(1) in subsection (a)(1)—

(A) by striking "devices, or cosmetics" each place it appears and inserting "devices, tobacco products, or cosmetics";

(B) by striking "or restricted devices" each place it appears and inserting "restricted devices, or tobacco products"; and

(C) by striking "and devices and subject to" and all that follows through "other drugs or devices" and inserting "devices, and tobacco products and subject to reporting and inspection under regulations lawfully issued pursuant to section 505 (i) or (k), section 519, section 520(g), or chapter IX and data relating to other drugs, devices, or tobacco products";

(2) in subsection (b), by inserting "tobacco product," after "device,"; and

(3) in subsection (g)(13), by striking "section 903(g)" and inserting "section 1003(g)".

(j) SECTION 705.—Section 705(b) (21 U.S.C. 375(b)) is amended by inserting "tobacco products," after "devices,".

(k) SECTION 709.—Section 709 (21 U.S.C. 379a) is amended by inserting "tobacco product," after "device,".

(l) SECTION 801.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (a)—

(A) by inserting "tobacco products," after the term "devices,";

(B) by inserting "or section 905(h)" after "section 510"; and

(C) by striking the term "drugs or devices" each time such term appears and inserting "drugs, devices, or tobacco products";

(2) in subsection (e)(1)—

(A) by inserting "tobacco product" after "drug, device,"; and

(B) by inserting ", and a tobacco product intended for export shall not be deemed to be in violation of section 906(e), 907, 911, or 920(a)," before "if it—"; and

(3) by adding at the end the following:

Deadline. Reports.

"(p)(1) Not later than 36 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report regarding—

"(A) the nature, extent, and destination of United States tobacco product exports that do not conform to tobacco product standards established pursuant to this Act;

"(B) the public health implications of such exports, including any evidence of a negative public health impact; and

"(C) recommendations or assessments of policy alternatives available to Congress and the executive branch to reduce any negative public health impact caused by such exports.

Requirements.

"(2) The Secretary is authorized to establish appropriate information disclosure requirements to carry out this subsection.".

(m) SECTION 1003.—Section 1003(d)(2)(C) (as redesignated by section 101(b)) is amended— 21 USC 393.

(1) by striking "and" after "cosmetics,"; and

(2) inserting ", and tobacco products" after "devices".

(n) SECTION 1009.—Section 1009(b) (as redesignated by section 101(b)) is amended by striking "section 908" and inserting "section 1008". 21 USC 399.

(o) SECTION 409 OF THE FEDERAL MEAT INSPECTION ACT.—Section 409(a) of the Federal Meat Inspection Act (21 U.S.C. 679(a)) is amended by striking "section 902(b)" and inserting "section 1002(b)".

21 USC 331 note.

(p) RULE OF CONSTRUCTION.—Nothing in this section is intended or shall be construed to expand, contract, or otherwise modify or amend the existing limitations on State government authority over tribal restricted fee or trust lands.

(q) GUIDANCE AND EFFECTIVE DATES.—

21 USC 333 note.

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue guidance—

(A) defining the term "repeated violation", as used in section 303(f)(8) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)(8)) as amended by subsection (c), as including at least 5 violations of particular requirements over a 36-month period at a particular retail outlet that constitute a repeated violation and providing for civil penalties in accordance with paragraph (2);

(B) providing for timely and effective notice by certified or registered mail or personal delivery to the retailer of each alleged violation at a particular retail outlet prior to conducting a followup compliance check, such notice to be sent to the location specified on the retailer's registration or to the retailer's registered agent if the retailer has provider such agent information to the Food and Drug Administration prior to the violation;

(C) providing for a hearing pursuant to the procedures established through regulations of the Food and Drug Administration for assessing civil money penalties,

including at a retailer's request a hearing by telephone or at the nearest regional or field office of the Food and Drug Administration, and providing for an expedited procedure for the administrative appeal of an alleged violation;

(D) providing that a person may not be charged with a violation at a particular retail outlet unless the Secretary has provided notice to the retailer of all previous violations at that outlet;

(E) establishing that civil money penalties for multiple violations shall increase from one violation to the next violation pursuant to paragraph (2) within the time periods provided for in such paragraph;

(F) providing that good faith reliance on the presentation of a false government-issued photographic identification that contains a date of birth does not constitute a violation of any minimum age requirement for the sale of tobacco products if the retailer has taken effective steps to prevent such violations, including—

(i) adopting and enforcing a written policy against sales to minors;

(ii) informing its employees of all applicable laws;

(iii) establishing disciplinary sanctions for employee noncompliance; and

(iv) requiring its employees to verify age by way of photographic identification or electronic scanning device; and

(G) providing for the Secretary, in determining whether to impose a no-tobacco-sale order and in determining whether to compromise, modify, or terminate such an order, to consider whether the retailer has taken effective steps to prevent violations of the minimum age requirements for the sale of tobacco products, including the steps listed in subparagraph (F).

(2) PENALTIES FOR VIOLATIONS.— 21 USC 333 note.

(A) IN GENERAL.—The amount of the civil penalty to be applied for violations of restrictions promulgated under section 906(d), as described in paragraph (1), shall be as follows:

(i) With respect to a retailer with an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $0.00 together with the issuance of a warning letter to the retailer;

(II) in the case of a second violation within a 12-month period, $250;

(III) in the case of a third violation within a 24-month period, $500;

(IV) in the case of a fourth violation within a 24-month period, $2,000;

(V) in the case of a fifth violation within a 36-month period, $5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, $10,000 as determined by the Secretary on a case-by-case basis.

(ii) With respect to a retailer that does not have an approved training program, the amount of the civil penalty shall not exceed—

(I) in the case of the first violation, $250;

(II) in the case of a second violation within a 12-month period, $500;

(III) in the case of a third violation within a 24-month period, $1,000;

(IV) in the case of a fourth violation within a 24-month period, $2,000;

(V) in the case of a fifth violation within a 36-month period, $5,000; and

(VI) in the case of a sixth or subsequent violation within a 48-month period, $10,000 as determined by the Secretary on a case-by-case basis.

(B) TRAINING PROGRAM.—For purposes of subparagraph (A), the term "approved training program" means a training program that complies with standards developed by the Food and Drug Administration for such programs.

(C) CONSIDERATION OF STATE PENALTIES.—The Secretary shall coordinate with the States in enforcing the provisions of this Act and, for purposes of mitigating a civil penalty to be applied for a violation by a retailer of any restriction promulgated under section 906(d), shall consider the amount of any penalties paid by the retailer to a State for the same violation.

21 USC 333 note.

(3) GENERAL EFFECTIVE DATE.—The amendments made by paragraphs (2), (3), and (4) of subsection (c) shall take effect upon the issuance of guidance described in paragraph (1) of this subsection.

21 USC 333 note.

(4) SPECIAL EFFECTIVE DATE.—The amendment made by subsection (c)(1) shall take effect on the date of enactment of this Act.

21 USC 387c note.

(5) PACKAGE LABEL REQUIREMENTS.—The package label requirements of paragraphs (3) and (4) of section 903(a) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on the date that is 12 months after the date of enactment of this Act. The package label requirements of paragraph (2) of such section 903(a) for cigarettes shall take effect on the date that is 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of this division. The package label requirements of paragraph (2) of such section 903(a) for tobacco products other than cigarettes shall take effect on the date that is 12 months after the date of enactment of this Act. The effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 903(a) (2), (3), and (4) and section 920(a) of the Federal Food, Drug, and Cosmetic Act.

(6) ADVERTISING REQUIREMENTS.—The advertising requirements of section 903(a)(8) of the Federal Food, Drug, and Cosmetic Act (as amended by this division) shall take effect on

the date that is 12 months after the date of enactment of this Act.

SEC. 104. STUDY ON RAISING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS.

The Secretary of Health and Human Services shall—

(1) convene an expert panel to conduct a study on the public health implications of raising the minimum age to purchase tobacco products; and

(2) not later than 5 years after the date of enactment of this Act, submit a report to the Congress on the results of such study. Deadline. Reports.

SEC. 105. ENFORCEMENT ACTION PLAN FOR ADVERTISING AND PROMOTION RESTRICTIONS. 21 USC 387f–1.

(a) ACTION PLAN.—

(1) DEVELOPMENT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall develop and publish an action plan to enforce restrictions adopted pursuant to section 906 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division, or pursuant to section 102(a) of this division, on promotion and advertising of menthol and other cigarettes to youth. Deadline. Publication.

(2) CONSULTATION.—The action plan required by paragraph (1) shall be developed in consultation with public health organizations and other stakeholders with demonstrated expertise and experience in serving minority communities.

(3) PRIORITY.—The action plan required by paragraph (1) shall include provisions designed to ensure enforcement of the restrictions described in paragraph (1) in minority communities.

(b) STATE AND LOCAL ACTIVITIES.—

(1) INFORMATION ON AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary shall inform State, local, and tribal governments of the authority provided to such entities under section 5(c) of the Federal Cigarette Labeling and Advertising Act, as added by section 203 of this division, or preserved by such entities under section 916 of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b) of this division. Deadline.

(2) COMMUNITY ASSISTANCE.—At the request of communities seeking assistance to prevent underage tobacco use, the Secretary shall provide such assistance, including assistance with strategies to address the prevention of underage tobacco use in communities with a disproportionate use of menthol cigarettes by minors.

SEC. 106. STUDIES OF PROGRESS AND EFFECTIVENESS. 21 USC 387u.

(a) FDA REPORT.—Not later than 3 years after the date of enactment of this Act, and not less than every 2 years thereafter, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report concerning—

(1) the progress of the Food and Drug Administration in implementing this division, including major accomplishments, objective measurements of progress, and the identification of any areas that have not been fully implemented;

(2) impediments identified by the Food and Drug Administration to progress in implementing this division and to meeting statutory timeframes;

(3) data on the number of new product applications received under section 910 of the Federal Food, Drug, and Cosmetic Act and modified risk product applications received under section 911 of such Act, and the number of applications acted on under each category; and

(4) data on the number of full time equivalents engaged in implementing this division.

Study.

(b) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of, and submit to the Committees described in subsection (a) a report concerning—

(1) the adequacy of the authority and resources provided to the Secretary of Health and Human Services for this division to carry out its goals and purposes; and

(2) any recommendations for strengthening that authority to more effectively protect the public health with respect to the manufacture, marketing, and distribution of tobacco products.

Web posting.

(c) PUBLIC AVAILABILITY.—The Secretary of Health and Human Services and the Comptroller General of the United States, respectively, shall make the reports required under subsection (a) and (b) available to the public, including by posting such reports on the respective Internet websites of the Food and Drug Administration and the Government Accountability Office.

TITLE II—TOBACCO PRODUCT WARNINGS; CONSTITUENT AND SMOKE CONSTITUENT DISCLOSURE

SEC. 201. CIGARETTE LABEL AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333) is amended to read as follows:

"SEC. 4. LABELING.

"(a) LABEL REQUIREMENTS.—

"(1) IN GENERAL.—It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any cigarettes the package of which fails to bear, in accordance with the requirements of this section, one of the following labels:

"WARNING: Cigarettes are addictive.

"WARNING: Tobacco smoke can harm your children.

"WARNING: Cigarettes cause fatal lung disease.

"WARNING: Cigarettes cause cancer.

"WARNING: Cigarettes cause strokes and heart disease.

"WARNING: Smoking during pregnancy can harm your baby.

"WARNING: Smoking can kill you.

"WARNING: Tobacco smoke causes fatal lung disease in nonsmokers.

"WARNING: Quitting smoking now greatly reduces serious risks to your health.

"(2) PLACEMENT; TYPOGRAPHY; ETC.—Each label statement required by paragraph (1) shall be located in the upper portion of the front and rear panels of the package, directly on the package underneath the cellophane or other clear wrapping. Each label statement shall comprise the top 50 percent of the front and rear panels of the package. The word 'WARNING' shall appear in capital letters and all text shall be in conspicuous and legible 17-point type, unless the text of the label statement would occupy more than 70 percent of such area, in which case the text may be in a smaller conspicuous and legible type size, provided that at least 60 percent of such area is occupied by required text. The text shall be black on a white background, or white on a black background, in a manner that contrasts, by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (c).

"(3) DOES NOT APPLY TO FOREIGN DISTRIBUTION.—The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of cigarettes which does not manufacture, package, or import cigarettes for sale or distribution within the United States.

"(4) APPLICABILITY TO RETAILERS.—A retailer of cigarettes shall not be in violation of this subsection for packaging that—

"(A) contains a warning label;

"(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

"(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

"(b) ADVERTISING REQUIREMENTS.—

"(1) IN GENERAL.—It shall be unlawful for any tobacco product manufacturer, importer, distributor, or retailer of cigarettes to advertise or cause to be advertised within the United States any cigarette unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

"(2) TYPOGRAPHY, ETC.—Each label statement required by subsection (a) in cigarette advertising shall comply with the standards set forth in this paragraph. For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent (including a smoke constituent) yield shall comprise at least 20 percent of the area of the advertisement and shall appear in a conspicuous and prominent format and location at the top of each advertisement within the trim area. The Secretary may revise the required type sizes in such area in such manner as the Secretary determines appropriate. The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type. The text of the label statement shall be black if the background is white and white if the background is black, under the plan submitted under subsection (c). The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING'

in the label statements. The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement. The label statements shall be in English, except that—

"(A) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

"(B) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

"(3) MATCHBOOKS.—Notwithstanding paragraph (2), for matchbooks (defined as containing not more than 20 matches) customarily given away with the purchase of tobacco products, each label statement required by subsection (a) may be printed on the inside cover of the matchbook.

"(4) ADJUSTMENT BY SECRETARY.—The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent (including smoke constituent) disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of cigarette advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

Regulations.

"(c) MARKETING REQUIREMENTS.—

"(1) RANDOM DISPLAY.—The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

Time period.

"(2) ROTATION.—The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of cigarettes in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

Deadline.

"(3) REVIEW.—The Secretary shall review each plan submitted under paragraph (2) and approve it if the plan—

"(A) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

"(B) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

"(4) APPLICABILITY TO RETAILERS.—This subsection and subsection (b) apply to a retailer only if that retailer is responsible for or directs the label statements required under this section except that this paragraph shall not relieve a retailer of liability if the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection and subsection (b).

"(d) GRAPHIC LABEL STATEMENTS.—Not later than 24 months after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the Secretary shall issue regulations that require color graphics depicting the negative health consequences of smoking to accompany the label statements specified in subsection (a)(1). The Secretary may adjust the type size, text and format of the label statements specified in subsections (a)(2) and (b)(2) as the Secretary determines appropriate so that both the graphics and the accompanying label statements are clear, conspicuous, legible and appear within the specified area.". Deadline. Regulations.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 15 months after the issuance of the regulations required by subsection (a). Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by subsection (a). 15 USC 1333 note.

SEC. 202. AUTHORITY TO REVISE CIGARETTE WARNING LABEL STATEMENTS.

(a) PREEMPTION.—Section 5(a) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334(a)) is amended by striking "No" and inserting "Except to the extent the Secretary requires additional or different statements on any cigarette package by a regulation, by an order, by a standard, by an authorization to market a product, or by a condition of marketing a product, pursuant to the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), or as required under section 903(a)(2) or section 920(a) of the Federal Food, Drug, and Cosmetic Act, no".

(b) CHANGE IN REQUIRED STATEMENTS.—Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201, is further amended by adding at the end the following:

"(d) CHANGE IN REQUIRED STATEMENTS.—The Secretary through a rulemaking conducted under section 553 of title 5, United States Code, may adjust the format, type size, color graphics, and text of any of the label requirements, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that

such a change would promote greater public understanding of the risks associated with the use of tobacco products.".

SEC. 203. STATE REGULATION OF CIGARETTE ADVERTISING AND PROMOTION.

Section 5 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1334) is amended by adding at the end the following:

"(c) EXCEPTION.—Notwithstanding subsection (b), a State or locality may enact statutes and promulgate regulations, based on smoking and health, that take effect after the effective date of the Family Smoking Prevention and Tobacco Control Act, imposing specific bans or restrictions on the time, place, and manner, but not content, of the advertising or promotion of any cigarettes.".

SEC. 204. SMOKELESS TOBACCO LABELS AND ADVERTISING WARNINGS.

(a) AMENDMENT.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402) is amended to read as follows:

"SEC. 3. SMOKELESS TOBACCO WARNING.

"(a) GENERAL RULE.—

"(1) It shall be unlawful for any person to manufacture, package, sell, offer to sell, distribute, or import for sale or distribution within the United States any smokeless tobacco product unless the product package bears, in accordance with the requirements of this Act, one of the following labels:

"WARNING: This product can cause mouth cancer.

"WARNING: This product can cause gum disease and tooth loss.

"WARNING: This product is not a safe alternative to cigarettes.

"WARNING: Smokeless tobacco is addictive.

"(2) Each label statement required by paragraph (1) shall be—

"(A) located on the 2 principal display panels of the package, and each label statement shall comprise at least 30 percent of each such display panel; and

"(B) in 17-point conspicuous and legible type and in black text on a white background, or white text on a black background, in a manner that contrasts by typography, layout, or color, with all other printed material on the package, in an alternating fashion under the plan submitted under subsection (b)(3), except that if the text of a label statement would occupy more than 70 percent of the area specified by subparagraph (A), such text may appear in a smaller type size, so long as at least 60 percent of such warning area is occupied by the label statement.

"(3) The label statements required by paragraph (1) shall be introduced by each tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products concurrently into the distribution chain of such products.

"(4) The provisions of this subsection do not apply to a tobacco product manufacturer or distributor of any smokeless tobacco product that does not manufacture, package, or import smokeless tobacco products for sale or distribution within the United States.

"(5) A retailer of smokeless tobacco products shall not be in violation of this subsection for packaging that—

"(A) contains a warning label;

"(B) is supplied to the retailer by a license- or permit-holding tobacco product manufacturer, importer, or distributor; and

"(C) is not altered by the retailer in a way that is material to the requirements of this subsection.

"(b) REQUIRED LABELS.—

"(1) It shall be unlawful for any tobacco product manufacturer, packager, importer, distributor, or retailer of smokeless tobacco products to advertise or cause to be advertised within the United States any smokeless tobacco product unless its advertising bears, in accordance with the requirements of this section, one of the labels specified in subsection (a).

"(2)(A) Each label statement required by subsection (a) in smokeless tobacco advertising shall comply with the standards set forth in this paragraph.

"(B) For press and poster advertisements, each such statement and (where applicable) any required statement relating to tar, nicotine, or other constituent yield shall comprise at least 20 percent of the area of the advertisement.

"(C) The word 'WARNING' shall appear in capital letters, and each label statement shall appear in conspicuous and legible type.

"(D) The text of the label statement shall be black on a white background, or white on a black background, in an alternating fashion under the plan submitted under paragraph (3).

"(E) The label statements shall be enclosed by a rectangular border that is the same color as the letters of the statements and that is the width of the first downstroke of the capital 'W' of the word 'WARNING' in the label statements.

"(F) The text of such label statements shall be in a typeface pro rata to the following requirements: 45-point type for a whole-page broadsheet newspaper advertisement; 39-point type for a half-page broadsheet newspaper advertisement; 39-point type for a whole-page tabloid newspaper advertisement; 27-point type for a half-page tabloid newspaper advertisement; 31.5-point type for a double page spread magazine or whole-page magazine advertisement; 22.5-point type for a 28 centimeter by 3 column advertisement; and 15-point type for a 20 centimeter by 2 column advertisement.

"(G) The label statements shall be in English, except that—

"(i) in the case of an advertisement that appears in a newspaper, magazine, periodical, or other publication that is not in English, the statements shall appear in the predominant language of the publication; and

"(ii) in the case of any other advertisement that is not in English, the statements shall appear in the same language as that principally used in the advertisement.

"(3)(A) The label statements specified in subsection (a)(1) shall be randomly displayed in each 12-month period, in as equal a number of times as is possible on each brand of the product and be randomly distributed in all areas of the United States in which the product is marketed in accordance with

a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer and approved by the Secretary.

"(B) The label statements specified in subsection (a)(1) shall be rotated quarterly in alternating sequence in advertisements for each brand of smokeless tobacco product in accordance with a plan submitted by the tobacco product manufacturer, importer, distributor, or retailer to, and approved by, the Secretary.

"(C) The Secretary shall review each plan submitted under subparagraphs (A) and (B) and approve it if the plan—

"(i) will provide for the equal distribution and display on packaging and the rotation required in advertising under this subsection; and

"(ii) assures that all of the labels required under this section will be displayed by the tobacco product manufacturer, importer, distributor, or retailer at the same time.

Applicability.

"(D) This paragraph applies to a retailer only if that retailer is responsible for or directs the label statements under this section, unless the retailer displays, in a location open to the public, an advertisement that does not contain a warning label or has been altered by the retailer in a way that is material to the requirements of this subsection.

"(4) The Secretary may, through a rulemaking under section 553 of title 5, United States Code, adjust the format and type sizes for the label statements required by this section; the text, format, and type sizes of any required tar, nicotine yield, or other constituent disclosures; or the text, format, and type sizes for any other disclosures required under the Federal Food, Drug, and Cosmetic Act. The text of any such label statements or disclosures shall be required to appear only within the 20 percent area of advertisements provided by paragraph (2). The Secretary shall promulgate regulations which provide for adjustments in the format and type sizes of any text required to appear in such area to ensure that the total text required to appear by law will fit within such area.

Regulations.

"(c) TELEVISION AND RADIO ADVERTISING.—It is unlawful to advertise smokeless tobacco on any medium of electronic communications subject to the jurisdiction of the Federal Communications Commission.".

15 USC 4402 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 12 months after the date of enactment of this Act. Such effective date shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by subsection (a).

SEC. 205. AUTHORITY TO REVISE SMOKELESS TOBACCO PRODUCT WARNING LABEL STATEMENTS.

(a) IN GENERAL.—Section 3 of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4402), as amended by section 204, is further amended by adding at the end the following:

"(d) AUTHORITY TO REVISE WARNING LABEL STATEMENTS.—The Secretary may, by a rulemaking conducted under section 553

of title 5, United States Code, adjust the format, type size, and text of any of the label requirements, require color graphics to accompany the text, increase the required label area from 30 percent up to 50 percent of the front and rear panels of the package, or establish the format, type size, and text of any other disclosures required under the Federal Food, Drug, and Cosmetic Act, if the Secretary finds that such a change would promote greater public understanding of the risks associated with the use of smokeless tobacco products.".

(b) PREEMPTION.—Section 7(a) of the Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 U.S.C. 4406(a)) is amended by striking "No" and inserting "Except as provided in the Family Smoking Prevention and Tobacco Control Act (and the amendments made by that Act), no".

SEC. 206. TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE TO THE PUBLIC.

Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by sections 201 and 202, is further amended by adding at the end the following:

"(e) TAR, NICOTINE, AND OTHER SMOKE CONSTITUENT DISCLOSURE.—

"(1) IN GENERAL.—The Secretary shall, by a rulemaking conducted under section 553 of title 5, United States Code, determine (in the Secretary's sole discretion) whether cigarette and other tobacco product manufacturers shall be required to include in the area of each cigarette advertisement specified by subsection (b) of this section, or on the package label, or both, the tar and nicotine yields of the advertised or packaged brand. Any such disclosure shall be in accordance with the methodology established under such regulations, shall conform to the type size requirements of subsection (b) of this section, and shall appear within the area specified in subsection (b) of this section. Regulations.

"(2) RESOLUTION OF DIFFERENCES.—Any differences between the requirements established by the Secretary under paragraph (1) and tar and nicotine yield reporting requirements established by the Federal Trade Commission shall be resolved by a memorandum of understanding between the Secretary and the Federal Trade Commission. Memorandum.

"(3) CIGARETTE AND OTHER TOBACCO PRODUCT CONSTITUENTS.—In addition to the disclosures required by paragraph (1), the Secretary may, under a rulemaking conducted under section 553 of title 5, United States Code, prescribe disclosure requirements regarding the level of any cigarette or other tobacco product constituent including any smoke constituent. Any such disclosure may be required if the Secretary determines that disclosure would be of benefit to the public health, or otherwise would increase consumer awareness of the health consequences of the use of tobacco products, except that no such prescribed disclosure shall be required on the face of any cigarette package or advertisement. Nothing in this section shall prohibit the Secretary from requiring such prescribed disclosure through a cigarette or other tobacco product package or advertisement insert, or by any other means under the Federal Food, Drug, and Cosmetic Act.

Applicability.

"(4) RETAILERS.—This subsection applies to a retailer only if that retailer is responsible for or directs the label statements required under this section.".

TITLE III—PREVENTION OF ILLICIT TRADE IN TOBACCO PRODUCTS

SEC. 301. LABELING, RECORDKEEPING, RECORDS INSPECTION.

Chapter IX of the Federal Food, Drug, and Cosmetic Act, as added by section 101, is further amended by adding at the end the following:

21 USC 387t.

"SEC. 920. LABELING, RECORDKEEPING, RECORDS INSPECTION.

"(a) ORIGIN LABELING.—

Effective dates.

"(1) REQUIREMENT.—Beginning 1 year after the date of enactment of the Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of tobacco products other than cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'sale only allowed in the United States'. Beginning 15 months after the issuance of the regulations required by section 4(d) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333), as amended by section 201 of Family Smoking Prevention and Tobacco Control Act, the label, packaging, and shipping containers of cigarettes for introduction or delivery for introduction into interstate commerce in the United States shall bear the statement 'Sale only allowed in the United States'.

"(2) EFFECTIVE DATE.—The effective date specified in paragraph (1) shall be with respect to the date of manufacture, provided that, in any case, beginning 30 days after such effective date, a manufacturer shall not introduce into the domestic commerce of the United States any product, irrespective of the date of manufacture, that is not in conformance with such paragraph.

"(b) REGULATIONS CONCERNING RECORDKEEPING FOR TRACKING AND TRACING.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations regarding the establishment and maintenance of records by any person who manufactures, processes, transports, distributes, receives, packages, holds, exports, or imports tobacco products.

"(2) INSPECTION.—In promulgating the regulations described in paragraph (1), the Secretary shall consider which records are needed for inspection to monitor the movement of tobacco products from the point of manufacture through distribution to retail outlets to assist in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products.

"(3) CODES.—The Secretary may require codes on the labels of tobacco products or other designs or devices for the purpose of tracking or tracing the tobacco product through the distribution system.

"(4) SIZE OF BUSINESS.—The Secretary shall take into account the size of a business in promulgating regulations under this section.

"(5) RECORDKEEPING BY RETAILERS.—The Secretary shall not require any retailer to maintain records relating to individual purchasers of tobacco products for personal consumption.

"(c) RECORDS INSPECTION.—If the Secretary has a reasonable belief that a tobacco product is part of an illicit trade or smuggling or is a counterfeit product, each person who manufactures, processes, transports, distributes, receives, holds, packages, exports, or imports tobacco products shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, at reasonable times and within reasonable limits and in a reasonable manner, upon the presentation of appropriate credentials and a written notice to such person, to have access to and copy all records (including financial records) relating to such article that are needed to assist the Secretary in investigating potential illicit trade, smuggling, or counterfeiting of tobacco products. The Secretary shall not authorize an officer or employee of the government of any of the several States to exercise authority under the preceding sentence on Indian country without the express written consent of the Indian tribe involved. Notice.

"(d) KNOWLEDGE OF ILLEGAL TRANSACTION.—

"(1) NOTIFICATION.—If the manufacturer or distributor of a tobacco product has knowledge which reasonably supports the conclusion that a tobacco product manufactured or distributed by such manufacturer or distributor that has left the control of such person may be or has been—

"(A) imported, exported, distributed, or offered for sale in interstate commerce by a person without paying duties or taxes required by law; or

"(B) imported, exported, distributed, or diverted for possible illicit marketing,

the manufacturer or distributor shall promptly notify the Attorney General and the Secretary of the Treasury of such knowledge.

"(2) KNOWLEDGE DEFINED.—For purposes of this subsection, the term 'knowledge' as applied to a manufacturer or distributor means—

"(A) the actual knowledge that the manufacturer or distributor had; or

"(B) the knowledge which a reasonable person would have had under like circumstances or which would have been obtained upon the exercise of due care.

"(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Attorney General of the United States and the Secretary of the Treasury, as appropriate.".

SEC. 302. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of cross-border trade in tobacco products to—

(1) collect data on cross-border trade in tobacco products, including illicit trade and trade of counterfeit tobacco products and make recommendations on the monitoring of such trade;

(2) collect data on cross-border advertising (any advertising intended to be broadcast, transmitted, or distributed from the United States to another country) of tobacco products and make recommendations on how to prevent or eliminate, and what technologies could help facilitate the elimination of, cross-border advertising; and

(3) collect data on the health effects (particularly with respect to individuals under 18 years of age) resulting from cross-border trade in tobacco products, including the health effects resulting from—

(A) the illicit trade of tobacco products and the trade of counterfeit tobacco products; and

(B) the differing tax rates applicable to tobacco products.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study described in subsection (a).

(c) DEFINITION.—In this section:

(1) The term "cross-border trade" means trade across a border of the United States, a State or Territory, or Indian country.

(2) The term "Indian country" has the meaning given to such term in section 1151 of title 18, United States Code.

(3) The terms "State" and "Territory" have the meanings given to those terms in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

Federal Retirement Reform Act of 2009.

DIVISION B—FEDERAL RETIREMENT REFORM ACT

SEC. 100. SHORT TITLE; TABLE OF CONTENTS.

5 USC 101 note.

(a) SHORT TITLE.—This division may be cited as the "Federal Retirement Reform Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—FEDERAL RETIREMENT REFORM ACT

Sec. 100. Short title; table of contents.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Sec. 101. Short title.
Sec. 102. Automatic enrollments and immediate employing agency contributions.
Sec. 103. Qualified Roth contribution program.
Sec. 104. Authority to establish mutual fund window.
Sec. 105. Reporting requirements.
Sec. 106. Acknowledgment of risk.
Sec. 107. Subpoena authority.
Sec. 108. Amounts in Thrift Savings Funds subject to legal proceedings.
Sec. 109. Accounts for surviving spouses.
Sec. 110. Treatment of members of the uniformed services under the Thrift Savings Plan.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

Sec. 201. Increase in monthly amount of special survivor indemnity allowance for widows and widowers of deceased members of the Armed Forces affected by required Survivor Benefit Plan annuity offset for dependency and indemnity compensation.

TITLE I—PROVISIONS RELATING TO FEDERAL EMPLOYEES RETIREMENT

Thrift Savings Plan Enhancement Act of 2009.

SEC. 101. SHORT TITLE.

5 USC 101 note.

This title may be cited as the "Thrift Savings Plan Enhancement Act of 2009".

SEC. 102. AUTOMATIC ENROLLMENTS AND IMMEDIATE EMPLOYING AGENCY CONTRIBUTIONS.

(a) IN GENERAL.—Section 8432(b) of title 5, United States Code, is amended by striking paragraphs (2) through (4) and inserting the following:

"(2)(A) The Executive Director shall by regulation provide for an eligible individual to be automatically enrolled to make contributions under subsection (a) at the default percentage of basic pay. Regulations.

"(B) For purposes of this paragraph, the default percentage shall be equal to 3 percent or such other percentage, not less than 2 percent nor more than 5 percent, as the Board may prescribe.

"(C) The regulations shall include provisions under which any individual who would otherwise be automatically enrolled in accordance with subparagraph (A) may—

"(i) modify the percentage or amount to be contributed pursuant to automatic enrollment, effective not later than the first full pay period following receipt of the election by the appropriate processing entity; or

"(ii) decline automatic enrollment altogether.

"(D)(i) Except as provided in clause (ii), for purposes of this paragraph, the term 'eligible individual' means any individual who, after any regulations under subparagraph (A) first take effect, is appointed, transferred, or reappointed to a position in which that individual becomes eligible to contribute to the Thrift Savings Fund.

"(ii) Members of the uniformed services shall not be eligible individuals for purposes of this paragraph.

"(E) Sections 8351(a)(1), 8440a(a)(1), 8440b(a)(1), 8440c(a)(1), 8440d(a)(1), and 8440e(a)(1) shall be applied in a manner consistent with the purposes of this paragraph.". Applicability.

(b) TECHNICAL AMENDMENT.—Section 8432(b)(1) of title 5, United States Code, is amended by striking the parenthetical matter in subparagraph (B).

SEC. 103. QUALIFIED ROTH CONTRIBUTION PROGRAM.

(a) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting after section 8432c the following:

"§ 8432d. Qualified Roth contribution program

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'qualified Roth contribution program' means a program described in paragraph (1) of section 402A(b) of the Internal Revenue Code of 1986 which meets the requirements of paragraph (2) of such section; and

"(2) the terms 'designated Roth contribution' and 'elective deferral' have the meanings given such terms in section 402A of the Internal Revenue Code of 1986.

Regulations.

"(b) AUTHORITY TO ESTABLISH.—The Executive Director shall by regulation provide for the inclusion in the Thrift Savings Plan of a qualified Roth contribution program, under such terms and conditions as the Board may prescribe.

"(c) REQUIRED PROVISIONS.—The regulations under subsection (b) shall include—

"(1) provisions under which an election to make designated Roth contributions may be made—

"(A) by any individual who is eligible to make contributions under section 8351, 8432(a), 8440a, 8440b, 8440c, 8440d, or 8440e; and

"(B) by any individual, not described in subparagraph (A), who is otherwise eligible to make elective deferrals under the Thrift Savings Plan;

"(2) any provisions which may, as a result of enactment of this section, be necessary in order to clarify the meaning of any reference to an 'account' made in section 8432(f), 8433, 8434(d), 8435, 8437, or any other provision of law; and

"(3) any other provisions which may be necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432c the following:

"8432d. Qualified Roth contribution program.".

SEC. 104. AUTHORITY TO ESTABLISH MUTUAL FUND WINDOW.

(a) IN GENERAL.—Section 8438(b)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period and inserting "; and"; and

(3) by adding after subparagraph (E) the following:

"(F) a service that enables participants to invest in mutual funds, if the Board authorizes the mutual fund window under paragraph (5).".

(b) REQUIREMENTS.—Section 8438(b) of title 5, United States Code, is amended by adding at the end the following:

"(5)(A) The Board may authorize the addition of a mutual fund window under the Thrift Savings Plan if the Board determines that such addition would be in the best interests of participants.

"(B) The Board shall ensure that any expenses charged for use of the mutual fund window are borne solely by the participants who use such window.

"(C) The Board may establish such other terms and conditions for the mutual fund window as the Board considers appropriate to protect the interests of participants, including requirements relating to risk disclosure.

Consultation.

"(D) The Board shall consult with the Employee Thrift Advisory Council (established under section 8473) before authorizing the addition of a mutual fund window or establishing a service that enables participants to invest in mutual funds.".

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 8438(d)(1) of title 5, United States Code, is amended by inserting "and options" after "investment funds".

SEC. 105. REPORTING REQUIREMENTS.

5 USC 8439 note.

(a) ANNUAL REPORT.—The Board shall, not later than June 30 of each year, submit to Congress an annual report on the operations of the Thrift Savings Plan. Such report shall include, for the prior calendar year, information on the number of participants as of the last day of such prior calendar year, the median balance in participants' accounts as of such last day, demographic information on participants, the percentage allocation of amounts among investment funds or options, the status of the development and implementation of the mutual fund window, the diversity demographics of any company, investment adviser, or other entity retained to invest and manage the assets of the Thrift Savings Fund, and such other information as the Board considers appropriate. A copy of each annual report under this subsection shall be made available to the public through an Internet website.

Public information. Web posting.

(b) REPORTING OF FEES AND OTHER INFORMATION.—

(1) IN GENERAL.—The Board shall include in the periodic statements provided to participants under section 8439(c) of title 5, United States Code, the amount of the investment management fees, administrative expenses, and any other fees or expenses paid with respect to each investment fund and option under the Thrift Savings Plan. Any such statement shall also provide a statement notifying participants as to how they may access the annual report described in subsection (a), as well as any other information concerning the Thrift Savings Plan that might be useful.

Notification.

(2) USE OF ESTIMATES.—For purposes of providing the information required under this subsection, the Board may provide a reasonable and representative estimate of any fees or expenses described in paragraph (1) and shall indicate any such estimate as being such an estimate. Any such estimate shall be based on the previous year's experience.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "Board" has the meaning given such term by 8401(5) of title 5, United States Code;

(2) the term "participant" has the meaning given such term by section 8471(3) of title 5, United States Code; and

(3) the term "account" means an account established under section 8439 of title 5, United States Code.

SEC. 106. ACKNOWLEDGMENT OF RISK.

(a) IN GENERAL.—Section 8439(d) of title 5, United States Code, is amended—

(1) by striking the matter after "who elects to invest in" and before "shall sign an acknowledgment" and inserting "any investment fund or option under this chapter, other than the Government Securities Investment Fund,"; and

(2) by striking "either such Fund" and inserting "any such fund or option".

(b) COORDINATION WITH PROVISIONS RELATING TO FIDUCIARY RESPONSIBILITIES, LIABILITIES, AND PENALTIES.—Section 8477(e)(1)(C) of title 5, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (C)(i); and

(2) by adding at the end the following:

"(ii) A fiduciary shall not be liable under subparagraph (A), and no civil action may be brought against a fiduciary—

"(I) for providing for the automatic enrollment of a participant in accordance with section 8432(b)(2)(A);

"(II) for enrolling a participant in a default investment fund in accordance with section 8438(c)(2); or

"(III) for allowing a participant to invest through the mutual fund window or for establishing restrictions applicable to participants' ability to invest through the mutual fund window.".

SEC. 107. SUBPOENA AUTHORITY.

(a) IN GENERAL.—Chapter 84 of title 5, United States Code, is amended by inserting after section 8479 the following:

"§ 8480. Subpoena authority

"(a) In order to carry out the responsibilities specified in this subchapter and subchapter III of this chapter, the Executive Director may issue subpoenas commanding each person to whom the subpoena is directed to produce designated books, documents, records, electronically stored information, or tangible materials in the possession or control of that individual.

"(b) Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any individual, domestic or foreign corporation or upon a partnership or other unincorporated association for such production.

"(c) When a person fails to obey a subpoena issued under this section, the district court of the United States for the district in which the investigation is conducted or in which the person failing to obey is found, shall on proper application issue an order directing that person to comply with the subpoena. The court may punish as contempt any disobedience of its order.

Regulations.

"(d) The Executive Director shall prescribe regulations to carry out subsection (a).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8479 the following:

"8480. Subpoena authority.".

SEC. 108. AMOUNTS IN THRIFT SAVINGS FUNDS SUBJECT TO LEGAL PROCEEDINGS.

Section 8437(e)(3) of title 5, United States Code, is amended in the first sentence by striking "or relating to the enforcement of a judgment for the physically, sexually, or emotionally abusing a child as provided under section 8467(a)" and inserting "the enforcement of an order for restitution under section 3663A of title 18, forfeiture under section 8432(g)(5) of this title, or an obligation of the Executive Director to make a payment to another person under section 8467 of this title".

SEC. 109. ACCOUNTS FOR SURVIVING SPOUSES.

Section 8433(e) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding section 8424(d), if an employee, Member, former employee, or former Member dies and has designated as

sole or partial beneficiary his or her spouse at the time of death, or, if an employee, Member, former employee, or former Member, dies with no designated beneficiary and is survived by a spouse, the spouse may maintain the portion of the employee's or Member's account to which the spouse is entitled in accordance with the following terms:

"(A) Subject to the limitations of subparagraph (B), the spouse shall have the same withdrawal options under subsection (b) as the employee or Member were the employee or Member living.

"(B) The spouse may not make withdrawals under subsection (g) or (h).

"(C) The spouse may not make contributions or transfers to the account.

"(D) The account shall be disbursed upon the death of the surviving spouse. A beneficiary or surviving spouse of a deceased spouse who has inherited an account is ineligible to maintain the inherited spousal account.

"(3) The Executive Director shall prescribe regulations to carry out this subsection.". Regulations.

SEC. 110. TREATMENT OF MEMBERS OF THE UNIFORMED SERVICES UNDER THE THRIFT SAVINGS PLAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) members of the uniformed services should have a retirement system that is at least as generous as the one which is available to Federal civilian employees; and

(2) Federal civilian employees receive matching contributions from their employing agencies for their contributions to the Thrift Savings Fund, but the costs of requiring such a matching contribution from the Department of Defense could be significant.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall report to Congress on—

(1) the cost to the Department of Defense of providing a matching payment with respect to contributions made to the Thrift Savings Fund by members of the Armed Forces;

(2) the effect that requiring such a matching payment would have on recruitment and retention; and

(3) any other information that the Secretary of Defense considers appropriate.

TITLE II—SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR SURVIVING SPOUSES OF ARMED FORCES MEMBERS

SEC. 201. INCREASE IN MONTHLY AMOUNT OF SPECIAL SURVIVOR INDEMNITY ALLOWANCE FOR WIDOWS AND WIDOWERS OF DECEASED MEMBERS OF THE ARMED FORCES AFFECTED BY REQUIRED SURVIVOR BENEFIT PLAN ANNUITY OFFSET FOR DEPENDENCY AND INDEMNITY COMPENSATION.

(a) PAYMENT AMOUNT PER FISCAL YEAR.—Paragraph (2) of section 1450(m) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking "and" after the semicolon; and

(2) by striking subparagraph (F) and inserting the following new subparagraphs:

"(F) for months during fiscal year 2014, $150;

"(G) for months during fiscal year 2015, $200;

"(H) for months during fiscal year 2016, $275; and

"(I) for months during fiscal year 2017, $310.".

(b) DURATION.—Paragraph (6) of such section is amended—

(1) by striking "February 28, 2016" and inserting "September 30, 2017"; and

(2) by striking "March 1, 2016" both places it appears and inserting "October 1, 2017".

Approved June 22, 2009.

LEGISLATIVE HISTORY—H.R. 1256:

HOUSE REPORTS: No. 111–58, Pt. 1 (Comm. on Energy and Commerce) and Pt. 2 (Comm. on Oversight and Government Reform).

CONGRESSIONAL RECORD, Vol. 155 (2009):

Apr. 1, 2, considered and passed House.

June 3, 4, 8–11, considered and passed Senate, amended.

June 12, House concurred in Senate amendment.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):

June 22, Presidential remarks.

Public Law 111–32
111th Congress

An Act

Making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

June 24, 2009
[H.R. 2346]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

Supplemental Appropriations Act, 2009.

TITLE I

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", $700,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

SEC. 101. Notwithstanding any other provision of law, amounts made available to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 and 2202) and unobligated as of the date of the enactment of this Act shall be available to the Secretary of Agriculture, until expended, for expenses under that program related to recovery efforts in response to natural disasters.

SEC. 102. (a) For an additional amount for gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, to be available from funds in the Agricultural Credit Insurance Fund, as follows: direct farm ownership loans, $360,000,000; direct operating loans, $400,000,000; and unsubsidized guaranteed operating loans, $50,201,000.

(b) For an additional amount for the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: direct farm ownership loans, $22,860,000; direct operating loans, $47,160,000; and unsubsidized guaranteed operating loans, $1,250,000.

TITLE II

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic Development Assistance Programs", $40,000,000, to remain available until September 30, 2010: *Provided*, That the amount provided under this heading shall be for Trade Adjustment Assistance for Communities under subchapter A, chapter 4, title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) and Trade Adjustment Assistance for Firms under chapter 3, title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.).

DEPARTMENT OF JUSTICE

DETENTION TRUSTEE

For an additional amount for "Detention Trustee", $60,000,000, to remain available until September 30, 2010.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses", $1,648,000, to remain available until September 30, 2010.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses", $15,000,000, to remain available until September 30, 2010.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2010.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,389,000, to remain available until September 30, 2010.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $35,000,000, to remain available until September 30, 2010.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until September 30, 2010.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $14,000,000, to remain available until September 30, 2010.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $5,038,000, to remain available until September 30, 2010.

GENERAL PROVISION—THIS TITLE

(INCLUDING RESCISSION)

SEC. 201. (a) Of the funds appropriated in chapter 2 of title I of Public Law 110–252 under the heading "Office of Inspector General", $3,000,000 is rescinded.

(b) For an additional amount for "Office of Inspector General", $3,000,000, to remain available until September 30, 2010.

TITLE III

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $11,750,687,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,627,288,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,524,947,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,500,740,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $418,155,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $39,478,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $29,179,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $14,943,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $1,775,733,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $45,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $13,769,418,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $2,274,903,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,034,366,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $5,980,386,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $5,101,696,000, of which:

(1) not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $1,000,000,000, to remain available until expended, for payments to reimburse key cooperating nations, for logistical, military, and other support including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided,* That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further,* That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

Deadline. Notification.

Deadline. Reports.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $110,017,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $25,569,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $30,775,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $34,599,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $178,446,000.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $3,606,939,000, to remain available until September 30, 2010: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security

forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further,* That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further,* That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further,* That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further,* That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

Notification.

Deadline.
Notification.

PAKISTAN COUNTERINSURGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the "Pakistan Counterinsurgency Fund". For the "Pakistan Counterinsurgency Fund", $400,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, with the concurrence of the Secretary of State, notwithstanding any other provision of law, for the purpose of allowing the Secretary of Defense, or the Secretary's designee, to provide assistance to Pakistan's security forces; including program management and the provision of equipment, supplies, services, training, and funds; and facility and infrastructure repair, renovation, and construction to build the counterinsurgency capability of Pakistan's military and Frontier Corps, and of which up to $2,000,000 shall be available to provide urgent humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistani security forces receiving assistance under the "Pakistan Counterinsurgency Fund" and to assist the Government of Pakistan in creating such a program beginning in fiscal year 2010: *Provided further*, That the authority to provide assistance under this provision is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such amounts as the Secretary may determine from the funds provided herein to any appropriations available to the Department of Defense or, with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account to accomplish the purposes provided herein: *Provided further*, That funds so transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That the authority of the Secretary of Defense to obligate or transfer funds pursuant to this paragraph shall apply only to funds appropriated for such purposes in this Act (including funds appropriated by another paragraph of this Act that are transferred to the "Pakistan Counterinsurgency Fund" by such other paragraph), and such authority shall not be continued beyond the expiration date specified in the matter preceding the first proviso, except

Effective date.

Applicability.

with respect to funds so transferred to the "Pakistan Counterinsurgency Fund" by another paragraph of this Act: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation account, notify the Committees on Appropriations in writing of the details of any such transfer.

Deadline.
Notification.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $1,192,744,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $704,041,000, to remain available until September 30, 2011.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,983,971,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $230,075,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $7,113,742,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $636,669,000, to remain available until September 30, 2011.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $29,498,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $348,919,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $197,193,000, to remain available until September 30, 2011.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,526,447,000, to remain available until September 30, 2011.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $4,592,068,000, to remain available until September 30, 2011.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $49,716,000, to remain available until September 30, 2011.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $158,684,000, to remain available until September 30, 2011.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,802,083,000, to remain available until September 30, 2011.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $237,868,000, to remain available until September 30, 2011.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $500,000,000, to remain available until September 30, 2011: *Provided*, That such funds may be used only to procure high priority items of equipment that may be used by reserve component units for combat missions and units' missions in support of the State governors: *Provided further*, That the Chiefs of the National Guard and of the Reserve components shall, not later than 60 days after the enactment of this Act, individually submit to the congressional defense committees a listing of items of equipment to be procured for their respective National Guard or Reserve component.

Deadline.
Records.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Mine Resistant Ambush Protected Vehicle Fund", $4,543,000,000, to remain available until September 30, 2010: *Provided,* That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further,* That the Secretary shall transfer such funds only to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further,* That this transfer authority is in addition

to any other transfer authority available to the Department of Defense: *Provided further,* That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Deadline.
Notification.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $52,935,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $136,786,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $160,474,000, to remain available until September 30, 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $483,304,000, to remain available until September 30, 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $861,726,000, to remain available until expended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,055,297,000, of which $845,508,000 is for operation and maintenance; of which $50,185,000, to remain available until September 30, 2011, is for procurement; and of which $159,604,000, to remain available until September 30, 2010, is for research, development, test and evaluation: *Provided*, That up to $14,360,000,000 appropriated for operation and maintenance under this heading or any prior Act may be available for contracts entered into under the Tricare program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $120,398,000, to remain available until September 30, 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,116,746,000, to remain available until September 30, 2011.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $9,551,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2009.

(INCLUDING TRANSFER OF FUNDS)

SEC. 302. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329) except for the fourth proviso.

Notification.

SEC. 303. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(INCLUDING TRANSFER OF FUNDS)

SEC. 304. During fiscal year 2009 and from funds in the "Defense Cooperation Account", as established by 10 U.S.C. 2608, the Secretary of Defense may transfer not to exceed $6,500,000 to such appropriations or funds of the Department of Defense as the Secretary shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided,* That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further,* That the Secretary shall report to the Congress all transfers made pursuant to this authority.

Reports.

SEC. 305. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or "Afghanistan Security Forces Fund" provided in this title, and executed in direct support of the overseas contingency operations in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided,* That for the purpose of this section, supervision and administration costs include all in-house Government costs.

(INCLUDING RESCISSIONS)

SEC. 306. (a)(1) Of the funds appropriated in chapter 2 of title IX of Public Law 110–252 under the heading, "Iraq Security Forces Fund", $1,000,000,000 is rescinded.

(2) For an additional amount for "Iraq Security Forces Fund", $1,000,000,000, to remain available until September 30, 2010: *Provided*, That funds may not be obligated or transferred from this fund until 15 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

Deadline.
Notification.

(b) Notwithstanding any other provision of this Act, each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 307. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided,* That upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000: *Provided further*, That the Secretary shall report to the Congress all purchases made pursuant to this authority within 30 days of using the authority.

Determination.

Reports.
Deadline.

SEC. 308. From funds made available in this title, the Secretary of Defense may purchase motor vehicles for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan, up to a limit of $75,000 per vehicle, notwithstanding other limitations applicable to passenger carrying motor vehicles.

(RESCISSIONS)

SEC. 309. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That none of the amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended:

"Procurement, Marine Corps, 2007/2009", $54,400,000;

"Other Procurement, Army, 2008/2010", $29,300,000;

"Procurement, Marine Corps, 2008/2010", $10,300,000;

"Aircraft Procurement, Air Force, 2008/2010", $44,000,000;

"Research, Development, Test and Evaluation, Navy, 2008/2009", $11,300,000;

"Research, Development, Test and Evaluation, Air Force, 2008/2009", $36,107,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2008/2009", $169,124,000;

"Operation and Maintenance, Army, 2009/2009", $352,359,000;

"Operation and Maintenance, Navy, 2009/2009", $881,481,000;

"Operation and Maintenance, Marine Corps, 2009/2009", $54,466,000;

"Operation and Maintenance, Air Force, 2009/2009", $925,203,000;

"Operation and Maintenance, Defense-Wide, 2009/2009", $267,635,000;

"Operation and Maintenance, Army Reserve, 2009/2009", $23,338,000;

"Operation and Maintenance, Navy Reserve, 2009/2009", $62,910,000;

"Operation and Maintenance, Marine Corps Reserve, 2009/2009", $1,250,000;

"Operation and Maintenance, Air Force Reserve, 2009/2009", $163,786,000;

"Operation and Maintenance, Army National Guard, 2009/2009", $57,819,000;

"Operation and Maintenance, Air National Guard, 2009/2009", $250,645,000;

"Aircraft Procurement, Army, 2009/2011", $22,600,000;

"Procurement of Ammunition, Army, 2009/2011", $107,100,000;

"Other Procurement, Army, 2009/2011", $245,000,000;

"Procurement, Marine Corps, 2009/2011", $10,300,000;

"Other Procurement, Air Force, 2009/2011", $17,500,000;

"Procurement, Defense-Wide, 2009/2011", $6,400,000;

"Research, Development, Test and Evaluation, Army, 2009/2010", $187,710,000;

"Research, Development, Test and Evaluation, Navy, 2009/2010", $217,060,000; and

"Research, Development, Test and Evaluation, Air Force, 2009/2010", $287,567,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 310. (a) RETROACTIVE STOP-LOSS SPECIAL PAY COMPENSATION TO ELIGIBLE CLAIMANTS.—In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $534,400,000 is appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That such funds shall be available to the Secretaries of the military departments only to make payment of claims specified in subsection (b) to members of the Armed Forces, including members of the reserve components, and former and retired members under the jurisdiction of the Secretary who, at any time during the period beginning on September 11, 2001, and ending on September 30, 2009, served on active duty while the members' enlistment or period of obligated service was extended, or whose eligibility for retirement was suspended, pursuant to section 123 or 12305 of

Time period.

title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) CLAIMS SUBMISSION REQUIRED.—Claims for retroactive Stop-Loss Special Pay compensation under this section shall be submitted to the Secretary of the Military Department concerned not later than 1 year after the date on which the implementing rules of subsection (d) take effect. Notwithstanding any other provision of law, the Secretaries of the military departments may not pay claims that are submitted more than 1 year after the date on which the implementing rules of subsection (d) take effect. Deadline.

(c) PAYMENT AMOUNT.—The amount to be paid under subsection (a) to or on behalf of an eligible member, retired member, or former member described in such subsection shall be $500 per month for each month or portion of a month during the period specified in such subsection that the member was retained on active duty as a result of application of the stop-loss authority.

(d) RULEMAKING.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall issue rules to expedite the payment of claims under subsection (b). Deadline.

(e) TREATMENT OF DECEASED MEMBERS.—If an eligible member, retired member, or former member described in subsection (a) dies before the payment required by this section is made, the Secretary concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(f) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible for a payment under this section if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(g) RELATION TO OTHER STOP-LOSS SPECIAL PAY.—A member, retired member, or former member may not receive a payment under this section and stop-loss special pay under section 8116 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110–329; 122 Stat. 3646) for the same month or portion of a month during which the member was retained on active duty as a result of application of the stop-loss authority.

(h) REPORT ON EXECUTION.—The Secretary of Defense shall provide a report to the congressional defense committees on the implementation of the retroactive stop-loss benefit. The report shall include the following: the number of claims filed, the number of claims approved, the number of claims denied, the number of claims still pending, the amount of funding that has been obligated, the amount of funding still available for this purpose, and the average payment provided. This report is due 1 year after the date on which the implementing rules of subsection (d) take effect, and every 6 months thereafter until all funding provided for this purpose has been obligated and all submitted claims have been processed.

SEC. 311. (a) Section 132 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1392) is repealed. 117 Stat. 1411.

(b) Notwithstanding any other provision of law, the Secretary of the Air Force may retire C–5A aircraft from the inventory of the Air Force 15 days after certifying to the congressional defense committees that retiring the aircraft will not significantly increase Deadline. Certification.

operational risk of not meeting the National Defense Strategy, provided that such retirements may not reduce total strategic airlift force structure inventory below the 292 strategic airlift aircraft level identified in the Mobility Capability Study 2005 (MCS–05) unless otherwise addressed in the fiscal year 2010 National Defense Authorization Act.

SEC. 312. None of the funds appropriated or otherwise made available by this title may be obligated or expended to provide award fees to any defense contractor contrary to the provisions of section 814 of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364).

SEC. 313. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2008 or 2009 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 314. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

SEC. 315. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for the purpose of establishing any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 316. (a) REPORT ON IRAQ TROOP DRAWDOWN STATUS, GOALS, AND TIMETABLE.—In recognition and support of the policy of President Barack Obama to withdraw all United States combat brigades from Iraq by August 31, 2010, and all United States military forces from Iraq on December 31, 2011, Congress directs the Secretary of Defense (in consultation with other members of the National Security Council) to prepare a report that identifies troop drawdown status and goals and includes—

(1) a detailed, month-by-month description of the transition of United States military forces and equipment out of Iraq; and

(2) a detailed, month-by-month description of the transition of United States contractors out of Iraq.

(b) ELEMENTS OF REPORT.—At a minimum, the Secretary of Defense shall address the following:

(1) How the Government of Iraq is assuming the responsibility for reconciliation initiatives as the mission of the United States Armed Forces transitions.

(2) How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all United States forces by December 31, 2011.

(3) The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of United States contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

(c) SUBMISSION.—

(1) Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter through September 30, 2010, the Secretary of Defense shall submit the report required by subsection (a) and a classified annex to the report, as necessary.

(2) The Secretary may submit the report required by subsection (a) separately as provided in paragraph (1) or include the information required by this report when submitting reports required of the Secretary under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410).

(d) EXTENSION OF RELATED REPORTING REQUIREMENT.—Section 9204(a) of the Supplemental Appropriations Act, 2008 is amended by striking "fiscal year 2009" and inserting "fiscal year 2010". 122 Stat. 2410.

SEC. 317. (a) REPEAL OF SECRETARY OF DEFENSE REPORTS ON TRANSITION READINESS OF IRAQ AND AFGHAN SECURITY FORCES.—Subsection (a) of section 9205 of Public Law 110–252 (122 Stat. 2412) is repealed.

(b) MODIFICATION OF REPORTS ON USE OF CERTAIN SECURITY FORCES FUNDS.—

(1) PREPARATION IN CONSULTATION WITH COMMANDER OF CENTCOM.—Subsection (b)(1) of such section is amended by inserting "the Commander of the United States Central Command;" after "the Secretary of Defense;". 122 Stat. 2413.

(2) PERIOD OF REPORTS.—Such subsection is further amended by striking "not later than 120 days after the date of the enactment of this Act and every 90 days thereafter" and inserting "not later than 45 days after the end of each fiscal year quarter".

(3) FUNDS COVERED BY REPORTS.—Such subsection is further amended by striking "and 'Afghanistan Security Forces Fund'" and inserting ", 'Afghanistan Security Forces Fund', and 'Pakistan Counterinsurgency Fund'".

(c) NOTICE NEW PROJECTS AND TRANSFERS OF FUNDS.—Subsection (c) of such section is amended by striking "the headings" and all that follows and inserting "the headings as follows:

"(1) 'Iraq Security Forces Fund'.

"(2) 'Afghanistan Security Forces Fund'.

"(3) 'Pakistan Counterinsurgency Fund'.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 318. (a) Section 1174(h)(1) of title 10, United States Code, is amended to read as follows:

"(1) A member who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in the armed forces, and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay so paid.".

(b) Section 1175(e)(3)(A) of title 10, United States Code, is amended to read as follows:

"(3)(A) A member who has received the voluntary separation incentive and who later qualifies for retired or retainer pay under this title shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary of Defense shall specify, taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents, until the total amount deducted is equal to the total amount of voluntary separation incentive so paid. If the member elected to have a reduction in voluntary separation incentive for any period pursuant to paragraph (2), the deduction required under the preceding sentence shall be reduced as the Secretary of Defense shall specify.".

Applicability.
10 USC 1174 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any repayments of separation pay, severance pay, readjustment pay, special separation benefit, or voluntary separation incentive, that occur on or after the date of enactment, including any ongoing repayment actions that were initiated prior to this amendment.

President.
Cuba.
10 USC 801 note.

SEC. 319. (a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter, the President shall submit to the members and committees of Congress specified in subsection (b) a report on the prisoner population at the detention facility at Naval Station Guantanamo Bay, Cuba.

(b) SPECIFIED MEMBERS AND COMMITTEES OF CONGRESS.—The members and committees of Congress specified in this subsection are the following:

(1) The majority leader and minority leader of the Senate.

(2) The Chairman and Ranking Member on the Committee on Armed Services of the Senate.

(3) The Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate.

(4) The Chairman and Vice Chairman of the Committee on Appropriations of the Senate.

(5) The Speaker of the House of Representatives.

(6) The minority leader of the House of Representatives.

(7) The Chairman and Ranking Member on the Committee on Armed Services of the House of Representatives.

(8) The Chairman and Vice Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.

(9) The Chairman and Ranking Member of the Committee on Appropriations of the House of Representatives.

(c) MATTERS TO BE INCLUDED.—Each report submitted under subsection (a) shall include the following:

(1) The name and country of origin of each detainee at the detention facility at Naval Station Guantanamo Bay, Cuba, as of the date of such report.

(2) A current summary of the evidence, intelligence, and information used to justify the detention of each detainee listed under paragraph (1) at Naval Station Guantanamo Bay.

(3) A current accounting of all the measures taken to transfer each detainee listed under paragraph (1) to the individual's country of citizenship or another country.

(4) A current description of the number of individuals released or transferred from detention at Naval Station Guantanamo Bay who are confirmed or suspected of returning to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(5) An assessment of any efforts by al Qaeda to recruit detainees released from detention at Naval Station Guantanamo Bay.

(d) ADDITIONAL MATTERS TO BE INCLUDED IN INITIAL REPORT.—The first report submitted under subsection (a) shall also include the following:

(1) A description of the process that was previously used for screening the detainees described by subsection (c)(4) prior to their release or transfer from detention at Naval Station Guantanamo Bay, Cuba.

(2) An assessment of the adequacy of that screening process for reducing the risk that detainees previously released or transferred from Naval Station Guantanamo Bay would return to terrorist activities after release or transfer from Naval Station Guantanamo Bay.

(3) An assessment of lessons learned from previous releases and transfers of individuals who returned to terrorist activities for reducing the risk that detainees released or transferred from Naval Station Guantanamo Bay will return to terrorist activities after their release or transfer.

TITLE IV

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels and repair damage to Corps projects nationwide related to natural disasters, $42,875,000, to remain available until expended: *Provided,* That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

Reports.
Deadline.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of natural disasters as authorized by law, $754,290,000, to remain available until expended: *Provided*, That the Secretary of the Army is directed to use $315,290,000 of the funds appropriated under this heading to support emergency operations, to

repair eligible projects nationwide, and for other activities in response to natural disasters: *Provided further*, That the Secretary of the Army is directed to use $439,000,000 of the amount provided under this heading for barrier island restoration and ecosystem restoration to restore historic levels of storm damage reduction to the Mississippi Gulf Coast: *Provided further*, That this work shall be carried out at full Federal expense: *Provided further,* That the Assistant Secretary of the Army for Civil Works shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after enactment of this Act.

Reports.
Deadline.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

STRATEGIC PETROLEUM RESERVE

(TRANSFER OF FUNDS)

For an additional amount for "Strategic Petroleum Reserve", $21,585,723, to remain available until expended, to be derived by transfer from the "SPR Petroleum Account" for site maintenance activities.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For an additional amount for "Weapons Activities", $30,000,000, to remain available until expended, to be divided among the three national security laboratories of Livermore, Sandia and Los Alamos and other entities to fund a sustainable capability to analyze nuclear and biological weapons intelligence: *Provided*, That the Secretary of Energy, in cooperation with the Director of National Intelligence, shall provide a written report to the Appropriations Committees of the House of Representatives and the Senate, the Armed Services Committees of the House of Representatives and the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate within 90 days of enactment of this Act on how the Department of Energy will invest these resources to sustain technical and core analytical capabilities.

Reports.
Deadline.

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $55,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS TITLE

LIMITED TRANSFER AUTHORITY

SEC. 401. Section 403 of title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking all of the text and inserting the following:

Ante, p. 143.

"SEC. 403. LIMITED TRANSFER AUTHORITY.

"The Secretary of Energy may transfer up to 0.5 percent from each amount appropriated to the Department of Energy in this title to any other appropriate account within the Department of Energy, to be used for management and oversight activities: *Provided,* That the Secretary shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 15 days prior to any transfer: *Provided further,* That any funds so transferred under this section shall remain available for obligation until September 30, 2012.".

Reports.
Deadline.

WAIVER OF FEDERAL EMPLOYMENT REQUIREMENTS

SEC. 402. Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2008" and inserting "September 30, 2009".

CORPS OF ENGINEERS TECHNICAL FIX

SEC. 403. (a) IN GENERAL.—Section 3181 of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1158) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (4) through (11) as paragraphs (5), (6), (8), (9), (10), (11), (12), and (13), respectively;

(B) by inserting after paragraph (3) the following:

"(4) NORTHEAST HARBOR, MAINE.—The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12)."; and

(C) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

"(7) TENANTS HARBOR, MAINE.—The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275)."; and

(2) in subsection (h)—

(A) by striking paragraphs (15) and (16); and

(B) by redesignating paragraphs (17) through (29) as paragraphs (15) through (27), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1041).

CORPS OF ENGINEERS REPROGRAMMING AUTHORITY

SEC. 404. Unlimited reprogramming authority is granted to the Secretary of the Army for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading "Department of Defense—Civil, Department of the Army, Corps of Engineers—Civil".

BUREAU OF RECLAMATION REPROGRAMMING AUTHORITY

SEC. 405. Unlimited reprogramming authority is granted to the Secretary of the Interior for funds provided in title IV—Energy and Water Development of Public Law 111–5 under the heading "Bureau of Reclamation, Water and Related Resources".

COST ANALYSIS OF TRITIUM PROGRAM CHANGES

SEC. 406. No funds in this Act, or other previous Acts, shall be provided to fund activities related to the mission relocation of either the design authority for the gas transfer systems or tritium research and development facilities during the current fiscal year and until the Department can provide the Senate Appropriations Committee an independent technical mission review and cost analysis by the JASON's as proposed in the Complex Transformation Site-Wide Programmatic Environmental Impact Statement.

CORPS OF ENGINEERS PROJECT COST CEILING INCREASE

SEC. 407. The project for ecosystem restoration, Upper Newport Bay, California, authorized by section 101(b)(9) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $50,659,000, with an estimated Federal cost of $32,928,000 and a non-Federal cost of $17,731,000.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

SEC. 408. The matter under the heading "Title 17 Innovative Technology Loan Guarantee Program" of title III of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 619) is amended in the ninth proviso—

(1) by striking "or (d)" and inserting "(d)"; and

(2) by striking "the guarantee" and inserting "the guarantee; (e) contracts, leases or other agreements entered into prior to May 1, 2009 for front-end nuclear fuel cycle projects, where such project licenses technology from the Department of Energy, and pays royalties to the federal government for such license and the amount of such royalties will exceed the amount of federal spending, if any, under such contracts, leases or agreements; or (f) grants or cooperative agreements, to the extent that obligations of such grants or cooperative agreements have been recorded in accordance with section 1501(a)(5) of title 31, United States Code, on or before May 1, 2009".

TITLE V

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,936,000, of which $800,000 shall remain available until expended and $2,136,000 shall remain available until September 30, 2010.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $10,000,000, to remain available until September 30, 2010: *Provided*, That notwithstanding section 302 of division D of Public Law 111–8, funding shall be available for transfer between Judiciary accounts to meet increased workload requirements resulting from immigration and other law enforcement initiatives.

INDEPENDENT AGENCIES

FINANCIAL CRISIS INQUIRY COMMISSION

SALARIES AND EXPENSES

For the necessary expenses of the Financial Crisis Inquiry Commission established pursuant to section 5 of the Fraud Enforcement and Recovery Act of 2009 (Public Law 111–21), $8,000,000, to remain available until February 15, 2011.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For an additional amount for necessary expenses for the Securities and Exchange Commission, $10,000,000, to remain available until September 30, 2010, for investigation of securities fraud.

GENERAL PROVISIONS—THIS TITLE

SEC. 501. (a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110–428 is amended— 28 USC 376 note.

(1) in the matter before clause (i), by striking "4-year" and inserting "5-year"; and

(2) in clause (i), by striking "1-year" and inserting "2-year".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public Law 110–428. 28 USC 376 note.

SEC. 502. The fourth proviso under the heading "District of Columbia Funds" of title IV of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 655) is amended by striking "and such title" and inserting ", as amended by laws enacted pursuant to section 442(c) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 (87 Stat. 798), and such title, as amended,".

SEC. 503. Title V of division D of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading "Federal Communications Commission" by striking the first proviso and inserting the following: "*Provided*, That of the funds provided, not less than $3,000,000 shall be available for developing a national

Ante, p. 657.

broadband plan pursuant to title VI of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for carrying out any other responsibility pursuant to that title:".

EXTENSION OF LIMITATIONS

SEC. 504. (a) IN GENERAL.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking "evidence of debt by any insured" and inserting the following: "evidence of debt by—

"(A) any insured"; and

(3) by striking the period at the end and inserting the following: "; and

"(B) any nondepository institution operating in such State, shall be equal to not more than the greater of the State's maximum lawful annual percentage rate or 17 percent—

"(i) to facilitate the uniform implementation of federally mandated or federally established programs and financings related thereto, including—

"(I) uniform accessibility of student loans, including the issuance of qualified student loan bonds as set forth in section 144(b) of the Internal Revenue Code of 1986;

"(II) the uniform accessibility of mortgage loans, including the issuance of qualified mortgage bonds and qualified veterans' mortgage bonds as set forth in section 143 of such Code;

"(III) the uniform accessibility of safe and affordable housing programs administered or subject to review by the Department of Housing and Urban Development, including—

"(aa) the issuance of exempt facility bonds for qualified residential rental property as set forth in section 142(d) of such Code;

"(bb) the issuance of low income housing tax credits as set forth in section 42 of such Code, to facilitate the uniform accessibility of provisions of the American Recovery and Reinvestment Act of 2009; and

"(cc) the issuance of bonds and obligations issued under that Act, to facilitate economic development, higher education, and improvements to infrastructure, and the issuance of bonds and obligations issued under any provision of law to further the same; and

"(ii) to facilitate interstate commerce generally, including consumer loans, in the case of any person or governmental entity (other than a depository institution subject to subparagraph (A) and paragraph (2)).".

12 USC 1831u note. Applicability. Contracts.

(b) EFFECTIVE PERIOD.—The amendments made by subsection (a) shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

TITLE VI

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $46,200,000, to remain available until September 30, 2010, of which $6,200,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $40,000,000 shall be for response to border security issues on the Southwest border of the United States.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", $5,000,000, to remain available until September 30, 2010, for response to border security issues on the Southwest border of the United States.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $66,800,000, to remain available until September 30, 2010, of which $11,800,000 shall be for the care, treatment, and transportation of unaccompanied alien children; and of which $55,000,000 shall be for response to border security issues on the Southwest border of the United States.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $139,503,000; of which $129,503,000 shall be for Coast Guard operations in support of Operation Iraqi Freedom and Operation Enduring Freedom; and of which $10,000,000 shall be available until September 30, 2010, for High Endurance Cutter maintenance, major repairs, and improvements.

FEDERAL EMERGENCY MANAGEMENT AGENCY

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $30,000,000 shall be for Operation Stonegarden.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in

Certification.
Alabama.

the coastwise trade in the State of Alabama for the drydock ALABAMA (United States official number 641504).

SEC. 602. Notwithstanding sections 55101, 55103, and 12112 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the vessel MARYLAND INDEPENDENCE (official number 662573). The coastwise endorsement issued under authority of this section is terminated if—

(1) the vessel, or controlling interest in the person that owns the vessel, is conveyed after the date of enactment of this Act; or

(2) any repairs or alterations are made to the vessel outside of the United States.

(INCLUDING RESCISSION OF FUNDS)

SEC. 603. (a) RESCISSION.—Of amounts previously made available from "Federal Emergency Management Agency, Disaster Relief" to the State of Mississippi pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, an additional $100,000,000 are rescinded.

Grants. Mississippi.

(b) APPROPRIATION.—For "Federal Emergency Management Agency, State and Local Programs", there is appropriated an additional $100,000,000, to remain available until expended, for a grant to the State of Mississippi for an interoperable communications system required in the aftermath of Hurricane Katrina.

SEC. 604. The Department of Homeland Security Appropriations Act, 2009 (Public Law 110–329) is amended under the heading "Federal Emergency Management Agency, Management and Administration" after "the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)," by adding "Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583),".

Waiver authority.

SEC. 605. Notwithstanding any provision under (a)(1)(A) of 15 U.S.C. 2229a specifying that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security may, in making grants described under 15 U.S.C. 2229a for fiscal year 2009 or fiscal year 2010, grant waivers from the requirements of subsection (a)(1)(B), subsection (c)(1), subsection (c)(2), and subsection (c)(4)(A), and may award grants for the hiring, rehiring, or retention of firefighters.

Extension date.

SEC. 606. The Administrator of the Federal Emergency Management Agency shall extend through March 2010 reimbursement of State-run case management programs related to Hurricanes Katrina and Rita for individuals in such programs on April 30, 2009.

121 Stat. 2081.

SEC. 607. Section 552 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161) is amended by striking "local educational agencies" and inserting "primary or secondary school sites" and by inserting "and section 406(c)(2)" after "section 406(c)(1)".

SEC. 608. For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111–5 relating to disaster declaration FEMA–1791–

DR (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or fiscal year 2010.

SEC. 609. (a) FEDERAL SHARE OF DISASTER ASSISTANCE.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for damages resulting from Hurricane Ike (FEMA–1791–DR and FEMA–1792–DR), shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(b) Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for FEMA–1841–DR shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(c) Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), for FEMA–1838–DR shall be 90 percent of the eligible costs under such section and shall be 100 percent of such costs under sections 403 and 407 of such Act (42 U.S.C. 5170b and 5173).

(d) APPLICABILITY.—The Federal share provided by subsections (a), (b), and (c) shall apply to disaster assistance provided before, on, or after the date of enactment of this Act.

TITLE VII

DEPARTMENT OF THE INTERIOR

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Department of the Interior, $50,000,000, to remain available until expended: *Provided,* That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of the Interior notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further*, That the Secretary of the Interior may transfer any of these funds to the Secretary of Agriculture if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

Notification.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to cover necessary expenses for wildfire suppression and emergency rehabilitation activities of the Forest Service, $200,000,000, to remain available until expended: *Provided,* That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and after the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate in writing of the need for these additional funds: *Provided further,* That the Secretary of Agriculture may transfer not more than $50,000,000 of these funds to the Secretary of the Interior if the transfer enhances the efficiency or effectiveness of Federal wildland fire suppression activities.

Notification.

GENERAL PROVISION—THIS TITLE

SEC. 701. Public Law 111–8, division E, title III, Department of Health and Human Services, Agency for Toxic Substances and Disease Registry, Toxic Substances and Environmental Public Health is amended by inserting "per eligible employee" after "$1,000".

Ante, p. 738.

TITLE VIII

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for "Refugee and Entrant Assistance" for necessary expenses for unaccompanied alien children as authorized by section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, $82,000,000, to remain available through September 30, 2011.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools and to assist international efforts and respond to international needs relating to the 2009–H1N1 influenza outbreak, $1,850,000,000, to remain available until expended: *Provided*, That no less than $350,000,000 shall be for upgrading State and

local capacity: *Provided further*, That no less than $200,000,000 shall be transferred to the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response, and quarantine: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services ("Secretary"), be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccine and other biologics, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated in this paragraph and not specifically designated in this paragraph may be transferred to, and merged with, other appropriation accounts of the Department of Health and Human Services and other Federal agencies, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph and to the fund authorized by section 319F–4 of the Public Health Service Act: *Provided further,* That transfers to other Federal agencies shall be made in consultation with the Director of the Office of Management and Budget: *Provided further*, That 15 days prior to transferring any funds in this paragraph, the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate of any such transfer and the planned uses of the funds: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act.

Consultation.

Deadline.
Notification.

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools and to assist international efforts and respond to international needs, $5,800,000,000, to remain available until expended: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That funds provided in this paragraph shall be available for obligation only in the amounts designated by the President in one or more written notices to the Congress as emergency funds required to address critical needs related to emerging influenza viruses: *Provided further*, That funds appropriated in this paragraph may be transferred to, and merged with, other appropriation accounts of the Department of Health and Human Services and other Federal agencies to be used for the purposes specified in this paragraph and to the fund authorized by section 319F–4 of the Public Health Service Act: *Provided further*, That transfers to other Federal agencies shall be made in consultation with the Director of the Office of Management and Budget: *Provided further*, That none of the funds provided in this paragraph shall be made available for obligation until 15 days following the submittal of a detailed obligation plan to the Committees on Appropriations of the House of Representatives and the Senate by the Department of Health and

President.
Notices.

Consultation.

Deadline.
Obligation plan.

Human Services or any other Federal agency receiving funds: *Provided further*, That such plan shall be coordinated with the Executive Office of the President, shall identify the amounts and the activities for which funds are specified by the President, and shall be subject to reprogramming procedures: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available in this or any other Act.

GENERAL PROVISIONS—THIS TITLE

(TRANSFER OF FUNDS)

SEC. 801. Section 801(a) of division A of Public Law 111–5 is amended by inserting ", and may be transferred by the Department of Labor to any other account within the Department for such purposes" before the end period.

Ante, p. 186.

SEC. 802. Title II of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8) is amended under the heading "Children and Families Services Programs"—

Ante, p. 775.

(1) by striking the first proviso in its entirety; and

(2) by striking "*Provided further*" the first place it appears and inserting "*Provided*".

SEC. 803. The Commissioner of the Rehabilitation Services Administration, or the Director of a designated State unit that has approval to make awards under section 723 of the Rehabilitation Act, may allocate funds appropriated under the American Reinvestment and Recovery Act of 2009 (Public Law 111–5) ("ARRA") for the Centers for Independent Living Program among centers in a State without regard to the priority in section 722(e)(3) or section 723(e)(3) of the Rehabilitation Act of 1973 for funding new centers if the allocation is consistent with the provisions of the State plan submitted under section 704 of the Rehabilitation Act and approved by the Commissioner. Such funds and other Independent Living funds available under ARRA that are being set aside by the Department of Education for competitive grants may be used to support multi-year grants of up to 5 years and may be expended by any recipients of such multi-year grants during the project period of the grant, notwithstanding any provision in the Rehabilitation Act limiting the period of availability for obligation or expenditure by the grantee.

(INCLUDING TRANSFER OF FUNDS)

Time period.

SEC. 804. (a) Notwithstanding any other provision of law, during the period from September 1 through September 30, 2009, the Secretary of Education shall transfer to the Career, Technical, and Adult Education account an amount not to exceed $10,260,000 from amounts that would otherwise lapse at the end of fiscal year 2009 and that were originally made available under the Department of Education Appropriations Act, 2009 or any Department of Education Appropriations Act for a previous fiscal year.

Deadline.

(b) Funds transferred under this section to the Career, Technical, and Adult Education account shall be obligated by September 30, 2009.

Grants.

(c) Any amounts transferred pursuant to this section shall be for carrying out Adult Education State Grants, and shall be allocated, notwithstanding any other provision of law, only to those States that received funds under that program for fiscal year 2009

that were at least 9.9 percent less than those States received under that program for fiscal year 2008.

(d) The Secretary shall use these additional funds to increase those States' allocations under that program up to the amount they received under that program for fiscal year 2008.

(e) The Secretary shall notify the Committees on Appropriations of both Houses of Congress of any transfer pursuant to this section. Notification.

TITLE IX

LEGISLATIVE BRANCH

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General Expenses", $71,606,000, to purchase and install a new radio system for the U.S. Capitol Police, to remain available until September 30, 2012: *Provided,* That the Chief of the Capitol Police may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and the House of Representatives. Obligation plan.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $2,000,000, to remain available until September 30, 2010.

TITLE X

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION)

For an additional amount for "Military Construction, Army", $1,326,231,000, of which $680,850,000 shall remain available until September 30, 2010, and of which $645,381,000 for child development centers, warrior in transition facilities, hurricane damage repair, and planning and design shall remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $68,081,000 shall be available for study, planning, design, and architect and engineer services: *Provided further,* That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program: *Provided further*, That, notwithstanding any other provision of this Act, of Afghanistan. Certification.

the funds provided under this heading, $143,242,000 are designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 110–252, $143,242,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $235,881,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $11,000,000 shall be available for study, planning, design, and architect and engineer services.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $281,620,000, of which $258,150,000 shall remain available until September 30, 2010, and of which $23,470,000 for child development centers and planning and design shall remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, not to exceed $12,070,000 shall be available for study, planning, design, and architect and engineer services: *Provided further,* That none of the funds provided under this heading for military construction projects in Afghanistan shall be obligated or expended until the Secretary of Defense certifies to the Committees on Appropriations of both Houses of Congress that a prefinancing statement for each project has been submitted to the North Atlantic Treaty Organization (NATO) for consideration of funding by the NATO Security Investment Program.

Afghanistan. Certification.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $661,552,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and military construction projects in the United States not otherwise authorized by law: *Provided further,* That of the amount provided under this heading, $169,500,000 shall be for the construction of a National Security Agency data center and $488,000,000 shall be for the construction of hospitals: *Provided further*, That $1,589,500,000 is hereby authorized for the National Security Agency data center for fiscal years 2009 through 2013 for the purposes of this appropriation: *Provided further*, That not later than 30 days after the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for hospital construction under this heading.

Deadline. Expenditure plan.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for "North Atlantic Treaty Organization Security Investment Program", $100,000,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, such funds are authorized for the North Atlantic Treaty Security Investment Program for purposes of section 2806 of title 10, United States Code, and section 2502 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417).

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $263,300,000, to remain available until expended: *Provided,* That notwithstanding any other provision of law, such funds may be obligated and expended to carry out operation and maintenance, planning and design and military construction projects not otherwise authorized by law.

GENERAL PROVISIONS—THIS TITLE

SEC. 1001. None of the funds appropriated in this or any other Act may be used to disestablish, reorganize, or relocate the Armed Forces Institute of Pathology, except for the Armed Forces Medical Examiner and the National Museum of Health and Medicine, until the President has established, as required by section 722 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 199; 10 U.S.C. 176 note), a Joint Pathology Center, and the Joint Pathology Center is demonstrably performing the minimum requirements set forth in section 722 of the National Defense Authorization Act for Fiscal Year 2008.

SEC. 1002. (a) ENTITLEMENT.—Section 3311 of title 38, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(9) An individual who is the child of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces."; and

(2) by adding at the end the following new subsection:

"(f) MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.—

"(1) IN GENERAL.—Educational assistance payable by reason of paragraph (9) of subsection (b) shall be known as the 'Marine Gunnery Sergeant John David Fry scholarship'.

"(2) DEFINITION OF CHILD.—For purposes of that paragraph, the term 'child' includes a married individual or an individual who is above the age of twenty-three years.".

(b) AMOUNT.—Section 3313(c)(1) of such title is amended by striking "section 3311(b)(1) or 3311(b)(2)" and inserting "paragraph (1), (2), or (9) of section 3311(b)".

(c) TIME LIMITATION FOR USE.—Section 3321(b) of such title is amended by adding at the end the following new paragraph:

Expiration date.

"(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which an individual entitled to educational assistance by reason of section 3311(b)(9) may use such individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's eighteenth birthday.".

38 USC 3311 note.

(d) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2009.

Payments. Deadline.

(2) APPLICABILITY.—The Secretary of Veterans Affairs shall begin making payments to individuals entitled to educational assistance by reason of paragraph (9) of section 3311(b) of title 38, United States Code, as added by subsection (a), by not later than August 1, 2010. In the case of an individual entitled to educational assistance by reason of such paragraph for the period beginning on August 1, 2009, and ending on July 31, 2010, the Secretary shall make retroactive payments to such individual for such period by not later than August 1, 2010.

Time period.

TITLE XI

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Diplomatic and Consular Programs", $997,890,000, to remain available until September 30, 2010, of which $146,358,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State may transfer up to $137,600,000 of the funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That of the funds appropriated under this heading, up to $10,000,000 for public diplomacy activities may be transferred to, and merged with, funds made available under the heading "International Broadcasting Operations" for broadcasting activities to the Pakistan-Afghanistan border region.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Office of Inspector General", $24,122,000, to remain available until September 30, 2010, of which $7,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $7,200,000 shall be transferred to the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight: *Provided*, That the Special Inspector General for Afghanistan Reconstruction may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of

such section) for funds made available for fiscal years 2009 and 2010: *Provided further*, That the Inspector General of the United States Department of State and the Broadcasting Board of Governors, the Special Inspector General for Iraq Reconstruction, the Special Inspector General for Afghanistan Reconstruction, and the Inspector General of the United States Agency for International Development shall coordinate and integrate the programming of funds made available under this heading in fiscal year 2009 for oversight of programs in Afghanistan, Pakistan and Iraq: *Provided further*, That the Secretary of State shall submit to the Committees on Appropriations, within 30 days of completion, the annual comprehensive audit plan for the Middle East and South Asia developed by the Southwest Asia Joint Planning Group in accordance with section 842 of Public Law 110–181.

Deadline.
Audit plan.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For an additional amount for "Embassy Security, Construction, and Maintenance", $921,500,000, to remain available until expended, for worldwide security upgrades, acquisition, and construction as authorized, and shall be made available for secure diplomatic facilities and housing for United States mission staff in Afghanistan and Pakistan, and for mobile mail screening units.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $721,000,000, to remain available until September 30, 2010.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $157,600,000, to remain available until September 30, 2010.

CAPITAL INVESTMENT FUND

For an additional amount for "Capital Investment Fund", $48,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $3,500,000, to remain available until September 30, 2010, for oversight of programs in Afghanistan and Pakistan.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

GLOBAL HEALTH AND CHILD SURVIVAL

For an additional amount for "Global Health and Child Survival", $150,000,000, to remain available until September 30, 2010: *Provided*, That $50,000,000 shall be made available for pandemic preparedness and response: *Provided further*, That $100,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria: *Provided further*, That notwithstanding any other provision of law, to include minimum funding requirements or funding directives, if the President determines and reports to the Committees on Appropriations that the human-to-human transmission of the H1N1 virus is efficient and sustained, severe, and is spreading internationally, funds made available under the headings "Global Health and Child Survival", "Development Assistance", "Economic Support Fund", and "Millennium Challenge Corporation" in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available to combat the H1N1 virus: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

President.
Determination.
Reports.
H1N1 virus.

Consultation.
Notification.

INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for "International Disaster Assistance", $270,000,000, to remain available until expended.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", $2,973,601,000, to remain available until September 30, 2010: *Provided*, That of the funds made available under this heading for assistance for the West Bank and Gaza, $2,000,000 shall be transferred to, and merged with, funds available under the heading "United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General" to conduct oversight of programs in the West Bank and Gaza: *Provided further*, That of the amounts made available for assistance for the West Bank and Gaza, not more than $200,000,000 may be made available for cash transfer assistance to the Palestinian Authority: *Provided further*, That none of the funds made available under this heading for cash transfer assistance to the Palestinian Authority may be obligated for salaries of personnel of the Palestinian Authority located in Gaza: *Provided further*, That of the funds appropriated under this heading, up to $10,000,000 may be made available for humanitarian assistance in Burma for individuals and communities impacted by Cyclone Nargis, notwithstanding any other provision of law: *Provided further*, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance

may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics, and shall be administered by the Special Representative for Afghanistan and Pakistan at the Department of State: *Provided further*, That none of the funds appropriated in this title for democracy and civil society programs may be made available for the construction of facilities in the United States.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For an additional amount for "Assistance for Europe, Eurasia and Central Asia", $272,000,000, to remain available until September 30, 2010, of which $242,000,000 shall be available for assistance for Georgia: *Provided*, That funds appropriated under this heading may be made available for assistance for other Eurasian countries to meet unanticipated requirements only if the Secretary of State determines and reports to the Committees on Appropriations that to do so is in the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, $30,000,000 may be made available for assistance for the Kyrgyz Republic to provide a long-range air traffic control and safety system to support air operations in the Kyrgyz Republic, including at Manas International Airport, notwithstanding any other provision of law: *Provided further*, That funds appropriated under this heading shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Determination.
Reports.

Consultation.
Notification.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for "International Narcotics Control and Law Enforcement", $487,500,000, to remain available until September 30, 2010: *Provided*, That not less than $160,000,000 shall be made available for assistance for Mexico to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that notifications shall be transmitted at least 5 days in advance of the obligation of any funds appropriated under this heading: *Provided further*, That none of the funds appropriated in this title may be made available for the cost of fuel for aircraft provided to Mexico, or for operations and maintenance of aircraft purchased by the Government of Mexico: *Provided further*, That in order to enhance border security and cooperation in law enforcement efforts between Mexico and the United States, funds appropriated in this title that are available for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United

Consultation.
Notification.
Deadline.

Mexico.

States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $102,000,000, to remain available until September 30, 2010, of which up to $77,000,000 may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction, and shall remain available until expended: *Provided*, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That the Secretary of State shall work assiduously to facilitate the regular flow of people and licit goods in and out of Gaza at established border crossings.

Consultation.
Notification.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $390,000,000, to remain available until expended.

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", $185,000,000, to remain available until September 30, 2010: *Provided*, That up to $168,000,000 may be made available for assistance for Somalia, of which up to $115,900,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: *Provided further*, That of the funds appropriated under this heading, $15,000,000 shall be made available for assistance for the Democratic Republic of the Congo and $2,000,000 shall be made available for the Multinational Force and Observer mission in the Sinai.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For an additional amount for "International Military Education and Training", $2,000,000, to remain available until September 30, 2010, for assistance for Iraq.

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $1,294,000,000, to remain available until September 30, 2010: *Provided*, That not less than $260,000,000 shall be made available for assistance for the Mexican Navy and shall be available notwithstanding section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8): *Provided further*, That funds made

available pursuant to the previous proviso shall be available notwithstanding section 36(b) of the Arms Export Control Act: *Provided further*, That of the funds appropriated under this heading, not less than $150,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not less than $555,000,000, shall be available for grants only for Israel and shall be disbursed not later than October 30, 2009: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which $145,965,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated under this heading, not less than $260,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That funds appropriated pursuant to the previous proviso estimated to be outlayed for Egypt shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York not later than October 30, 2009: *Provided further*, That up to $69,000,000 may be made available for assistance for Lebanon.

Israel.
Deadline.

Egypt.
Deadline.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States a special account to be known as the "Pakistan Counterinsurgency Capability Fund". For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act for counterinsurgency activities in Pakistan, $700,000,000, which shall become available on September 30, 2009, and remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense, notwithstanding any other provision of law, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided further*, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred, or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, and the congressional defense and foreign affairs committees, in writing of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report summarizing, on a project-by-project basis, the transfer

Deadline.
Notification.

Deadline.
Reports.

Determination.

of funds from this appropriation: *Provided further,* That upon determination by the Secretary of Defense or head of other Federal department or agency, with the concurrence of the Secretary of State, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified or unclassified form.

GENERAL PROVISIONS—THIS TITLE

EXTENSION OF AUTHORITIES

SEC. 1101. Funds appropriated in this title may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

AFGHANISTAN

SEC. 1102. (a) IN GENERAL.—Funds appropriated in this title under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Funds appropriated in this title for assistance for Afghanistan shall comply with sections 7062 and 7063 of Public Law 111–8, and shall be made available to support programs that increase participation by women in the political process, including at the national, provincial, and sub-provincial levels, and in efforts to improve security in Afghanistan.

(2) Of the funds appropriated for assistance for Afghanistan in fiscal year 2009 under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than $150,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations.

(c) PROCUREMENT OF AFGHAN PRODUCTS AND SERVICES.—

(1) IN GENERAL.—Funds made available for assistance for Afghanistan in this title and in prior acts appropriating funds for Department of State, foreign operations, and related programs, may be used to conduct procurements and to award assistance instruments in which—

(A) competition is limited to products, services, or sources that are from Afghanistan;

(B) procedures other than competitive procedures are used to award a contract or assistance instrument to a particular source or sources from Afghanistan; or

(C) a preference is provided for products, services, or sources that are from Afghanistan.

(2) PRODUCTS, SERVICES, AND SOURCES FROM AFGHANISTAN.—For the purposes of this section:

(A) A product is from Afghanistan if it is mined, produced, or manufactured in Afghanistan.

(B) A service is from Afghanistan if it is performed in Afghanistan by citizens or permanent resident aliens of Afghanistan.

(C) A source is from Afghanistan if it—

(i) is located in Afghanistan; and

(ii) offers products or services that are from Afghanistan.

(3) REPORTING AND CONSULTING REQUIREMENT.—Not less than 180 days after enactment of this Act the Secretary of State shall submit a report to the Committees on Appropriations on efforts undertaken by the Department of State and the United States Agency for International Development (USAID) to utilize this authority in order to enhance participation by Afghan entities in development activities in Afghanistan: *Provided*, That the Secretary of State and the Administrator of USAID shall consult with the Committees on Appropriations regarding the exercise of the authority of this subsection and prior to submitting the report required by this paragraph: *Provided further*, That the exercise of such authority in excess of $15,000,000 for any single contract or assistance instrument is subject to the regular notification procedures of the Committees on Appropriations.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of human rights, or other major crimes.

(e) ACQUISITION OF PROPERTY.—Not more than $20,000,000 of the funds appropriated in this title should be made available to pay for the acquisition of property for diplomatic facilities in Afghanistan.

(f) UNITED NATIONS DEVELOPMENT PROGRAM.—Funds appropriated in this title may be made available for programs and activities of the United Nations Development Program (UNDP) in Afghanistan if the Secretary of State reports to the Committees on Appropriations that UNDP is fully cooperating with efforts of the United States Agency for International Development (USAID) to investigate expenditures by UNDP of USAID funds associated with the Quick Impact Program in Afghanistan.

(g) NATIONAL SOLIDARITY PROGRAM.—Of the funds appropriated in this title under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $70,000,000 shall be made available for the National Solidarity Program.

(h) AIRWINGS.—The uses and oversight of aircraft purchased or leased by the Department of State and the United States Agency for International Development by funds appropriated by this Act

or prior Acts making appropriations for the Department of State, foreign operations and related programs shall be coordinated under the authority of the United States Chief of Mission in Afghanistan: *Provided*, That such aircraft may be used to transport Federal and non-Federal personnel supporting the Department of State and United States Agency for International Development programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

ALLOCATIONS

SEC. 1103. (a) Funds appropriated in this title for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint statement accompanying this Act:

(1) "Diplomatic and Consular Programs".

(2) "Embassy Security, Construction, and Maintenance".

(3) "Economic Support Fund".

(4) "International Narcotics Control and Law Enforcement".

(b) For the purposes of implementing this section, and only with respect to the tables included in the joint statement accompanying this Act, the Secretary of State and the Administrator of the United States Agency for International Development, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

SPENDING PLAN AND NOTIFICATION PROCEDURES

Deadline. Reports.

SEC. 1104. (a) SPENDING PLAN.—Not later than 45 days after the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated in this title, except for funds appropriated under the headings "International Disaster Assistance" and "Migration and Refugee Assistance".

(b) NOTIFICATION.—Funds made available in this title shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

GLOBAL FINANCIAL CRISIS

SEC. 1105. (a) IN GENERAL.—Of the funds appropriated in this title under the heading "Economic Support Fund", not more than $255,601,000 may be made available for assistance for vulnerable populations in developing countries severely affected by the global financial crisis that—

(1) have a 2007 per capita Gross National Income of $3,705 or less;

(2) have seen a contraction in predicted growth rates of 2 percent or more since 2007; and

(3) demonstrate consistent improvement on the democracy and governance indicators as measured by the Millennium Challenge Corporation 2009 Country Scorebook.

(b) TRANSFER AUTHORITIES.—Of the funds appropriated in this title under the heading "Economic Support Fund" for developing countries impacted by the global financial crisis—

(1) up to $29,000,000 may be transferred and merged with "Development Credit Authority", for the cost of direct loans and loan guarantees notwithstanding the dollar limitations in such account on transfers to the account and the principal amount of loans made or guaranteed with respect to any single country or borrower: *Provided*, That such transferred funds may be available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $2,000,000,000: *Provided further*, That the authority provided by the previous proviso is in addition to authority provided under the heading "Development Credit Authority" in Public Law 111–8: *Provided further*, That up to $1,500,000 may be for administrative expenses to carry out credit programs administered by the United States Agency for International Development; and

(2) up to $20,000,000 may be transferred to, and merged with, "Overseas Private Investment Corporation Program Account": *Provided*, That the authority provided in this paragraph is in addition to authority provided in section 7081 in Public Law 111–8.

(c) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, funds appropriated under the heading "Millennium Challenge Corporation" (MCC) in prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for programs and activities to assist vulnerable populations severely affected by the global financial crisis in a country that has signed a compact with the MCC or has been designated by the MCC as a threshold country: *Provided*, That such a modification of a compact or threshold program by the MCC should be made, if practicable, prior to making available additional assistance for such purposes: *Provided further*, That the MCC shall consult with the Committees on Appropriations prior to exercising the authority of this subsection. Consultation.

(d) REPORT.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), shall submit a spending plan not later than 45 days after the date of enactment of this Act to the Committees on Appropriations, and prior to the initial obligation of funds appropriated for countries impacted by the global economic crisis, detailing the use of all funds on a country-by-country, and project-by-project basis: *Provided,* That for each project, the report shall include (1) the projected long-term economic impact of providing such funds; (2) the name of the entity or implementing organization to which funds are being provided; (3) whether funds will be provided as a direct cash transfer to a local or national government entity; and (4) an assessment of whether USAID has reviewed its existing programs in such country to determine reprogramming opportunities to increase assistance for vulnerable populations: *Provided further,* That funds transferred to the Development Credit Authority and the Overseas Private Investment Corporation are subject to the reporting requirements in section 1104.

IRAQ

SEC. 1106. (a) IN GENERAL.—Funds appropriated in this title that are available for assistance for Iraq shall be made available, to the maximum extent practicable, in a manner that utilizes Iraqi entities.

(b) MATCHING REQUIREMENT.—Funds appropriated in this title for assistance for Iraq shall be made available in accordance with the Department of State's April 9, 2009, "Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects".

(c) OTHER ASSISTANCE.—Of the funds appropriated in this title under the heading "Economic Support Fund", not less than $15,000,000 shall be made available for targeted development programs and activities in areas of conflict in Iraq, and the responsibility for policy decisions and justifications for the use of such funds shall be the responsibility of the United States Chief of Mission in Iraq.

PROHIBITION ON ASSISTANCE TO HAMAS

Reports.

SEC. 1107. (a) None of the funds appropriated in this title may be made available for assistance to Hamas, or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

President. Certification.

(b) Notwithstanding the limitation of subsection (a), assistance may be provided to a power-sharing government only if the President certifies in writing and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961.

(c) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this section.

Deadline.

(d) Whenever the certification pursuant to subsection (b) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent, are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961. The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

TERMS AND CONDITIONS

SEC. 1108. Unless otherwise provided for in this Act, funds appropriated or otherwise made available in this title shall be available under the authorities and conditions provided in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), except that sections 7070(e), with respect to funds made available for macroeconomic growth assistance for Zimbabwe, and 7042(a) and (c) of such Act shall not apply to funds made available in this title.

MULTILATERAL DEVELOPMENT BANK REPLENISHMENTS

SEC. 1109. (a) INTERNATIONAL DEVELOPMENT ASSOCIATION.—The International Development Association Act (22 U.S.C. 284 et seq.) is amended by adding at the end thereof the following:

"SEC. 24. FIFTEENTH REPLENISHMENT. 22 USC 284v.

"(a) The United States Governor of the International Development Association is authorized to contribute on behalf of the United States $3,705,000,000 to the fifteenth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,705,000,000 for payment by the Secretary of the Treasury.

"SEC. 25. MULTILATERAL DEBT RELIEF. 22 USC 284w.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $356,000,000 to the International Development Association for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the fifteenth replenishment of resources of the International Development Association, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $356,000,000 for payment by the Secretary of the Treasury.

"(c) In this section, the term 'Multilateral Debt Relief Initiative' means the proposal set out in the G8 Finance Ministers' Communique entitled 'Conclusions on Development,' done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.".

(b) AFRICAN DEVELOPMENT FUND.—The African Development Fund Act (22 U.S.C. 290 et seq.) is amended by adding at the end thereof the following:

"SEC. 219. ELEVENTH REPLENISHMENT. 22 USC 290g–18.

"(a) The United States Governor of the African Development Fund is authorized to contribute on behalf of the United States $468,165,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $468,165,000 for payment by the Secretary of the Treasury.

"SEC. 220. MULTILATERAL DEBT RELIEF INITIATIVE. 22 USC 290g–19.

"(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $26,000,000 to the African Development Fund for the purpose of funding debt relief under the Multilateral Debt Relief Initiative in the period governed by the eleventh replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and

without prejudice to any funding arrangements in existence on the date of the enactment of this section.

"(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $26,000,000 for payment by the Secretary of the Treasury.".

PROMOTION OF POLICY GOALS AT THE WORLD BANK GROUP

SEC. 1110. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p et seq.) is amended by adding at the end thereof the following:

22 USC 262p–9.

"SEC. 1626. REFORM OF THE 'DOING BUSINESS' REPORT OF THE WORLD BANK.

"(a) The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation of the following United States policy goals, and to use the voice and vote of the United States to actively promote and work to achieve these goals:

"(1) Suspension of the use of the 'Employing Workers' Indicator for the purpose of ranking or scoring country performance in the annual Doing Business Report of the World Bank until a set of indicators can be devised that fairly represent the value of internationally recognized workers' rights, including core labor standards, in creating a stable and favorable environment for attracting private investment. The indicators shall bring to bear the experiences of the member governments in dealing with the economic, social and political complexity of labor market issues. The indicators should be developed through collaborative discussions with and between the World Bank, the International Finance Corporation, the International Labor Organization, private companies, and labor unions.

"(2) Elimination of the 'Labor Tax and Social Contributions' Subindicator from the annual Doing Business Report of the World Bank.

"(3) Removal of the 'Employing Workers' Indicator as a 'guidepost' for calculating the annual Country Policy and Institutional Assessment score for each recipient country.

Deadline. Instructions. Web posting.

"(b) Within 60 days after the date of the enactment of this section, the Secretary of the Treasury shall provide an instruction to the United States Executive Directors referred to in subsection (a) to take appropriate actions with respect to implementing the policy goals of the United States set forth in subsection (a), and such instruction shall be posted on the website of the Department of the Treasury.

22 USC 262p–10.

"SEC. 1627. ENHANCING THE TRANSPARENCY AND EFFECTIVENESS OF THE INSPECTION PANEL PROCESS OF THE WORLD BANK.

Public information. Reports.

"(a) ENHANCING TRANSPARENCY IN IMPLEMENTATION OF MANAGEMENT ACTION PLANS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to seek to ensure that World Bank Procedure 17.55, which establishes the operating procedures of Management with regard to the Inspection Panel, provides that Management prepare and make

available to the public semiannual progress reports describing implementation of Action Plans considered by the Board; allow and receive comments from Requesters and other Affected Parties for two months after the date of disclosure of the progress reports; post these comments on World Bank and Inspection Panel websites (after receiving permission from the requestors to post with or without attribution); submit the reports to the Board with any comments received; and make public the substance of any actions taken by the Board after Board consideration of the reports.

"(b) SAFEGUARDING THE INDEPENDENCE AND EFFECTIVENESS OF THE INSPECTION PANEL.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to continue to promote the independence and effectiveness of the Inspection Panel, including by seeking to ensure the availability of, and access by claimants to, the Inspection Panel for projects supported by World Bank resources.

"(c) EVALUATION OF COUNTRY SYSTEMS.—The Secretary of the Treasury shall direct the United States Executive Directors at the World Bank to request an evaluation by the Independent Evaluation Group on the use of country environmental and social safeguard systems to determine the degree to which, in practice, the use of such systems provides the same level of protection at the project level as do the policies and procedures of the World Bank.

"(d) WORLD BANK DEFINED.—In this section, the term 'World Bank' means the International Bank for Reconstruction and Development and the International Development Association.".

CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING

SEC. 1111. Title XIII of the International Financial Institutions Act (22 U.S.C. 262m et seq.) is amended by adding at the end thereof the following:

"SEC. 1308. CLIMATE CHANGE MITIGATION AND GREENHOUSE GAS ACCOUNTING. 22 USC 262m–8.

"(a) USE OF GREENHOUSE GAS ACCOUNTING.—The Secretary of the Treasury shall seek to ensure that multilateral development banks (as defined in section 1701(c)(4) of this Act) adopt and implement greenhouse gas accounting in analyzing the benefits and costs of individual projects (excluding those with de minimus greenhouse gas emissions) for which funding is sought from the bank.

"(b) EXPANSION OF CLIMATE CHANGE MITIGATION ACTIVITIES.—The Secretary of the Treasury shall work to ensure that the multilateral development banks (as defined in section 1701(c)(4)) expand their activities supporting climate change mitigation by—

"(1) significantly expanding support for investments in energy efficiency and renewable energy, including zero carbon technologies;

"(2) reviewing all proposed infrastructure investments to ensure that all opportunities for integrating energy efficiency measures have been considered;

"(3) increasing the dialogue with the governments of developing countries regarding—

"(A) analysis and policy measures needed for low carbon emission economic development; and

"(B) reforms needed to promote private sector investments in energy efficiency and renewable energy, including zero carbon technologies; and

"(4) integrate low carbon emission economic development objectives into multilateral development bank country strategies.

"(c) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Secretary of the Treasury shall submit a report on the status of efforts to implement this section to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Financial Services and the Committee on Appropriations of the House of Representatives.".

MULTILATERAL DEVELOPMENT BANK REFORM

SEC. 1112. (a) BUDGET DISCLOSURE.—The Secretary of the Treasury shall seek to ensure that the multilateral development banks make timely, public disclosure of their operating budgets including expenses for staff, consultants, travel and facilities.

(b) EVALUATION.—The Secretary of the Treasury shall seek to ensure that multilateral development banks rigorously evaluate the development impact of selected bank projects, programs, and financing operations, and emphasize use of random assignment in conducting such evaluations, where appropriate and to the extent feasible.

(c) EXTRACTIVE INDUSTRIES.—The Secretary of the Treasury shall direct the United States Executive Directors at the multilateral development banks to promote the endorsement of the Extractive Industry Transparency Initiative (EITI) by these institutions and the integration of the principles of the EITI into extractive industry-related projects that are funded by the multilateral development banks.

(d) REPORT.—Not later than September 30, 2009, the Secretary of the Treasury shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate, and the Committee on Appropriations and the Committee on Financial Services of the House of Representatives, detailing actions taken by the multilateral development banks to achieve the objectives of this section.

(e) COORDINATION OF DEVELOPMENT POLICY.—The Secretary of the Treasury shall consult with the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal agencies, as appropriate, in the formulation and implementation of United States policy relating to the development activities of the World Bank Group.

OVERSEAS COMPARABILITY PAY ADJUSTMENT

SEC. 1113. (a) Subject to such regulations prescribed by the Secretary of State, including with respect to phase-in schedule and treatment as basic pay, and notwithstanding any other provision of law, funds appropriated for this fiscal year in this or any other Act may be used to pay an eligible member of the Foreign Service as defined in subsection (b) of this section a locality-based comparability payment (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title

5, United States Code if such member's official duty station were in the District of Columbia.

(b) A member of the Service shall be eligible for a payment under this section only if the member is designated class 1 or below for purposes of section 403 of the Foreign Service Act of 1980 (22 U.S.C. 3963) and the member's official duty station is not in the continental United States or in a non-foreign area, as defined in section 591.205 of title 5, Code of Federal Regulations.

(c) The amount of any locality-based comparability payment that is paid to a member of the Foreign Service under this section shall be subject to any limitations on pay applicable to locality-based comparability payments under section 5304 of title 5, United States Code.

REFUGEE PROGRAMS AND OVERSIGHT

(INCLUDING TRANSFER OF FUNDS)

SEC. 1114. (a) FUNDING.—Of the funds appropriated in this title under the heading "Migration and Refugee Assistance", up to $119,000,000 may be made available to the United Nations Relief and Works Agency for activities in the West Bank and Gaza.

(b) OVERSIGHT.—Of the funds made available in this title under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, $1,000,000 shall be transferred to, and merged with, funds available under the heading "Administration of Foreign Affairs, Office of Inspector General" for oversight of programs in the West Bank, Gaza and surrounding region.

TECHNICAL AND OTHER PROVISIONS

SEC. 1115. (a) MODIFICATION.—Title III of division H of Public Law 111–8 is amended under the heading "Economic Support Fund" in the second proviso by striking "up to $20,000,000" and inserting "not less than $20,000,000". *Ante*, p. 846.

(b) NOTIFICATION REQUIREMENT.—Funds appropriated by this Act that are transferred to the Department of State or the United States Agency for International Development from any other Federal department or agency shall be subject to the regular notification procedures of the Committees on Appropriations, notwithstanding any other provision of law.

(c) REEMPLOYMENT OF ANNUITANTS.—

(1) Section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064) is amended in subsection (g)(1) by inserting ", Pakistan," after "Iraq" each place it appears; and, in subsection (g)(2) by striking "2009" and inserting instead "2010".

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(1) by adding ", Pakistan," after "Iraq" each place it appears; and, in subsection (a)(2) by striking "2008" and inserting instead "2010".

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(A) by adding ", Pakistan," after "Iraq" each place it appears; and, in subsection (j)(1)(B) by striking "2008" and inserting instead "2010".

(d) INCENTIVES FOR CRITICAL POSTS.—Notwithstanding sections 5753(a)(2)(A) and 5754(a)(2)(A) of title 5, United States Code, appropriations made available by this or any other Act may be used to pay recruitment, relocation, and retention bonuses under chapter 57 of title 5, United States Code to members of the Foreign Service, other than chiefs of mission and ambassadors at large, who are on official duty in Iraq, Afghanistan, or Pakistan. This authority shall terminate on October 1, 2010.

Termination date.

(e) Of the funds appropriated under the heading "Foreign Military Financing Program" in Public Law 110–161 that are available for assistance for Colombia, $500,000 may be transferred to, and merged with, funds appropriated under the heading "International Narcotics Control and Law Enforcement" to provide medical and rehabilitation assistance for members of Colombian security forces who have suffered severe injuries.

AFGHANISTAN AND PAKISTAN COMMITMENT AND CAPABILITIES REPORT

President.

SEC. 1116. (a) REPORTING REQUIREMENT.—Not later than the date of submission of the fiscal year 2011 budget request, the President shall submit a report to the appropriate congressional committees, in classified form if necessary, assessing the extent to which the Afghan and Pakistani governments are demonstrating the necessary commitment, capability, conduct and unity of purpose to warrant the continuation of the President's policy announced on March 27, 2009, to include:

(1) the level of political consensus and unity of purpose across ethnic, tribal, religious and political party affiliations to confront the political and security challenges facing the region;

(2) the level of government corruption that undermines such political consensus and unity of purpose, and actions taken to eliminate it;

(3) the actions taken by respective security forces and appropriate government entities in developing a counterinsurgency capability, conducting counterinsurgency operations and establishing security and governance on the ground;

(4) the actions taken by respective intelligence agencies in cooperating with the United States on counterinsurgency and counterterrorism operations and in terminating policies and programs, and removing personnel, that provide material support to extremist networks that target United States troops or undermine United States objectives in the region;

(5) the ability of the Afghan and Pakistani governments to effectively control and govern the territory within their respective borders; and

(6) the ways in which United States Government assistance contributed, or failed to contribute, to achieving the actions outlined above.

(b) POLICY ASSESSMENT.—The President, on the basis of information gathered and coordinated by the National Security Council, shall advise the appropriate congressional committees on how such assessment requires, or does not require, changes to such policy.

(c) DEFINITION.—For purposes of this section, "appropriate congressional committees" means the Committees on Appropriations, Foreign Relations and Armed Services of the Senate, and

the Committees on Appropriations, Foreign Affairs and Armed Services of the House of Representatives.

UNITED STATES POLICY REPORT ON AFGHANISTAN AND PAKISTAN

SEC. 1117. (a) STATEMENT OF OBJECTIVES.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan, and the metrics to be utilized to assess progress toward achieving such objectives. President.

(b) REPORTING REQUIREMENT.—Not later than March 30, 2010 and every 180 days thereafter until September 30, 2011, the President, in consultation with Coalition partners as appropriate, shall submit to the appropriate congressional committees a report, in classified form if necessary, setting forth the following:

(1) a description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan in subsection (a);

(2) any modification of the metrics in subsection (a) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification; and

(3) recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(c) CLASSIFICATION.—Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(d) DEFINITION.—For purposes of this section, "appropriate congressional committees" means—

(1) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary, and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE XII

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available under Public Law 111–8 and funds authorized under subsection 41742(a)(1) of title 49, United States Code, to carry out the essential air service program, to be derived from the Airport and Airway Trust Fund, $13,200,000, to remain available until expended.

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $13,200,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2008.

GENERAL PROVISIONS—THIS TITLE

119 Stat. 1510.

SEC. 1201. Section 1937(d) of Public Law 109–59 (119 Stat. 1144, 1510) is amended—

(1) in paragraph (1) by striking "expenditures" each place that it appears and inserting "allocations"; and

(2) in paragraph (2) by striking "expenditure" and inserting "allocation".

SEC. 1202. A recipient and subrecipient of funds appropriated in Public Law 111–5 and apportioned pursuant to section 5311 and section 5336 (other than subsection (i)(1) and (j)) of title 49, United States Code, may use up to 10 percent of the amount apportioned for the operating costs of equipment and facilities for use in public transportation or for eligible activities under section 5311(f): *Provided*, That a grant obligating such funds on or after February 17, 2009, may be amended to allow a recipient and subrecipient to use the funds made available for operating assistance:

Applicability.

Provided further, That applicable chapter 53 requirements apply, except for the Federal share which shall be, at the option of the recipient, up to 100 percent.

SEC. 1203. Public Law 110–329, under the heading "Project-Based Rental Assistance", is amended by striking "project-based vouchers" and all that follows up to the period and inserting "activities and assistance for the provision of tenant-based rental assistance, including related administrative expenses, as authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.), $80,000,000, to remain available until expended: *Provided*, That such funds shall be made available within 60 days of the enactment of this Act: *Provided further*, That in carrying out the activities authorized under this heading, the Secretary shall waive section (o)(13)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)(B))".

122 Stat. 3599.

Deadline.

Waiver authority.

SEC. 1204. Public Law 111–5 is amended by striking the second proviso under the heading "HOME Investment Partnerships Program" and inserting "*Provided further*, That the housing credit agencies in each State shall distribute these funds competitively under this heading and pursuant to their qualified allocation plan (as defined in section 42(m) of the Internal Revenue Code of 1986) to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under sections 42(h) and 1400N of the Internal Revenue Code of 1986:".

Ante, p. 220.

SEC. 1205. Notwithstanding Section 1606, amounts made available under Division A of Public Law 111-5 for the "Public Housing Capital Fund" to carry out capital and management activities for public housing agencies as authorized under section 9 of the United

States Housing Act of 1937 (42 U.S.C. 1437g) shall be subject to 42 U.S.C. 1437j; for the "Community Development Fund" to carry out the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) shall be subject to 42 U.S.C. 5310 (or a waiver under 42 U.S.C. 5307(e)(2)); for "Native American Housing Block Grants," as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.) ("NAHASDA") shall be subject to 25 U.S.C. 4114(b); and for a housing entity eligible to receive funding under title VIII of NAHASDA (25 U.S.C. 4221 et seq.) shall be subject to 25 U.S.C. 4225(b).

TITLE XIII—CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

Consumer Assistance to Recycle and Save Act of 2009. 49 USC 32901 note.

SEC. 1301. SHORT TITLE.—This title may be cited as the "Consumer Assistance to Recycle and Save Act of 2009".

SEC. 1302. CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM.—(a) ESTABLISHMENT.—There is established in the National Highway Traffic Safety Administration a voluntary program to be known as the "Consumer Assistance to Recycle and Save Program" through which the Secretary, in accordance with this section and the regulations promulgated under subsection (d), shall—

(1) authorize the issuance of an electronic voucher, subject to the specifications set forth in subsection (c), to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile upon the surrender of an eligible trade-in vehicle to a dealer participating in the Program;

(2) register dealers for participation in the Program and require that all registered dealers—

(A) accept vouchers as provided in this section as partial payment or down payment for the purchase or qualifying lease of any new fuel efficient automobile offered for sale or lease by that dealer; and

(B) in accordance with subsection (c)(2), to transfer each eligible trade-in vehicle surrendered to the dealer under the Program to an entity for disposal;

(3) in consultation with the Secretary of the Treasury, make electronic payments to dealers for eligible transactions by such dealers, in accordance with the regulations issued under subsection (d); and

(4) in consultation with the Secretary of the Treasury and the Inspector General of the Department of Transportation, establish and provide for the enforcement of measures to prevent and penalize fraud under the program.

(b) QUALIFICATIONS FOR AND VALUE OF VOUCHERS.—A voucher issued under the Program shall have a value that may be applied to offset the purchase price or lease price for a qualifying lease of a new fuel efficient automobile as follows:

(1) $3,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $3,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 4 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and—

(i) the eligible trade-in vehicle is a category 2 truck and the combined fuel economy value of the new fuel efficient automobile is at least 1 mile per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(ii) the eligible trade-in vehicle is a category 3 truck of model year 2001 or earlier; or

(D) the new fuel efficient automobile is a category 3 truck and the eligible trade-in vehicle is a category 3 truck of model year of 2001 or earlier and is of similar size or larger than the new fuel efficient automobile as determined in a manner prescribed by the Secretary.

(2) $4,500 VALUE.—The voucher may be used to offset the purchase price or lease price of the new fuel efficient automobile by $4,500 if—

(A) the new fuel efficient automobile is a passenger automobile and the combined fuel economy value of such automobile is at least 10 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle;

(B) the new fuel efficient automobile is a category 1 truck and the combined fuel economy value of such truck is at least 5 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle; or

(C) the new fuel efficient automobile is a category 2 truck that has a combined fuel economy value of at least 15 miles per gallon and the combined fuel economy value of such truck is at least 2 miles per gallon higher than the combined fuel economy value of the eligible trade-in vehicle and the eligible trade-in vehicle is a category 2 truck.

(c) PROGRAM SPECIFICATIONS.—

(1) LIMITATIONS.—

Vouchers.

(A) GENERAL PERIOD OF ELIGIBILITY.—A voucher issued under the Program shall be used only in connection with the purchase or qualifying lease of new fuel efficient automobiles that occur between July 1, 2009 and November 1, 2009.

(B) NUMBER OF VOUCHERS PER PERSON AND PER TRADE-IN VEHICLE.—Not more than 1 voucher may be issued for a single person and not more than 1 voucher may be issued for the joint registered owners of a single eligible trade-in vehicle.

(C) NO COMBINATION OF VOUCHERS.—Only 1 voucher issued under the Program may be applied toward the purchase or qualifying lease of a single new fuel efficient automobile.

(D) CAP ON FUNDS FOR CATEGORY 3 TRUCKS.—Not more than 7.5 percent of the total funds made available for

the Program shall be used for vouchers for the purchase or qualifying lease of category 3 trucks.

(E) COMBINATION WITH OTHER INCENTIVES PERMITTED.—The availability or use of a Federal, State, or local incentive or a State-issued voucher for the purchase or lease of a new fuel efficient automobile shall not limit the value or issuance of a voucher under the Program to any person otherwise eligible to receive such a voucher.

(F) NO ADDITIONAL FEES.—A dealer participating in the program may not charge a person purchasing or leasing a new fuel efficient automobile any additional fees associated with the use of a voucher under the Program.

(G) NUMBER AND AMOUNT.—The total number and value of vouchers issued under the Program may not exceed the amounts appropriated for such purpose.

(2) DISPOSITION OF ELIGIBLE TRADE-IN VEHICLES.—

(A) IN GENERAL.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer shall certify to the Secretary, in such manner as the Secretary shall prescribe by rule, that the dealer— Certification. Regulations.

(i) has not and will not sell, lease, exchange, or otherwise dispose of the vehicle for use as an automobile in the United States or in any other country; and

(ii) will transfer the vehicle (including the engine block), in such manner as the Secretary prescribes, to an entity that will ensure that the vehicle—

(I) will be crushed or shredded within such period and in such manner as the Secretary prescribes; and

(II) has not been, and will not be, sold, leased, exchanged, or otherwise disposed of for use as an automobile in the United States or in any other country.

(B) SAVINGS PROVISION.—Nothing in subparagraph (A) may be construed to preclude a person who is responsible for ensuring that the vehicle is crushed or shredded from—

(i) selling any parts of the disposed vehicle other than the engine block and drive train (unless with respect to the drive train, the transmission, drive shaft, or rear end are sold as separate parts); or

(ii) retaining the proceeds from such sale.

(C) COORDINATION.—The Secretary shall coordinate with the Attorney General to ensure that the National Motor Vehicle Title Information System and other publicly accessible systems are appropriately updated on a timely basis to reflect the crushing or shredding of vehicles under this section and appropriate reclassification of the vehicles' titles. The commercial market shall also have electronic and commercial access to the vehicle identification numbers of vehicles that have been disposed of on a timely basis.

(d) REGULATIONS.—Notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary shall promulgate final regulations to implement the Program not later than 30 days after the date of the enactment of this Act. Such regulations shall— Deadline.

(1) provide for a means of registering dealers for participation in the Program;

Deadline.

(2) establish procedures for the reimbursement of dealers participating in the Program to be made through electronic transfer of funds for the amount of the vouchers as soon as practicable but no longer than 10 days after the submission of information supporting the eligible transaction, as deemed appropriate by the Secretary;

(3) require the dealer to use the voucher in addition to any other rebate or discount advertised by the dealer or offered by the manufacturer for the new fuel efficient automobile and prohibit the dealer from using the voucher to offset any such other rebate or discount;

(4) require dealers to disclose to the person trading in an eligible trade-in vehicle the best estimate of the scrappage value of such vehicle and to permit the dealer to retain $50 of any amounts paid to the dealer for scrappage of the automobile as payment for any administrative costs to the dealer associated with participation in the Program;

Certifications.

(5) consistent with subsection (c)(2), establish requirements and procedures for the disposal of eligible trade-in vehicles and provide such information as may be necessary to entities engaged in such disposal to ensure that such vehicles are disposed of in accordance with such requirements and procedures, including—

(A) requirements for the removal and appropriate disposition of refrigerants, antifreeze, lead products, mercury switches, and such other toxic or hazardous vehicle components prior to the crushing or shredding of an eligible trade-in vehicle, in accordance with rules established by the Secretary in consultation with the Administrator of the Environmental Protection Agency, and in accordance with other applicable Federal or State requirements;

(B) a mechanism for dealers to certify to the Secretary that each eligible trade-in vehicle will be transferred to an entity that will ensure that the vehicle is disposed of, in accordance with such requirements and procedures, and to submit the vehicle identification numbers of the vehicles disposed of and the new fuel efficient automobile purchased with each voucher;

(C) a mechanism for obtaining such other certifications as deemed necessary by the Secretary from entities engaged in vehicle disposal; and

(D) a list of entities to which dealers may transfer eligible trade-in vehicles for disposal; and

(6) provide for the enforcement of the penalties described in subsection (e).

(e) ANTI-FRAUD PROVISIONS.—

(1) VIOLATION.—It shall be unlawful for any person to violate any provision under this section or any regulations issued pursuant to subsection (d) (other than by making a clerical error).

(2) PENALTIES.—Any person who commits a violation described in paragraph (1) shall be liable to the United States Government for a civil penalty of not more than $15,000 for each violation. The Secretary shall have the authority to assess and compromise such penalties, and shall have the authority

to require from any entity the records and inspections necessary to enforce this program. In determining the amount of the civil penalty, the severity of the violation and the intent and history of the person committing the violation shall be taken into account.

(f) INFORMATION TO CONSUMERS AND DEALERS.—Not later than 30 days after the date of the enactment of this Act, and promptly upon the update of any relevant information, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make available on an Internet website and through other means determined by the Secretary information about the Program, including— Deadline. Consultation. Web site.

(1) how to determine if a vehicle is an eligible trade-in vehicle;

(2) how to participate in the Program, including how to determine participating dealers; and

(3) a comprehensive list, by make and model, of new fuel efficient automobiles meeting the requirements of the Program.

Once such information is available, the Secretary shall conduct a public awareness campaign to inform consumers about the Program and where to obtain additional information. Public information.

(g) RECORD KEEPING AND REPORT.—

(1) DATABASE.—The Secretary shall maintain a database of the vehicle identification numbers of all new fuel efficient vehicles purchased or leased and all eligible trade-in vehicles disposed of under the Program.

(2) REPORT ON EFFICACY OF THE PROGRAM.—Not later than 60 days after the termination date described in subsection (c)(1)(A), the Secretary shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efficacy of the Program, including—

(A) a description of Program results, including—

(i) the total number and amount of vouchers issued for purchase or lease of new fuel efficient automobiles by manufacturer (including aggregate information concerning the make, model, model year) and category of automobile;

(ii) aggregate information regarding the make, model, model year, and manufacturing location of vehicles traded in under the Program; and

(iii) the location of sale or lease;

(B) an estimate of the overall increase in fuel efficiency in terms of miles per gallon, total annual oil savings, and total annual greenhouse gas reductions, as a result of the Program; and

(C) an estimate of the overall economic and employment effects of the Program.

(h) EXCLUSION OF VOUCHERS FROM INCOME.—

(1) FOR PURPOSES OF ALL FEDERAL AND STATE PROGRAMS.—A voucher issued under this program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be regarded as income and shall not be regarded as a resource for the month of receipt of the voucher and the following 12 months, for purposes of determining the eligibility of the recipient of the voucher (or the recipient's spouse or other family or household members) for benefits or assistance, or

the amount or extent of benefits or assistance, under any Federal or State program.

(2) FOR PURPOSES OF TAXATION.—A voucher issued under the program or any payment made for such a voucher pursuant to subsection (a)(3) shall not be considered as gross income of the purchaser of a vehicle for purposes of the Internal Revenue Code of 1986.

(i) DEFINITIONS.—As used in this section—

(1) the term "passenger automobile" means a passenger automobile, as defined in section 32901(a)(18) of title 49, United States Code, that has a combined fuel economy value of at least 22 miles per gallon;

(2) the term "category 1 truck" means a nonpassenger automobile, as defined in section 32901(a)(17) of title 49, United States Code, that has a combined fuel economy value of at least 18 miles per gallon, except that such term does not include a category 2 truck;

(3) the term "category 2 truck" means a large van or a large pickup, as categorized by the Secretary using the method used by the Environmental Protection Agency and described in the report entitled "Light-Duty Automotive Technology and Fuel Economy Trends: 1975 through 2008";

(4) the term "category 3 truck" means a work truck, as defined in section 32901(a)(19) of title 49, United States Code;

(5) the term "combined fuel economy value" means—

(A) with respect to a new fuel efficient automobile, the number, expressed in miles per gallon, centered below the words "Combined Fuel Economy" on the label required to be affixed or caused to be affixed on a new automobile pursuant to subpart D of part 600 of title 40, Code of Federal Regulations;

(B) with respect to an eligible trade-in vehicle, the equivalent of the number described in subparagraph (A), and posted under the words "Estimated New EPA MPG" and above the word "Combined" for vehicles of model year 1984 through 2007, or posted under the words "New EPA MPG" and above the word "Combined" for vehicles of model year 2008 or later on the fueleconomy.gov website of the Environmental Protection Agency for the make, model, and year of such vehicle; or

(C) with respect to an eligible trade-in vehicle manufactured between model years 1978 through 1985, the equivalent of the number described in subparagraph (A) as determined by the Secretary (and posted on the website of the National Highway Traffic Safety Administration) using data maintained by the Environmental Protection Agency for the make, model, and year of such vehicle.

(6) the term "dealer" means a person licensed by a State who engages in the sale of new automobiles to ultimate purchasers;

(7) the term "eligible trade-in vehicle" means an automobile or a work truck (as such terms are defined in section 32901(a) of title 49, United States Code) that, at the time it is presented for trade-in under this section—

(A) is in drivable condition;

(B) has been continuously insured consistent with the applicable State law and registered to the same owner

for a period of not less than 1 year immediately prior to such trade-in;

(C) was manufactured less than 25 years before the date of the trade-in; and

(D) in the case of an automobile, has a combined fuel economy value of 18 miles per gallon or less;

(8) the term "new fuel efficient automobile" means an automobile described in paragraph (1), (2), (3), or (4)—

(A) the equitable or legal title of which has not been transferred to any person other than the ultimate purchaser;

(B) that carries a manufacturer's suggested retail price of $45,000 or less;

(C) that—

(i) in the case of passenger automobiles, category 1 trucks, or category 2 trucks, is certified to applicable standards under section 86.1811–04 of title 40, Code of Federal Regulations; or

(ii) in the case of category 3 trucks, is certified to the applicable vehicle or engine standards under section 86.1816–08, 86–007–11, or 86.008–10 of title 40, Code of Federal Regulations; and

(D) that has the combined fuel economy value of at least—

(i) 22 miles per gallon for a passenger automobile;

(ii) 18 miles per gallon for a category 1 truck; or

(iii) 15 miles per gallon for a category 2 truck;

(9) the term "Program" means the Consumer Assistance to Recycle and Save Program established by this section;

(10) the term "qualifying lease" means a lease of an automobile for a period of not less than 5 years;

(11) the term "scrappage value" means the amount received by the dealer for a vehicle upon transferring title of such vehicle to the person responsible for ensuring the dismantling and destroying of the vehicle;

(12) the term "Secretary" means the Secretary of Transportation acting through the National Highway Traffic Safety Administration;

(13) the term "ultimate purchaser" means, with respect to any new automobile, the first person who in good faith purchases such automobile for purposes other than resale;

(14) the term "vehicle identification number" means the 17 character number used by the automobile industry to identify individual automobiles; and

(15) the term "voucher" means an electronic transfer of funds to a dealer based on an eligible transaction under this program.

(j) APPROPRIATION.—There is hereby appropriated to the Secretary of Transportation $1,000,000,000, of which up to $50,000,000 is available for administration, to remain available until expended to carry out this section.

TITLE XIV

OTHER MATTERS

INTERNATIONAL ASSISTANCE PROGRAMS

INTERNATIONAL MONETARY PROGRAMS

UNITED STATES QUOTA, INTERNATIONAL MONETARY FUND

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,973,100,000 Special Drawing Rights, to remain available until expended: *Provided*, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): *Provided further*, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: *Provided further,* That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

LOANS TO INTERNATIONAL MONETARY FUND

For loans to the International Monetary Fund under section 17(a)(2) and (b)(2) of the Bretton Woods Agreements Act (Public Law 87–490, 22 U.S.C. 286e–2), as amended by this Act pursuant to the New Arrangements to Borrow, the dollar equivalent of up to 75,000,000,000 Special Drawing Rights, to remain available until expended, in addition to any amounts previously appropriated under section 17 of such Act: *Provided*, That if the United States agrees to an expansion of its credit arrangement in an amount less than the dollar equivalent of 75,000,000,000 Special Drawing Rights, any amount over the United States' agreement shall not be available until further appropriated: *Provided further*, That the cost of the amounts provided herein shall be determined as provided under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et. seq.): *Provided further*, That for purposes of section 502(5) of the Federal Credit Reform Act of 1990, the discount rate in section 502(5)(E) shall be adjusted for market risks: *Provided further*, That section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply.

GENERAL PROVISIONS—INTERNATIONAL ASSISTANCE PROGRAMS

SEC. 1401. Section 17 of the Bretton Woods Agreements Act (22 U.S.C. 286e–2) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" before "In order to"; and

(B) by adding at the end the following:

Loans.
Reports.

"(2) In order to carry out the purposes of a one-time decision of the Executive Directors of the International Monetary Fund (the Fund) to expand the resources of the New Arrangements to Borrow, established pursuant to the decision of January 27, 1997 referred to in paragraph (1) above, and to make other amendments to the New Arrangements to Borrow to achieve an expanded and more flexible New Arrangements to Borrow as contemplated by paragraph 17 of the G–20

Leaders' Statement of April 2, 2009 in London, the Secretary of the Treasury is authorized to instruct the United States Executive Director to consent to such amendments notwithstanding subsection (d) of this section, and to make loans, in an amount not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section and limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund: *Provided,* That prior to instructing the United States Executive Director to provide consent to such amendments, the Secretary of the Treasury shall consult with the appropriate congressional committees on the amendments to be made to the New Arrangements to Borrow, including guidelines and criteria governing the use of its resources; the countries that have made commitments to contribute to the New Arrangements to Borrow and the amount of such commitments; and the steps taken by the United States to expand the number of countries so the United States share of the expanded New Arrangements to Borrow is representative of its share as of the date of enactment of this Act: *Provided further,* That any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.".

Consultation. Guidelines.

and

(2) in subsection (b)—

(A) by inserting "(1)" before "For the purpose of";

(B) by inserting "subsection (a)(1) of" after "pursuant to"; and

(C) by adding at the end the following:

"(2) For the purpose of making loans to the International Monetary Fund pursuant to subsection (a)(2) of this section, there is hereby authorized to be appropriated not to exceed the dollar equivalent of 75,000,000,000 Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation, the Secretary of the Treasury shall report to Congress on whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding, to remain available until expended to meet calls by the Fund. Any payments made to the United States by the Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the Fund.".

Loans. Reports.

SEC. 1402. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

"SEC. 64. ACCEPTANCE OF AMENDMENTS TO THE ARTICLES OF AGREEMENT OF THE FUND.

22 USC 286pp.

"The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolutions numbered 63–2 and 63–3 of the

Board of Governors of the Fund which were approved by such Board on April 28, 2008 and May 5, 2008, respectively.

22 USC 286qq.

"SEC. 65. QUOTA INCREASE.

"(a) IN GENERAL.—The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 4,973,100,000 Special Drawing Rights.

"(b) SUBJECT TO APPROPRIATIONS.—The authority provided by subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

22 USC 286rr.

"SEC. 66. APPROVAL TO SELL A LIMITED AMOUNT OF THE FUND'S GOLD.

"(a) The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the sale of up to 12,965,649 ounces of the Fund's gold acquired since the second Amendment to the Fund's Articles of Agreement, only if such sales are consistent with the guidelines agreed to by the Executive Board of the Fund described in the Report of the Managing Director to the International Monetary and Financial Committee on a New Income and Expenditure Framework for the International Monetary Fund (April 9, 2008) to prevent disruption to the world gold market: *Provided,* That at least 30 days prior to any such vote, the Secretary shall consult with the appropriate congressional committees regarding the use of proceeds from the sale of such gold: *Provided further,* That the Secretary of the Treasury shall seek to ensure that:

Deadline.
Consultation.

"(1) the Fund will provide support to low-income countries that are eligible for the Poverty Reduction and Growth Facility or other low-income lending from the Fund by making available Fund resources of not less than $4,000,000,000;

"(2) such Fund resources referenced above will be used to leverage additional support by a significant multiple to provide loans with substantial concessionality and debt service payment relief and/or grants, as appropriate to a country's circumstances:

"(3) support provided through forgiveness of interest on concessional loans will be provided for not less than two years; and

"(4) the support provided to low-income countries occurs within six years, a substantial amount of which shall occur within the initial two years.

"(b) In addition to agreeing to and accepting the amendments referred to in section 64 of this Act relating to the use of proceeds from the sale of such gold, the United States Governor is authorized, consistent with subsection (a), to take such actions as may be necessary, including those referred to in section 5(e) of this Act, to also use such proceeds for the purpose of assisting low-income countries.

22 USC 286ss.

"SEC. 67. ACCEPTANCE OF AMENDMENT TO THE ARTICLES OF AGREEMENT OF THE FUND.

"The United States Governor of the Fund may agree to and accept the amendment to the Articles of Agreement of the Fund as proposed in the resolution numbered 54–4 of the Board of Governors of the Fund which was approved by such Board on October 22, 1997: *Provided,* That not more than one year after the acceptance of such amendments to the Fund's Articles of Agreement,

Deadline.
Reports.

the Secretary of the Treasury shall submit a report to the appropriate congressional committees analyzing Special Drawing Rights, to include a discussion of how those countries that significantly use or acquire Special Drawing Rights in accordance with Article XIX, Section 2(c), use or acquire them; the extent to which countries experiencing balance of payment difficulties exchange or use their Special Drawing Rights to acquire reserve currencies; and the manner in which those reserve currencies are acquired when utilizing Special Drawing Rights.".

Deadline. Consultation. Reports.

SEC. 1403. (a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury, in consultation with the Executive Director of the World Bank and the Executive Board of the International Monetary Fund (the Fund), shall submit a report to the appropriate congressional committees detailing the steps taken to coordinate the activities of the World Bank and the Fund to avoid duplication of missions and programs, and steps taken by the Department of the Treasury and the Fund to increase the oversight and accountability of the Fund's activities.

Definition.

(b) For the purposes of this title, "appropriate congressional committees" means the Committees on Appropriations, Banking, Housing, and Urban Affairs, and Foreign Relations of the Senate, and the Committees on Appropriations, Foreign Affairs, and Financial Services of the House of Representatives.

Recommendations.

(c) In the next report to Congress on international economic and exchange rate policies, the Secretary of the Treasury shall: (1) report on ways in which the Fund's surveillance function under Article IV could be enhanced and made more effective in terms of avoiding currency manipulation; (2) report on the feasibility and usefulness of publishing the Fund's internal calculations of indicative exchange rates; and (3) provide recommendations on the steps that the Fund can take to promote global financial stability and conduct effective multilateral surveillance.

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

22 USC 262p–11.

SEC. 1404. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–8) is amended by adding at the end the following: "The Secretary of the Treasury shall instruct the United States Executive Director at each of the International Financial Institutions (as defined in section 1701(c)(2) of this Act) to use the voice and vote of the United States to oppose the provision of loans or other use of the funds of the respective institution to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism.".

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 14101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 14102. (a) OVERSEAS DEPLOYMENTS DESIGNATIONS.—Except as provided in subsections (b) and (c), each amount in this Act is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(b) EMERGENCY DESIGNATIONS.—Each amount in titles I, II, IV, V, VII, VIII, IX, XII, XIII, XIV, and VI except for amounts under the heading "Coast Guard Operating Expenses" is designated as necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) Subsection (a) shall not apply to the amounts rescinded in section 309 for "Operation and Maintenance, Marine Corps", "Operation and Maintenance, Air Force", and "Operation and Maintenance, Army Reserve".

Detainees.
Cuba.
President.
Classified information.

SEC. 14103. (a) None of the funds made available in this or any prior Act may be used to release an individual who is detained as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia.

(b) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, for the purpose of detention in the continental United States, Alaska, Hawaii, or the District of Columbia, except as provided in subsection (c).

Deadline.

(c) None of the funds made available in this or any prior Act may be used to transfer an individual who is detained, as of the date of enactment of this Act, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan detailed in subsection (d) is received.

Plans.

(d) The President shall submit to the Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of the date of enactment of this Act. Such plan shall include, at a minimum, each of the following for each such individual:

(1) The findings of an analysis regarding any risk to the national security of the United States that is posed by the transfer of the individual.

(2) The costs associated with transferring the individual in question.

(3) The legal rationale and associated court demands for transfer.

(4) A plan for mitigation of any risk described in paragraph (1).

Notification.
Certification.
Deadline.

(5) A copy of a notification to the Governor of the State to which the individual will be transferred or to the Mayor

of the District of Columbia if the individual will be transferred to the District of Columbia with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(e) None of the funds made available in this or any prior Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of the date of enactment of this Act, to the country of such individual's nationality or last habitual residence or to any other country other than the United States, unless the President submits to the Congress, in classified form 15 days prior to such transfer, the following information: Deadline.

(1) The name of any individual to be transferred or released and the country to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with another country for acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act. Reports.

This Act may be cited as the "Supplemental Appropriations Act, 2009".

Approved June 24, 2009.

LEGISLATIVE HISTORY—H.R. 2346 (S. 1054):

HOUSE REPORTS: Nos. 111–105 (Comm. on Appropriations) and 111–151 (Comm. of Conference).

SENATE REPORTS: No. 111–20 (Comm. on Appropriations) accompanying S. 1054.

CONGRESSIONAL RECORD, Vol. 155 (2009):

May 14, considered and passed House.

May 19–21, considered and passed Senate, amended.

June 16, House agreed to conference report.

June 17, 18, Senate considered and agreed to conference report.

Public Law 111–33
111th Congress

Joint Resolution

June 26, 2009
[H.J. Res. 40]

To honor the achievements and contributions of Native Americans to the United States, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Native American Heritage Day Act of 2009.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Heritage Day Act of 2009".

SEC. 2. FINDINGS.

Congress finds that—

(1) Native Americans are the descendants of the aboriginal, indigenous, native people who were the original inhabitants of and who governed the lands that now constitute the United States;

(2) Native Americans have volunteered to serve in the United States Armed Forces and have served with valor in all of the Nation's military actions from the Revolutionary War through the present day, and in most of those actions, more Native Americans per capita served in the Armed Forces than any other group of Americans;

(3) Native American tribal governments included the fundamental principles of freedom of speech and separation of governmental powers;

(4) Native Americans have made distinct and significant contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

(5) Native Americans should be recognized for their contributions to the United States as local and national leaders, artists, athletes, and scholars;

(6) nationwide recognition of the contributions that Native Americans have made to the fabric of American society will afford an opportunity for all Americans to demonstrate their respect and admiration of Native Americans for their important contributions to the political, cultural, and economic life of the United States;

(7) nationwide recognition of the contributions that Native Americans have made to the Nation will encourage self-esteem, pride, and self-awareness in Native Americans of all ages;

(8) designation of the Friday following Thanksgiving of each year as Native American Heritage Day will underscore

the government-to-government relationship between the United States and Native American governments;

(9) designation of Native American Heritage Day will encourage public elementary and secondary schools in the United States to enhance understanding of Native Americans by providing curricula and classroom instruction focusing on the achievements and contributions of Native Americans to the Nation; and

(10) the Friday immediately succeeding Thanksgiving Day of each year would be an appropriate day to designate as Native American Heritage Day.

SEC. 3. HONORING NATIVE AMERICAN HERITAGE IN THE UNITED STATES.

Congress encourages the people of the United States, as well as Federal, State, and local governments, and interested groups and organizations to honor Native Americans, with activities relating to—

(1) appropriate programs, ceremonies, and activities to observe Native American Heritage Day;

(2) the historical status of Native American tribal governments as well as the present day status of Native Americans;

(3) the cultures, traditions, and languages of Native Americans; and

(4) the rich Native American cultural legacy that all Americans enjoy today.

Approved June 26, 2009.

LEGISLATIVE HISTORY—H.J. Res. 40:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 2, considered and passed House.
June 9, considered and passed Senate.

Public Law 111–34
111th Congress

An Act

June 30, 2009
[H.R. 813]

To designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, shall be known and designated as the "J. Herbert W. Small Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Herbert W. Small Federal Building and United States Courthouse".

Approved June 30, 2009.

LEGISLATIVE HISTORY—H.R. 813:

HOUSE REPORTS: No. 111–27 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 10, considered and passed House.
June 17, considered and passed Senate.

Public Law 111–35
111th Congress

An Act

To designate the Federal building located at 799 United Nations Plaza in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building".

June 30, 2009
[H.R. 837]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 799 United Nations Plaza in New York, New York, shall be known and designated as the "Ronald H. Brown United States Mission to the United Nations Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Ronald H. Brown United States Mission to the United Nations Building".

Approved June 30, 2009.

LEGISLATIVE HISTORY—H.R. 837:

HOUSE REPORTS: No. 111–28 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 10, considered and passed House.
June 17, considered and passed Senate.

Public Law 111–36
111th Congress

An Act

June 30, 2009
[H.R. 2344]

To amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Webcaster Settlement Act of 2009.
17 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Webcaster Settlement Act of 2009".

SEC. 2. AUTHORIZATION OF AGREEMENTS.

Section 114(f)(5) of title 17, United States Code, is amended—

(1) in subparagraph (D), by striking "2008" and inserting "2008, the Webcaster Settlement Act of 2009,";

(2) in subparagraph (E)(iii), by striking "to make eligible nonsubscription transmissions and ephemeral recordings"; and

(3) in subparagraph (F), by striking "February 15, 2009" and inserting "at 11:59 p.m. Eastern time on the 30th day after the date of the enactment of the Webcaster Settlement Act of 2009".

Approved June 30, 2009.

LEGISLATIVE HISTORY—H.R. 2344:

HOUSE REPORTS: No. 111–139 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 9, considered and passed House.
June 17, considered and passed Senate.

Public Law 111–37
111th Congress

An Act

To amend title 38, United States Code, to provide for an increase, effective December 1, 2009, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, to codify increases in the rates of such compensation that were effective as of December 1, 2008, and for other purposes.

June 30, 2009
[S. 407]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Veterans' Compensation Cost-of-Living Adjustment Act of 2009.
38 USC 101 note.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2009".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

38 USC 1114 note.

(a) RATE ADJUSTMENT.—Effective on December 1, 2009, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2009, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) WARTIME DISABILITY COMPENSATION.—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount under section 1162 of such title.

(4) DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2009, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) ROUNDING.—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

38 USC 1114 note.

(d) SPECIAL RULE.—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

Federal Register, publication. 38 USC 1114 note.

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under subsection (a), not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2010.

SEC. 3. CODIFICATION OF 2008 COST-OF-LIVING ADJUSTMENT IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "$117" and inserting "$123";

(2) in subsection (b), by striking "$230" and inserting "$243";

(3) in subsection (c), by striking "$356" and inserting "$376";

(4) in subsection (d), by striking "$512" and inserting "$541";

(5) in subsection (e), by striking "$728" and inserting "$770";

(6) in subsection (f), by striking "$921" and inserting "$974";

(7) in subsection (g), by striking "$1,161" and inserting "$1,228";

(8) in subsection (h), by striking "$1,349" and inserting "$1,427";

(9) in subsection (i), by striking "$1,517" and inserting "$1,604";

(10) in subsection (j), by striking "$2,527" and inserting "$2,673";

(11) in subsection (k)—

(A) by striking "$91" both places it appears and inserting "$96"; and

(B) by striking "$3,145" and "$4,412" and inserting "$3,327" and "$4,667", respectively;

(12) in subsection (l), by striking "$3,145" and inserting "$3,327";

(13) in subsection (m), by striking "$3,470" and inserting "$3,671";

(14) in subsection (n), by striking "$3,948" and inserting "$4,176";

(15) in subsections (o) and (p), by striking "$4,412" each place it appears and inserting "$4,667";

(16) in subsection (r), by striking "$1,893" and "$2,820" and inserting "$2,002" and "$2,983", respectively; and

(17) in subsection (s), by striking "$2,829" and inserting "$2,993".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking "$142" and inserting "$150";

(2) in subparagraph (B), by striking "$245" and "$71" and inserting "$259" and "$75", respectively;

(3) in subparagraph (C), by striking "$96" and "$71" and inserting "$101" and "$75", respectively;

(4) in subparagraph (D), by striking "$114" and inserting "$120";

(5) in subparagraph (E), by striking "$271" and inserting "$286"; and

(6) in subparagraph (F), by striking "$227" and inserting "$240".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking "$677" and inserting "$716".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking "$1,091" and inserting "$1,154"; and

(B) in paragraph (2), by striking "$233" and inserting "$246".

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$1,154	W–4	$1,380
E–2	$1,154	O–1	$1,219
E–3	$1,154	O–2	$1,260
E–4	$1,154	O–3	$1,347
E–5	$1,154	O–4	$1,427
E–6	$1,154	O–5	$1,571
E–7	$1,194	O–6	$1,771
E–8	$1,260	O–7	$1,912
E–9	$1,314[1]	O–8	$2,100
W–1	$1,219	O–9	$2,246
W–2	$1,267	O–10	$2,463[2]
W–3	$1,305		

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,419.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,643.".

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking "$271" and inserting "$286";

(B) in subsection (c), by striking "$271" and inserting "$286"; and

(C) in subsection (d), by striking "$128" and inserting "$135".

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking "$462" and inserting "$488";

(B) in paragraph (2), by striking "$663" and inserting "$701";

(C) in paragraph (3), by striking "$865" and inserting "$915"; and

(D) in paragraph (4), by striking "$865" and "$165" and inserting "$915" and "$174", respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking "$271" and inserting "$286";

(B) in subsection (b), by striking "$462" and inserting "$488"; and

(C) in subsection (c), by striking "$230" and inserting "$243".

(f) DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE TO PARENTS.—Section 1315 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "$163" and inserting "$569"; and

(B) in paragraph (3), by striking "$4,038" and inserting "$13,456";

(2) in subsection (c)—

(A) in paragraph (1), by striking "$115" and inserting "$412"; and

(B) in paragraph (3), by striking "$4,038" and inserting "$13,456";

(3) in subsection (d)—

(A) in paragraph (1), by striking "$109" and inserting "$387"; and

(B) in paragraph (3), by striking "$5,430" and inserting "$18,087"; and

(4) in subsection (g), by striking "$85" and inserting "$308".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2008. 38 USC 1114 note.

Approved June 30, 2009.

LEGISLATIVE HISTORY—S. 407 (H.R. 1513):

HOUSE REPORTS: No. 111–56 (Comm. on Veterans' Affairs) accompanying H.R. 1513.
SENATE REPORTS: No. 111–24 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 10, considered and passed Senate.
June 23, considered and passed House.

Public Law 111–38
111th Congress

An Act

June 30, 2009
[S. 615]

To provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

5 USC app. 8G note.

SECTION 1. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

"(1) PERSONNEL.—

"(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(B) ADDITIONAL AUTHORITIES.—

"(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

"(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

"(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

"(II) no period of appointment may exceed the date on which the Office of the Special Inspector

General for Afghanistan Reconstruction terminates under subsection (o).".

Approved June 30, 2009.

LEGISLATIVE HISTORY—S. 615:

SENATE REPORTS: No. 111–15 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 30, considered and passed Senate.
June 15, considered and passed House.

Public Law 111–39
111th Congress

An Act

July 1, 2009
[H.R. 1777]

To make technical corrections to the Higher Education Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.
Sec. 2. References.
Sec. 3. Effective date.

TITLE I—GENERAL PROVISIONS

Sec. 101. General provisions.

TITLE II—TEACHER QUALITY ENHANCEMENT

Sec. 201. Teacher quality enhancement.

TITLE III—INSTITUTIONAL AID

Sec. 301. Institutional aid.
Sec. 302. Multiagency study of minority science programs.

TITLE IV—STUDENT ASSISTANCE

Sec. 401. Grants to students in attendance at institutions of higher education.
Sec. 402. Federal Family Education Loan Program.
Sec. 403. Federal work-study programs.
Sec. 404. Federal Direct Loan Program.
Sec. 405. Federal Perkins Loans.
Sec. 406. Need analysis.
Sec. 407. General provisions of title IV.
Sec. 408. Program integrity.
Sec. 409. Waiver of master calendar and negotiated rulemaking requirements.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 501. Developing institutions.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 601. International education programs.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

Sec. 701. Graduate and postsecondary improvement programs.

TITLE VIII—ADDITIONAL PROGRAMS

Sec. 801. Additional programs.
Sec. 802. Amendments to other higher education Acts.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall

be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. EFFECTIVE DATE.

20 USC 1001 note.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if enacted on the date of enactment of the Higher Education Opportunity Act (Public Law 110–315).

TITLE I—GENERAL PROVISIONS

SEC. 101. GENERAL PROVISIONS.

(a) HIGHER EDUCATION OPPORTUNITY ACT.—

(1) GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—Section 101(b) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking "July 1, 2010" and inserting "the date of enactment of this Act". 20 USC 1001 note.

(2) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—Section 102(e) of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking the period at the end and inserting ", except that, with respect to foreign nursing schools that were eligible to participate in part B of title IV as of the day before the date of enactment of this Act, the amendments made by subsection (a)(1)(D) shall take effect on July 1, 2012.". Effective date. 20 USC 1002 note.

(b) HIGHER EDUCATION ACT OF 1965.—Title I (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(D) (20 U.S.C. 1002(a)(2)(D)), by striking "under part B" and inserting "under part B of title IV";

(2) in section 111(b) (20 U.S.C. 1011(b)), by striking "With" and inserting "with";

(3) in section 131(a)(3)(A)(iii)(I) (20 U.S.C. 1015(a)(3)(A)(iii)(I)), by striking "section 428(a)(2)(C)(i)" and inserting "section 428(a)(2)(C)(ii)";

(4) in section 136(d)(1) (20 U.S.C. 1015e(d)(1)), by striking "(Family Educational Rights and Privacy Act of 1974)" and inserting "(commonly known as the 'Family Educational Rights and Privacy Act of 1974')";

(5) in section 141 (20 U.S.C. 1018)—

(A) in the matter preceding subparagraph (A) of subsection (c)(3), by striking "under this title" and inserting "under title IV"; and

(B) in subsection (d)(3), by striking "appropriate committees of Congress" and inserting "authorizing committees";

(6) in section 153(a)(1)(B)(iii)(V) (20 U.S.C. 1019b(a)(1)(B)(iii)(V)), by striking "borrowers who take out loans under" each place the term appears and inserting "borrowers of loans made under"; and

(7) in section 155(a) (20 U.S.C. 1019d(a)), by striking paragraph (4) and inserting the following:

"(4) include a place to provide information on—

"(A) the applicant's cost of attendance at the institution of higher education, as determined by the institution under part F of title IV;

"(B) the applicant's estimated financial assistance, including amounts of financial assistance used to replace the expected family contribution, as determined by the institution, in accordance with title IV, for students who have completed the Free Application for Federal Student Aid; and

"(C) the difference between the amounts under subparagraphs (A) and (B), as applicable; and".

TITLE II—TEACHER QUALITY ENHANCEMENT

SEC. 201. TEACHER QUALITY ENHANCEMENT.

Title II (20 U.S.C. 1021 et seq.) is amended—

(1) in section 200(22) (20 U.S.C. 1021(22)), by striking subparagraph (D) and inserting the following:

"(D) prior to completion of the program—

"(i) attains full State certification or licensure and becomes highly qualified; and

"(ii) acquires a master's degree not later than 18 months after beginning the program.";

(2) in section 202 (20 U.S.C. 1022a)—

(A) in subsection (b)(6)(E)(ii), by striking "section 1111(b)(2)" and inserting "section 1111(b)(1)";

(B) in subsection (c)(1), by striking "pre-baccalaureate";

(C) in subsection (d)—

(i) in the heading, by striking "PRE-BACCALAUREATE" and inserting "THE"; and

(ii) in the matter preceding paragraph (1), by striking "An eligible partnership that receives a grant to carry out an effective program for the pre-baccalaureate preparation of teachers shall carry out a program that includes all of the following:" and inserting "An eligible partnership that receives a grant to carry out a program for the preparation of teachers shall carry out an effective pre-baccalaureate teacher preparation program or a 5th year initial licensing program that includes all of the following:";

(D) in subsection (e)(2)—

(i) in subparagraph (A)(ii), by striking "to earn" and inserting "leading to"; and

(ii) in subparagraph (C)—

(I) in clause (i), by striking "one-year" before "teaching residency program"; and

(II) in clause (iii)(I), by striking "one-year"; and

(E) in subsection (i)(3), by striking "consent of" and inserting "consent to"; and

(3) in section 231(a)(1) (20 U.S.C. 1032(a)(1)), by striking "serve graduate" and inserting "assist in the graduation of".

TITLE III—INSTITUTIONAL AID

SEC. 301. INSTITUTIONAL AID.

Title III (20 U.S.C. 1051 et seq.) is amended—

(1) in section 316 (20 U.S.C. 1059c)—

(A) in subsection (a), by striking "Indian Tribal" and inserting "Tribal"; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "the Tribally Controlled College or University Assistance Act of 1978" and inserting "the Tribally Controlled Colleges and Universities Assistance Act of 1978";

(ii) in paragraph (2), by striking "the Tribally Controlled College or University Assistance Act of 1978" and inserting "the Tribally Controlled Colleges and Universities Assistance Act of 1978"; and

(iii) in paragraph (3)(A), by striking "the Navajo Community College Assistance Act of 1978" and inserting "the Navajo Community College Act";

(2) in section 318(b)(1) (20 U.S.C. 1059e(b)(1)), by striking subparagraph (F) and inserting the following:

"(F) is not receiving assistance under—

"(i) part B;

"(ii) part A of title V; or

"(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).";

(3) in section 323(a) (20 U.S.C. 1062(a)), in the matter preceding paragraph (1), by striking "in any fiscal year" and inserting "for any fiscal year,";

(4) in section 324(d) (20 U.S.C. 1063(d))—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking "Notwithstanding subsections (a)" and inserting "(1) Notwithstanding subsections (a)"; and

(C) by adding at the end the following:

"(2) If the amount appropriated pursuant to section 399(a)(2)(A) for any fiscal year is not sufficient to pay the minimum allotment required by paragraph (1) to all part B institutions, the amount of such minimum allotments shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocations shall be increased on the same basis as the basis on which they were reduced (until the amount allotted equals the minimum allotment required by paragraph (1)).";

(5) in section 351(a) (20 U.S.C. 1067a(a))—

(A) by striking "section 304(a)(1)" and inserting "section 303(a)(1)"; and

(B) by striking "of 1979";

(6) in section 355(a) (20 U.S.C. 1067e(a)), by striking "302" and inserting "312";

(7) in section 371(c) (20 U.S.C. 1067q(c))—

(A) in paragraph (3)(D), by striking "402A(g)" and inserting "402A(h)";

(B) in paragraph (4), by striking "402A(g)" and inserting "402A(h)"; and

(C) in paragraph (9)—

(i) in subparagraph (C)(iii), by striking "402A(g)" and inserting "402A(h)"; and

(ii) by amending subparagraph (F) to read as follows:

"(F) is not receiving assistance under—

"(i) part B;

"(ii) part A of title V; or

"(iii) an annual authorization of appropriations under the Act of March 2, 1867 (14 Stat. 438; 20 U.S.C. 123).."; and

(8) in section 392(a)(6) (20 U.S.C. 1068a(a)(6)), by striking "College or University" and inserting "Colleges and Universities".

SEC. 302. MULTIAGENCY STUDY OF MINORITY SCIENCE PROGRAMS.

Section 1024 (20 U.S.C. 1067d) is repealed.

TITLE IV—STUDENT ASSISTANCE

SEC. 401. GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION.

(a) AMENDMENTS.—Part A of title IV (20 U.S.C. 1070 et seq.) is amended—

(1) in section 400(b) (20 U.S.C. 1070(b)), by striking "1 through 8" and inserting "1 through 9";

(2) in section 401 (20 U.S.C. 1070a)—

(A) in the second sentence of subsection (a)(1), by striking "manner,," and inserting "manner,";

(B) in subsection (b)(1), by striking "section 401" and inserting "this section"; and

(C) in subsection (b)(9)(A)—

(i) in clause (vi), by striking "$105,000,000" and inserting "$258,000,000"; and

(ii) in clause (viii), by striking "$4,400,000,000" and inserting "$4,452,000,000";

(3) by striking paragraph (4) of section 401(f) (20 U.S.C. 1070a(f)), as added by section 401(c) of the Higher Education Opportunity Act (Public Law 110–315);

(4) in section 402A (20 U.S.C. 1070a–11)—

(A) in subsection (b)(1), by striking "organizations including" and inserting "organizations, including"; and

(B) in subsection (c)(8)(C)(iv)(I), by inserting "to be" after "determined";

(5) in section 402E(d)(2)(C) (20 U.S.C. 1070a–15(d)(2)(C)), by striking "320." and inserting "320";

(6) in section 415E(b)(1)(B) (20 U.S.C. 1070c–3a(b)(1)(B))—

(A) in clause (i), by striking "If a" and inserting "Except as provided in clause (ii), if a";

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) (as amended by subparagraph (A)) the following:

"(ii) SPECIAL CONTINUATION AND TRANSITION RULE.—If a State that applied for and received an allotment under this section for fiscal year 2010 pursuant to subsection (j) meets the specifications established in the State's application under subsection (c) for fiscal year 2011, then the Secretary shall make an allotment to such State for fiscal year 2011 that is not less than the allotment made pursuant to subsection (j) to such State for fiscal year 2010 under this section (as this section was in effect on the day

before the date of enactment of the Higher Education Opportunity Act (Public Law 110–315)).";

(7) in section 419C(b)(1) (20 U.S.C. 1070d–33(b)(1)), by inserting "and" after the semicolon at the end;

(8) in section 419D(d) (20 U.S.C. 1070d–34(d)), by striking "1134" and inserting "134"; and

(9) by adding at the end the following:

"Subpart 10—Scholarships for Veteran's Dependents

"SEC. 420R. SCHOLARSHIPS FOR VETERAN'S DEPENDENTS.

20 USC 1070h note.

"(a) DEFINITION OF ELIGIBLE VETERAN'S DEPENDENT.—The term 'eligible veteran's dependent' means a dependent or an independent student—

"(1) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

"(2) who, at the time of the parent or guardian's death, was—

"(A) less than 24 years of age; or

"(B) enrolled at an institution of higher education on a part-time or full-time basis.

"(b) GRANTS.—

"(1) IN GENERAL.—The Secretary shall award a grant to each eligible veteran's dependent to assist in paying the eligible veteran's dependent's cost of attendance at an institution of higher education.

"(2) DESIGNATION.—Grants made under this section shall be known as 'Iraq and Afghanistan Service Grants'.

"(c) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran's dependent may receive a grant under both this section and section 401.

"(d) TERMS AND CONDITIONS.—The Secretary shall award grants under this section in the same manner, and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under section 401, except that—

"(1) the award rules and determination of need applicable to the calculation of Federal Pell Grants, shall not apply to grants made under this section;

"(2) the provisions of subsection (a)(3), subsection (b)(1), the matter following subsection (b)(2)(A)(v), subsection (b)(3), and subsection (f), of section 401 shall not apply; and

"(3) a grant made under this section to an eligible veteran's dependent for any award year shall equal the maximum Federal Pell Grant available for that award year, except that such a grant under this section—

"(A) shall not exceed the cost of attendance of the eligible veteran's dependent for that award year; and

"(B) shall be adjusted to reflect the attendance by the eligible veteran's dependent on a less than full-time basis in the same manner as such adjustments are made under section 401.

"(e) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, a grant awarded under this section

shall not be treated as estimated financial assistance as described in sections 471(3) and 480(j).

"(f) AUTHORIZATION AND APPROPRIATIONS OF FUNDS.—There are authorized to be appropriated, and there are appropriated, out of any money in the Treasury not otherwise appropriated, for the Secretary to carry out this section, such sums as may be necessary for fiscal year 2010 and each succeeding fiscal year.".

20 USC 1070h note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a)(9) shall take effect on July 1, 2010.

20 USC 1070a–25 note.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 404 of the Higher Education Opportunity Act (Public Law 110–315) is amended by adding at the end the following new subsection:

"(i) EFFECTIVE DATE; TRANSITION.—

Applicability.

"(1) IN GENERAL.—The amendments made by subsection (e) shall apply to grants made under chapter 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) on or after the date of enactment of this Act, except that a recipient of a grant under such chapter that is made prior to such date may elect to apply the requirements contained in the amendments made by subsection (e) to that grant if the grant recipient informs the Secretary of the election.

"(2) SPECIAL RULE.—A grant recipient may make the election described in paragraph (1) only if the election does not decrease the amount of the scholarship promised to an individual student under the grant.".

SEC. 402. FEDERAL FAMILY EDUCATION LOAN PROGRAM.

(a) AMENDMENT TO PROVISION AMENDED BY THE COLLEGE COST REDUCTION AND ACCESS ACT.—

(1) IN GENERAL.—Section 428(b)(1)(G)(i) (20 U.S.C. 1078(b)(1)(G)(i)), as amended by section 303 of the College Cost Reduction and Access Act (Public Law 110–84), is amended by striking "or 439(q)".

Applicability. 20 USC 1078 note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendment in section 303(a) of the College Cost Reduction and Access Act (Public Law 110–84), shall take effect on October 1, 2012, and shall apply with respect to loans made on or after such date.

(b) ENTRANCE COUNSELING FUNCTIONS.—

(1) GUARANTY AGENCIES.—Section 428(b)(3) (20 U.S.C. 1078(b)(3)) is amended—

(A) in subparagraph (C), by inserting "or 485(l)" after "section 485(b)"; and

(B) in subparagraph (D), by inserting "or 485(l)" after "section 485(b)".

(2) ELIGIBLE LENDERS.—Section 435(d)(5) (20 U.S.C. 1085(d)(5)) is amended—

(A) in subparagraph (E), by inserting "or 485(l)" after "section 485(b)"; and

(B) in subparagraph (F), by inserting "or 485(l)" after "section 485(b)".

(c) AMENDMENT TO PROVISION AMENDED BY THE HIGHER EDUCATION OPPORTUNITY ACT.—

(1) IN GENERAL.—Section 428C(c)(3)(A) (20 U.S.C. 1078–3(c)(3)(A)), as amended by section 425 of the Higher Education

Opportunity Act (Public Law 110–315), is amended by striking "section 493C" and inserting "section 493C,".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if enacted as part of the amendments in section 425(d)(1) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2009. 20 USC 1078–3 note.

(d) REHABILITATION OF STUDENT LOANS.—

(1) Section 428F (20 U.S.C. 1078–6) is amended—

(A) in subsection (a)—

(i) by amending paragraph (1) to read as follows:

"(1) SALE OR ASSIGNMENT OF LOAN.—

"(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

"(i) if practicable, sell the loan to an eligible lender; or

"(ii) on or before September 30, 2011, assign the loan to the Secretary if— Deadline.

"(I) the Secretary has determined that market conditions unduly limit a guaranty agency's ability to sell loans under clause (i); and

"(II) the guaranty agency has been unable to sell loans under clause (i).

"(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower's total financial circumstances.

"(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower's credit history.

"(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

"(i) the guaranty agency—

"(I) shall repay the Secretary 81.5 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

"(II) may, in order to defray collection costs—

"(aa) charge to the borrower an amount not to exceed 18.5 percent of the outstanding principal and interest at the time of the loan sale; and

"(bb) retain such amount from the proceeds of the loan sale; and

"(ii) the Secretary shall reinstate the Secretary's obligation to—

"(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend

to discharge the guaranty agency's insurance obligation; and

"(II) pay to the holder of such loan a special allowance pursuant to section 438.

"(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

"(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

"(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

"(F) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

"(G) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.";

(ii) in paragraph (2)—

(I) by striking "paragraph (1) of this subsection" and inserting "paragraph (1)(A)(i)"; and

(II) by striking "paragraph (1)(B)(ii) of this subsection" and inserting "paragraph (1)(D)(ii)(I)";

(iii) in paragraph (3)—

(I) by striking "sold under paragraph (2)" and inserting "sold or assigned under paragraph (1)(A)"; and

(II) by striking "sale." and inserting "sale or assignment.";

(iv) in paragraph (4), by striking "which is sold under paragraph (1) of this subsection" and inserting "that is sold or assigned under paragraph (1)"; and

(v) in paragraph (5), by inserting "(whether by loan sale or assignment)" after "rehabilitating a loan"; and

(B) in subsection (b), in the first sentence, by inserting "or assigned to the Secretary" after "sold to an eligible lender".

20 USC 1078–6. Applicability.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective on the date of enactment of this Act, and shall apply to any loan on which monthly payments described in section 428F(a)(1)(A) were paid before, on, or after such date of enactment.

(e) REPAYMENT IN FULL FOR DEATH AND DISABILITY.—

(1) IN GENERAL.—Section 437(a)(1) (20 U.S.C. 1087(a)(1)), as amended by section 437 of the Higher Education Opportunity Act (Public Law 110–315), is amended—

(A) in the matter preceding subparagraph (A), by striking "Secretary),, or if" and inserting "Secretary), or if"; and

(B) in subparagraph (B), by inserting "the reinstatement and resumption to be" after "determines".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall be effective as if enacted as part of the amendments in section 437(a) of the Higher Education Opportunity Act (Public Law 110–315), and shall take effect on July 1, 2010. 20 USC 1087 note.

(f) OTHER AMENDMENTS.—Part B of title IV (20 U.S.C. 1071 et seq.) is further amended—

(1) in section 428 (20 U.S.C. 1078)—

(A) in subsection (a)(2)(A)(i)(II), by striking "and" after the semicolon at the end;

(B) in subsection (b)—

(i) in the matter following subclause (II) of paragraph (1)(M)(i), by inserting "section" before "428B";

(ii) in paragraph (3)(A)(i), by striking "any institution of higher education or the employees of an institution of higher education" and inserting "any institution of higher education, any employee of an institution of higher education, or any individual or entity";

(iii) in paragraph (4), by striking "For the purpose of paragraph (1)(M)(i)(III) of this subsection," and inserting "With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II),"; and

(iv) in paragraph (7)—

(I) in subparagraph (B), by striking "clause (i) or (ii) of"; and

(II) in subparagraph (D), by striking "subparagraph (A)(i)" and inserting "subparagraph (A)"; and

(C) in subsection (c)(9)(K), by striking "3 months" and inserting "6 months";

(2) in section 428B(e) (20 U.S.C. 1078–2(e))—

(A) in paragraph (3)(B), by striking "subsection (c)(5)(B)" and inserting "subsection (d)(5)(B)"; and

(B) by repealing paragraph (5);

(3) in section 428C (20 U.S.C. 1078–3)—

(A) in subsection (a)(4)(E), by striking "subpart II of part B" and inserting "part E";

(B) in the matter preceding clause (i) of subsection (c)(2)(A)—

(i) by striking "subsection (b)(2)(F)" and inserting "subsection (b)(2)"; and

(ii) by inserting a comma after "graduated";

(C) in subsection (d)(3)(D), by striking "loan insurance fund" and inserting "loan insurance account"; and

(D) in subsection (f)(3), by striking "subsection (a)" and inserting "this subsection";

(4) in section 428G(c) (20 U.S.C. 1078–7(c))—

(A) in paragraph (1), by striking "section 428(a)(2)(A)(i)(III)" and inserting "section 428(a)(2)(A)(i)(II)"; and

(B) by striking paragraph (3) and inserting the following:

"(3) notwithstanding subsection (a)(2), may, with the permission of the borrower, be disbursed by the lender on

a weekly or monthly basis, provided that the proceeds of the loan are disbursed by the lender in substantially equal weekly or monthly installments, as the case may be, over the period of enrollment for which the loan is made.";

(5) in section 428H (20 U.S.C. 1078–8)—

(A) in subsection (d), by amending the text of the header of paragraph (2) to read as follows: "LIMITS FOR GRADUATE, PROFESSIONAL, AND INDEPENDENT POSTBACCALAUREATE STUDENTS"; and

(B) in subsection (e), by amending paragraph (6) to read as follows:

"(6) REPAYMENT PERIOD.—For purposes of calculating the repayment period under section 428(b)(9), such period shall commence at the time the first payment of principal is due from the borrower.";

(6) in section 428J (20 U.S.C. 1078–10)—

(A) in subsection (c)(1), by adding at the end the following: "No borrower may receive a reduction of loan obligations under both this section and section 460."; and

(B) in subsection (g)(2)—

(i) in subparagraph (B), by inserting "or" after the semicolon at the end;

(ii) by striking subparagraph (C);

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(iv) in subparagraph (C), as redesignated by clause (iii), by striking "12571" and inserting "12601";

(7) in section 428K(g)(9)(B) (20 U.S.C. 1078–11(g)(9)(B)), by striking "under subsection (ll)(3) of such section (42 U.S.C. 1395x(ll)(3))" and inserting "under subsection (ll)(4) of such section (42 U.S.C. 1395x(ll)(4))";

(8) in section 430A(f) (20 U.S.C. 1080a(f))—

(A) by striking "and (6)" and inserting "and (5)"; and

(B) by striking "(a)(6)" and inserting "(a)(5)";

(9) in section 432 (20 U.S.C. 1082)—

(A) in subsection (b), by striking "section 1078 of this title" and inserting "section 428"; and

(B) in subsection (m)(1)(B)—

(i) in clause (i), by inserting "and" after the semicolon at the end; and

(ii) in clause (ii), by striking "; and" and inserting a period;

(10) in section 435 (20 U.S.C. 1085)—

(A) in subsection (a)(2)(C)(ii), by striking "a tribally controlled community college within the meaning of section 2(a)(4) of the Tribally Controlled Community College Assistance Act of 1978" and inserting "a tribally controlled college or university, as defined in section 2(a)(4) of the Tribally Controlled Colleges and Universities Assistance Act of 1978";

(B) in subsection (d)—

(i) in paragraph (1)—

(I) in subparagraph (A)(ii)(III), by striking "section 501(1) of such Code" and inserting "section 501(a) of such Code"; and

(II) in subparagraph (G), by striking "sections 428A(d), 428B(d), and 428C," and inserting "sections 428B(d) and 428C,";

(ii) in paragraph (2)(A)(vi), by striking "section 435(m)" and inserting "subsection (m)";

(iii) in paragraph (3), by striking "section 435(m)" and inserting "subsection (m)"; and

(iv) in paragraph (5)(A), by striking "to any institution of higher education or any employee of an institution of higher education in order to secure applicants for loans under this part" and inserting "to any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans under this part";

(C) in subsection (o)(1)(A)(ii), by striking "Service" and inserting "Services"; and

(D) in subsection (p)(1), by striking "section 771" and inserting "section 781"; and

(11) in section 438(b)(2) (20 U.S.C. 1087–1(b)(2))—

(A) in the second sentence of subparagraph (A), by striking "427A(f)" and inserting "427A(i)";

(B) in the first sentence of subparagraph (B)(i), by striking "1954" and inserting "1986"; and

(C) in the second sentence of subparagraph (F), by striking "427A(f)" and inserting "427A(i)".

SEC. 403. FEDERAL WORK-STUDY PROGRAMS.

Section 443 (42 U.S.C. 2753) is amended—

(1) in subsection (b)(2), by striking "section 443" and inserting "this section";

(2) in subsection (d)(1), by striking "subsection (b)(2)(B)" and inserting "subsection (b)(2)(A)"; and

(3) in subsection (e)(1), in the matter preceding subparagraph (A), by striking "in accordance with such subsection".

SEC. 404. FEDERAL DIRECT LOAN PROGRAM.

(a) TEMPORARY AUTHORITY TO PURCHASE LOANS.—Section 459A (20 U.S.C. 1087i–1) is amended—

(1) in subsection (a)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking "purchase of loans under this section" and inserting "purchase of loans under paragraph (1)"; and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) TEMPORARY AUTHORITY TO PURCHASE REHABILITATED LOANS.—

"(A) AUTHORITY.—In addition to the authority described in paragraph (1), the Secretary, in consultation with the Secretary of the Treasury, is authorized to purchase, or enter into forward commitments to purchase, from any eligible lender (as defined in section 435(d)(1)), loans that such lender purchased under section 428F on or after October 1, 2003, and before July 1, 2010, and that are not in default, on such terms as the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget jointly determine are in the best interest of the United States, except that any

Time period.

purchase under this paragraph shall not result in any net cost to the Federal Government (including the cost of servicing the loans purchased), as determined jointly by the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget.

"(B) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget shall jointly publish a notice in the Federal Register prior to any purchase of loans under this paragraph that—

"(i) establishes the terms and conditions governing the purchases authorized by this paragraph;

"(ii) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget will jointly consider in evaluating the price at which to purchase loans rehabilitated pursuant to section 428F(a); and

"(iii) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).";

and

(2) by amending subsection (b) to read as follows:

"(b) PROCEEDS.—The Secretary shall require, as a condition of any purchase under subsection (a), that the funds paid by the Secretary to any eligible lender under this section be used—

"(1) to ensure continued participation of such lender in the Federal student loan programs authorized under part B of this title; and

"(2)(A) in the case of loans purchased pursuant to subsection (a)(1), to originate new Federal loans to students, as authorized under part B of this title; or

"(B) in the case of loans purchased pursuant to subsection (a)(3), to originate such new Federal loans to students, or to purchase loans in accordance with section 428F(a).".

(b) OTHER AMENDMENTS.—Part D of title IV (20 U.S.C. 1087a et seq.) is amended—

(1) by repealing paragraph (3) of section 453(c) (20 U.S.C. 1087c(c));

(2) in section 455 (20 U.S.C. 1087e)—

(A) in subsection (d)(1)(C), by striking "428(b)(9)(A)(v)" and inserting "428(b)(9)(A)(iv)";

(B) in subsection (h), by striking "(except as authorized under section 457(a)(1))"; and

(C) in subsection (k)(1)(B), by striking ", or in a notice under section 457(a)(1),";

(3) by repealing section 457 (20 U.S.C. 1087g); and

(4) in section 460 (20 U.S.C. 1087j)—

(A) in subsection (c)(1), by adding at the end the following: "No borrower may receive a reduction of loan obligations under both this section and section 428J."; and

(B) in subsection (g)(2)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (A) through (C), respectively; and

(iii) in subparagraph (C), as redesignated by clause (ii), by striking "12571" and inserting "12601".

SEC. 405. FEDERAL PERKINS LOANS.

Part E of title IV (20 U.S.C. 1087aa et seq.) is amended—

(1) in section 462(a)(1) (20 U.S.C. 1087bb(a)(1)), by striking subparagraph (A) and inserting the following:

"(A) 100 percent of the amount received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year), multiplied by";

(2) in section 463(c) (20 U.S.C. 1087cc(c))—

(A) in paragraph (2)—

(i) by moving the margins of subparagraph (A) 2 ems to the left; and

(ii) by striking subparagraph (B) and inserting the following:

"(B) information concerning the repayment and collection of any such loan, including information concerning the status of such loan; and"; and

(B) in paragraph (3)—

(i) by striking "and (6)" and inserting "and (5)"; and

(ii) by striking "(a)(6)" and inserting "(a)(5)";

(3) in the first sentence of the matter preceding paragraph (1) of section 463A(a) (20 U.S.C. 1087cc–1(a)), by striking ", in order to carry out the provisions of section 463(a)(8),";

(4) in section 464 (20 U.S.C. 1087dd)—

(A) in subsection (c)—

(i) in paragraph (1)(D)—

(I) by striking "(I)" and inserting "(i)"; and

(II) by striking "(II)" and inserting "(ii)"; and

(ii) in paragraph (2)(A)(iii)—

(I) by aligning the margin of the matter preceding subclause (I) with the margins of clause (ii);

(II) by aligning the margins of subclauses (I) and (II) with the margins of clause (i)(I); and

(III) by aligning the margins of the matter following subclause (II) with the margins of the matter following subclause (II) of clause (i); and

(B) in subsection (g)(5), by striking "credit bureaus" and inserting "consumer reporting agencies";

(5) in section 465(a)(6) (20 U.S.C. 1087ee(a)(6)), by striking "12571" and inserting "12601";

(6) in section 467(b) (20 U.S.C. 1087gg(b)), by striking "paragraph (5)(A), (5)(B)(i), or (6)" and inserting "paragraph (4) or (5)"; and

(7) in section 469(c) (20 U.S.C. 1087ii(c)), by striking "and the term" and all that follows through the period at the end and inserting "and the term 'early intervention services' has the meaning given the term in section 632 of such Act.".

SEC. 406. NEED ANALYSIS.

(a) AMENDMENTS.—Part F of title IV (20 U.S.C. 1087kk et seq.) is amended—

(1) in section 473 (20 U.S.C. 1087mm)—

(A) by striking "For the purpose of this title, except subpart 2 of part A," and inserting "(a) IN GENERAL.—For the purpose of this title, other than subpart 2 of part A, and except as provided in subsection (b),"; and

(B) by adding at the end the following:

"(b) SPECIAL RULE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, the family contribution of each student described in paragraph (2) shall be deemed to be zero for the academic year for which the determination is made.

"(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student with respect to determinations of need for academic year 2009–2010 and succeeding academic years—

"(A) who is eligible to receive a Federal Pell Grant for the academic year for which the determination is made;

"(B) whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001; and

"(C) who, at the time of the parent or guardian's death, was—

"(i) less than 24 years of age; or

"(ii) enrolled at an institution of higher education on a part-time or full-time basis.

"(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs and the Secretary of Defense, as appropriate, shall provide the Secretary of Education with information necessary to determine which students meet the requirements of paragraph (2).";

(2) in section 475(c)(5)(B) (20 U.S.C. 1087oo(c)(5)(B)), by inserting "of 1986" after "Code";

(3) in section 477(b)(5)(B) (20 U.S.C. 1087qq(b)(5)(B)), by inserting "of 1986" after "Code";

(4) in section 479 (20 U.S.C. 1087ss)—

(A) in subsection (b) (as amended by section 602 of the College Cost Reduction and Access Act (Public Law 110–84))—

(i) in paragraph (1)(A)(i), by amending subclause (III) to read as follows:

"(III) include at least one parent who is a dislocated worker; or"; and

(ii) in paragraph (1)(B)(i), by amending subclause (III) to read as follows:

"(III) is a dislocated worker or has a spouse who is a dislocated worker; or"; and

(B) in subsection (c) (as amended by such section 602)—

(i) in paragraph (1)(A), by amending clause (iii) to read as follows:

"(iii) include at least one parent who is a dislocated worker; or"; and

(ii) in paragraph (2)(A), by amending clause (iii) to read as follows:

"(iii) is a dislocated worker or has a spouse who is a dislocated worker; or";

(5) in section 479C (20 U.S.C. 1087uu–1)—

(A) in paragraph (1), by striking "under" and all that follows through "; and" and inserting "under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and"; and

(B) in paragraph (2)—

(i) by striking "Alaskan" and inserting "Alaska";

(ii) by inserting "(43 U.S.C. 1601 et seq.)" before "or the"; and

(iii) by inserting "of 1980 (25 U.S.C. 1721 et seq.)" after "Maine Indian Claims Settlement Act";

(6) in section 480(a)(2) (20 U.S.C. 1087vv(a)(2)), by striking "12571" and inserting "12511";

(7) in section 480(c)(2) (20 U.S.C. 1087vv(c)(2))—

(A) in the matter preceding subparagraph (A), by striking "the following" and inserting "benefits under the following provisions of law"; and

(B) by striking subparagraphs (A) through (J) and inserting the following:

"(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

"(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

"(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

"(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

"(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the 'Montgomery GI Bill—active duty').

"(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

"(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

"(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

"(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

"(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

"(K) Section 156(b) of the 'Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes' (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as 'Quayle benefits').

"(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps."; and

(8) in section 480(j)(1) (20 U.S.C. 1087vv(j)(1)), by striking "12571" and inserting "12511".

20 USC 1087mm note.

(b) EFFECTIVE DATE.—The amendments made by—

(1) paragraph (1) of subsection (a) shall take effect on July 1, 2009; and

(2) paragraph (4) of such subsection shall be effective as if enacted as part of the amendments in section 602(a) of the College Cost Reduction and Access Act (Public Law 110–84), and shall take effect on July 1, 2009.

20 USC 1087vv note.

(c) HIGHER EDUCATION OPPORTUNITY ACT.—Section 473(f) of the Higher Education Opportunity Act (Public Law 110–315) is amended by inserting ", except that the amendments made in subsection (e) shall take effect on July 1, 2009" before the period at the end.

SEC. 407. GENERAL PROVISIONS OF TITLE IV.

20 USC 1090 note.

(a) DELAYED IMPLEMENTATION OF EZ FAFSA.—Notwithstanding any other provision of law, the Secretary of Education shall be required to carry out the requirements under the following provisions of section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) only for academic year 2010–2011 and subsequent academic years:

(1) In subsection (a) of such section—

(A) subparagraphs (A)(i) and (B) of paragraph (2);

(B) in paragraph (3)—

(i) the second sentence of subparagraph (A);

(ii) clauses (i) and (ii) of subparagraph (B); and

(iii) subparagraph (C);

(C) paragraph (4)(A)(iv); and

(D) paragraph (5)(E).

(2) Subsection (h) of such section.

(b) OTHER AMENDMENTS.—Part G of title IV (20 U.S.C. 1088 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 481(c) (20 U.S.C. 1088(c)), by striking "or any State, or private, profit or nonprofit organization" and inserting "any State, or any private, for-profit or nonprofit organization,";

(2) in section 482(b) (20 U.S.C. 1089(b)), by striking "413D(e), 442(e), or 462(j)" and inserting "413D(d), 442(d), or 462(i)";

(3) in section 483 (20 U.S.C. 1090)—

(A) in subsection (a)(3)(C), by inserting "that" after "except"; and

(B) in subsection (e)(8)(A), by striking "identify" and inserting "determine";

(4) in section 484 (20 U.S.C. 1091)—

(A) in the matter preceding subparagraph (A) of subsection (a)(4), by striking "certification,," and inserting "certification,";

(B) in subsection (b)(1)(B)—

(i) by striking "have (A)" and inserting "have (i)"; and

(ii) by striking "and (B)" and inserting "and (ii)";

(C) in subsection (f)(1), by striking "part B" and all that follows through "part E" in each place that the phrase occurs and inserting "part B, part D, or part E";

(D) in subsection (h)—

(i) in paragraph (2), by striking "(h)(4)(A)(i)" and inserting "(g)(4)(A)(i)"; and

(ii) in paragraph (3), by striking "(h)(4)(B)(i)" and inserting "(g)(4)(B)(i)"; and

(E) in subsection (n), by striking "section 1113 of Public Law 97–252" and inserting "section 12(f) of the Military Selective Service Act (50 U.S.C. App. 462(f))";

(5) in section 485 (20 U.S.C. 1092)—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) the matter preceding subparagraph (A), by striking "also referred to as the Family Educational Rights and Privacy Act of 1974" and inserting "commonly known as the 'Family Educational Rights and Privacy Act of 1974'"; and

(II) in subparagraph (I), by striking "handicapped students" and inserting "students with disabilities";

(ii) in paragraph (4)(B), by inserting "during which" after "time period"; and

(iii) in the matter preceding subclause (I) of paragraph (7)(B)(iv), by inserting "education" after "higher";

(B) in subsection (e)(3)(B), by inserting "during which" after "time period";

(C) in subsection (f)—

(i) in the matter preceding subparagraph (A) of paragraph (1), by inserting "of" after "foreign institution"; and

(ii) in paragraphs (3), (4)(A), (5), and (8)(A), by striking "under this title" each place it appears and inserting "under this title, other than a foreign institution of higher education,";

(D) in subsection (g)(2), by striking "subparagraph (G)" and inserting "paragraph (1)(G)";

(E) in subsection (i)—

(i) in paragraph (2), by striking "eligible institution participating in any program under this title" and inserting "institution described in paragraph (1)";

(ii) in paragraph (3), in the matter preceding subparagraph (A), by striking "eligible institution participating in any program under this title" and inserting "institution described in paragraph (1)"; and

(iii) in paragraph (5)(B), by striking "the Family Educational Rights and Privacy Act of 1974" and inserting "commonly known as the 'Family Educational Rights and Privacy Act of 1974'";

(F) in subsection (k)(2), by inserting "section" before "484(r)(1)"; and

(G) in the matter preceding clause (i) of subsection (l)(1)(A), by striking "subparagraph (B)" and inserting "paragraph (2)";

(6) in section 485A (20 U.S.C. 1092a)—

(A) in subsection (a)—

(i) by striking "or defined in subpart I of part C of title VII of the Public Health Service Act" and inserting "or an eligible lender as defined in section

719 of the Public Health Service Act (42 U.S.C. 292o)"; and

(ii) by striking "under subpart I of part C of title VII of the Public Health Service Act (known as Health Education Assistance Loans)" and inserting "under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)";

(B) in subsection (b), by striking "subpart I of part C of title VII of the Public Health Service Act" and inserting "part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)";

(C) in subsection (e)—

(i) by striking "Health Education Assistance Loan" and inserting "loan under part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)"; and

(ii) in paragraph (2), by striking "733(e)(3)" and inserting "707(e)(3)"; and

(D) in subsection (f)—

(i) in paragraph (1)—

(I) in the second sentence, by striking "subpart I of part C of title VII of the Public Health Service Act" and inserting "part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)"; and

(II) in the fourth sentence, by striking "728(a)" and inserting "710"; and

(ii) in paragraph (2), by striking "subpart I of part C of title VII of the Public Health Service Act" and inserting "part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.)";

(7) in section 485B (20 U.S.C. 1092b)—

(A) in subsection (a)(5), by striking "))" and inserting ")"; and

(B) in subsection (d)(3)(D), by striking "the Family Educational Rights and Privacy Act of 1974" and inserting "commonly known as the 'Family Educational Rights and Privacy Act of 1974'";

(8) in section 487 (20 U.S.C. 1094)—

(A) in subsection (a)(23)(A), by inserting "of 1993" after "Registration Act";

(B) in subsection (c)(1)—

(i) in subparagraph (A)(i), by striking "students receives" and inserting "students receive";

(ii) in subparagraph (F), by striking "paragraph (2)(B)" and inserting "paragraph (3)(B)"; and

(iii) in subparagraph (H), by striking "paragraph (2)(B)" and inserting "paragraph (3)(B)";

(C) in subsection (f)(1), by striking "496(c)(4)" and inserting "496(c)(3)"; and

(D) in subsection (g)(1), by striking "subsection (f)(2)" and inserting "subsection (e)(2)";

(9) in section 487A(b) (20 U.S.C. 1094a(b))—

(A) in paragraph (1)—

(i) by striking "Any activities" and inserting "Any experimental sites"; and

(ii) by striking "June 30, 2009" and inserting "June 30, 2010"; and

(B) by adding at the end the following:

"(4) DETERMINATION OF SUCCESS.—For the purposes of paragraph (1), the Secretary shall make a determination of success regarding an institution's participation as an experimental site based on—

"(A) the ability of the experimental site to reduce administrative burdens to the institution, as documented in the Secretary's biennial report under paragraph (2), without creating costs for the taxpayer; and

"(B) whether the experimental site has improved the delivery of services to, or otherwise benefitted, students.";

(10) in section 489(a) (20 U.S.C. 1096(a))—

(A) in the third sentence, by striking "has agreed to assign under section 463(a)(6)(B)" and inserting "has referred under section 463(a)(4)(B)"; and

(B) in the fourth sentence, by striking "484(h)" and inserting "484(g)";

(11) in section 491(l)(2)(A) (20 U.S.C. 1098(l)(2)(A)), by inserting "the" after "enactment of"; and

(12) in section 492(a) (20 U.S.C. 1098a(a))—

(A) in paragraph (1), by striking "regulations" and all that follows through "The" and inserting "regulations for this title. The"; and

(B) in paragraph (2), by striking "ISSUES" and all that follows through "provide" and inserting "ISSUES.—The Secretary shall provide".

SEC. 408. PROGRAM INTEGRITY.

Part H of title IV (20 U.S.C. 1099a et seq.) is amended—

(1) in section 496(a)(6)(G) (20 U.S.C. 1099b(a)(6)(G)), by striking the period at the end and inserting a semicolon; and

(2) in section 498(c)(2) (20 U.S.C. 1099c(c)(2)), by striking "for profit" and inserting "for-profit".

SEC. 409. WAIVER OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

20 USC 1089 note.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to the amendments made by this title, or to any regulations promulgated under those amendments.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 501. DEVELOPING INSTITUTIONS.

Section 502(b)(2) (20 U.S.C. 1101a(b)(2)) is amended by striking "which determination" and inserting "which the determination".

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 601. INTERNATIONAL EDUCATION PROGRAMS.

(a) HIGHER EDUCATION ACT OF 1965.—Title VI (20 U.S.C. 1121 et seq.) is amended—

(1) in section 604(a) (20 U.S.C. 1124(a))—

(A) in the matter preceding subparagraph (A) of paragraph (2), by inserting "the" before "Federal"; and

(B) in paragraph (7)(D), by striking "institution, combination" and inserting "applicant, consortium,"; and

(2) in section 622(a) (20 U.S.C. 1131–1(a)), by inserting a period after "title".

(b) HIGHER EDUCATION OPPORTUNITY ACT.—The matter preceding paragraph (1) of section 621 of the Higher Education Opportunity Act (Public Law 110–315) is amended by striking "Section 631 (20 U.S.C. 1132)" and inserting "Section 631(a) (20 U.S.C. 1132(a))".

20 USC 1132.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT

SEC. 701. GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS.

Title VII (20 U.S.C. 1133 et seq.) is amended—

(1) in the matter preceding paragraph (1) of section 721(d) (20 U.S.C. 1136(d)), by striking "services through" and all that follows through "resource centers" and inserting "services through pre-college programs, undergraduate prelaw information resource centers";

(2) in section 723(b)(1)(P) (20 U.S.C. 1136a(b)(1)(P)), by striking "Sate" and inserting "State";

(3) in section 744(c)(6)(C) (20 U.S.C. 1138c(c)(6)(C)), by inserting "of the National Academies" after "Institute of Medicine";

(4) in section 760 (20 U.S.C. 1140), by striking paragraph (1) and inserting the following:

"(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a degree, certificate, or nondegree program that meets each of the following:

Definition.

"(A) Is offered by an institution of higher education.

"(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

"(C) Includes an advising and curriculum structure.

"(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

"(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

"(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

"(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

"(iv) Participation in internships or work-based training in settings with nondisabled individuals.

"(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.";

(5) in section 772 (20 U.S.C. 1140l)—

(A) in subsection (a)(2)(A), by striking "with in" and inserting "with"; and

(B) in the matter preceding subclause (I) of subsection (b)(1)(C)(ii), by striking "subparagraph (C)" and inserting "clause (i)";

(6) in section 781 (20 U.S.C. 1141)—

(A) in subsection (c)(1), by striking "Service" each place the term appears and inserting "Services";

(B) in the matter preceding paragraph (1) of subsection (e)—

(i) by striking "(as defined" and all that follows through "this Act)" and inserting "(as described in section 435(p))"; and

(ii) by striking "435(j)" and inserting "428(b)";

(C) in subsection (g)(2), by striking "Service" and inserting "Services"; and

(D) in subsection (i)—

(i) in paragraph (1)(D), by striking "consortia" and inserting "consortium"; and

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking "CONSORTIA" and inserting "CONSORTIUM"; and

(II) by striking "consortia" each place the term appears and inserting "consortium".

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 801. ADDITIONAL PROGRAMS.

Title VIII (20 U.S.C. 1161a et seq.) is amended—

(1) in section 802(d)(2)(D) (20 U.S.C. 1161b(d)(2)(D)), by striking "regulation" and inserting "regulations";

(2) in section 804(d) (20 U.S.C. 1161d(d))—

(A) in the heading, by striking "DEFINITION" and inserting "DEFINITIONS"; and

(B) by striking paragraph (2) and inserting the following:

"(2) PUBLIC HEALTH SERVICE ACT.—The terms 'accredited' and 'school of nursing' have the meanings given those terms in section 801 of the Public Health Service Act (42 U.S.C. 296).";

(3) in section 808(a)(1) (20 U.S.C. 1161h(a)(1)), by striking "the Family Education Rights and Privacy Act of 1974" and inserting "section 444 of the General Education Provisions Act (commonly known as the 'Family Educational Rights and Privacy Act of 1974')";

(4) in section 819(b)(3) (20 U.S.C. 1161j(b)(3)), by inserting a period after "101(a)";

(5) in section 820 (20 U.S.C. 1161k)—

(A) in subsection (d)(5), by inserting "the" before "grant";

(B) in subsection (f)(2), by striking "subpart" each place the term appears and inserting "section"; and

(C) in subsection (h), by striking "use" and inserting "used";

(6) in section 821 (20 U.S.C. 1161l)—

(A) in subsection (a)(1), by striking "subsection (g)" and inserting "subsection (f)"; and

(B) in subsection (c)(1)(B), by striking "within" and inserting "in";

(7) in section 824(f)(3) (20 U.S.C. 1161l–3(f)(3))—

(A) in subparagraph (A), by inserting "a" after "submitting"; and

(B) in subparagraph (C), by striking "pursing" and inserting "pursuing";

(8) in section 825(a) (20 U.S.C. 1161l–4(a)), by striking "the Family Educational Rights and Privacy Act of 1974" and inserting "commonly known as the 'Family Educational Rights and Privacy Act of 1974'";

(9) in section 826(3) (20 U.S.C. 1161l–5(3)), by striking "the Family Educational Rights and Privacy Act of 1974" and inserting "commonly known as the 'Family Educational Rights and Privacy Act of 1974'";

(10) in section 830(a)(1)(B) (20 U.S.C. 1161m(a)(1)(B)), by striking "of for" and inserting "of";

(11) in section 833(e)(1) (20 U.S.C. 1161n–2(e)(1))—

(A) in the matter preceding subparagraph (A), by striking "because of" and inserting "based on"; and

(B) in subparagraph (D), by striking "purposes of this section" and inserting "purpose of this part";

(12) in section 841(c)(1) (20 U.S.C. 1161o(c)(1)), by striking "486A(d)" and inserting "486A(b)(1)";

(13) in section 851(j) (20 U.S.C. 1161p(j)), by inserting "to be appropriated" after "authorized"; and

(14) in section 894(b)(2) (20 U.S.C. 1161y(b)(2)), by striking "the Family Educational Rights and Privacy Act of 1974" and inserting "commonly known as the 'Family Educational Rights and Privacy Act of 1974'".

SEC. 802. AMENDMENTS TO OTHER HIGHER EDUCATION ACTS.

(a) HIGHER EDUCATION AMENDMENTS OF 1998.—

(1) INCARCERATED INDIVIDUALS.—Section 821(h) of the Higher Education Amendments of 1998 (20 U.S.C. 1151(h)) is amended to read as follows:

"(h) ALLOCATION OF FUNDS.—

"(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

"(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.".

(2) UNDERGROUND RAILROAD.—Section 841(c) of the Higher Education Amendments of 1998 (20 U.S.C. 1153(c)) is amended by inserting "this section" after "to carry out".

(b) EDUCATION OF THE DEAF ACT OF 1986.—Section 203(b)(2) of the Education of the Deaf Act of 1986 (20 U.S.C. 4353(b)(2)) is amended by striking "and subsections (b) and (c) of section 209." and inserting "and subsections (a), (b), and (c) of section 209.".

Approved July 1, 2009.

LEGISLATIVE HISTORY—H.R. 1777:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 30, considered and passed House.
June 23, considered and passed Senate, amended. House concurred in Senate amendment.

Public Law 111–40
111th Congress

An Act

July 1, 2009
[S. 614]

To award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

31 USC 5111 note.

SECTION 1. FINDINGS.

Congress finds that—

(1) the Women Airforce Service Pilots of WWII, known as the "WASP", were the first women in history to fly American military aircraft;

(2) more than 60 years ago, they flew fighter, bomber, transport, and training aircraft in defense of America's freedom;

(3) they faced overwhelming cultural and gender bias against women in nontraditional roles and overcame multiple injustices and inequities in order to serve their country;

(4) through their actions, the WASP eventually were the catalyst for revolutionary reform in the integration of women pilots into the Armed Services;

(5) during the early months of World War II, there was a severe shortage of combat pilots;

(6) Jacqueline Cochran, America's leading woman pilot of the time, convinced General Hap Arnold, Chief of the Army Air Forces, that women, if given the same training as men, would be equally capable of flying military aircraft and could then take over some of the stateside military flying jobs, thereby releasing hundreds of male pilots for combat duty;

(7) the severe loss of male combat pilots made the necessity of utilizing women pilots to help in the war effort clear to General Arnold, and a women's pilot training program was soon approved;

(8) it was not until August 1943, that the women aviators would receive their official name;

(9) General Arnold ordered that all women pilots flying military aircraft, including 28 civilian women ferry pilots, would be named "WASP", Women Airforce Service Pilots;

(10) more than 25,000 American women applied for training, but only 1,830 were accepted and took the oath;

(11) exactly 1,074 of those trainees successfully completed the 21 to 27 weeks of Army Air Forces flight training, graduated, and received their Army Air Forces orders to report to their assigned air base;

(12) on November 16, 1942, the first class of 29 women pilots reported to the Houston, Texas Municipal Airport and

began the same military flight training as the male Army Air Forces cadets were taking;

(13) due to a lack of adequate facilities at the airport, 3 months later the training program was moved to Avenger Field in Sweetwater, Texas;

(14) WASP were eventually stationed at 120 Army air bases all across America;

(15) they flew more than 60,000,000 miles for their country in every type of aircraft and on every type of assignment flown by the male Army Air Forces pilots, except combat;

(16) WASP assignments included test piloting, instructor piloting, towing targets for air-to-air gunnery practice, ground-to-air anti-aircraft practice, ferrying, transporting personnel and cargo (including parts for the atomic bomb), simulated strafing, smoke laying, night tracking, and flying drones;

(17) in October 1943, male pilots were refusing to fly the B–26 Martin Marauder (known as the "Widowmaker") because of its fatality records, and General Arnold ordered WASP Director, Jacqueline Cochran, to select 25 WASP to be trained to fly the B–26 to prove to the male pilots that it was safe to fly;

(18) during the existence of the WASP—

(A) 38 women lost their lives while serving their country;

(B) their bodies were sent home in poorly crafted pine boxes;

(C) their burial was at the expense of their families or classmates;

(D) there were no gold stars allowed in their parents' windows; and

(E) because they were not considered military, no American flags were allowed on their coffins;

(19) in 1944, General Arnold made a personal request to Congress to militarize the WASP, and it was denied;

(20) on December 7, 1944, in a speech to the last graduating class of WASP, General Arnold said, "You and more than 900 of your sisters have shown you can fly wingtip to wingtip with your brothers. I salute you . . . We of the Army Air Force are proud of you. We will never forget our debt to you.";

(21) with victory in WWII almost certain, on December 20, 1944, the WASP were quietly and unceremoniously disbanded;

(22) there were no honors, no benefits, and very few "thank you's";

(23) just as they had paid their own way to enter training, they had to pay their own way back home after their honorable service to the military;

(24) the WASP military records were immediately sealed, stamped "classified" or "secret", and filed away in Government archives, unavailable to the historians who wrote the history of WWII or the scholars who compiled the history text books used today, with many of the records not declassified until the 1980s;

(25) consequently, the WASP story is a missing chapter in the history of the Air Force, the history of aviation, and the history of the United States of America;

(26) in 1977, 33 years after the WASP were disbanded, the Congress finally voted to give the WASP the veteran status they had earned, but these heroic pilots were not invited to the signing ceremony at the White House, and it was not until 7 years later that their medals were delivered in the mail in plain brown envelopes;

(27) in the late 1970s, more than 30 years after the WASP flew in World War II, women were finally permitted to attend military pilot training in the United States Armed Forces;

(28) thousands of women aviators flying support aircraft have benefitted from the service of the WASP and followed in their footsteps;

(29) in 1993, the WASP were once again referenced during congressional hearings regarding the contributions that women could make to the military, which eventually led to women being able to fly military fighter, bomber, and attack aircraft in combat;

(30) hundreds of United States servicewomen combat pilots have seized the opportunity to fly fighter aircraft in recent conflicts, all thanks to the pioneering steps taken by the WASP;

(31) the WASP have maintained a tight-knit community, forged by the common experiences of serving their country during war;

(32) as part of their desire to educate America on the WASP history, WASP have assisted "Wings Across America", an organization dedicated to educating the American public, with much effort aimed at children, about the remarkable accomplishments of these WWII veterans; and

(33) the WASP have been honored with exhibits at numerous museums, to include—

(A) the Smithsonian Institution, Washington, DC;

(B) the Women in Military Service to America Memorial at Arlington National Cemetery, Arlington, Virginia;

(C) the National Museum of the United States Air Force, Wright Patterson Air Force Base, Ohio;

(D) the National WASP WWII Museum, Sweetwater, Texas;

(E) the 8th Air Force Museum, Savannah, Georgia;

(F) the Lone Star Flight Museum, Galveston, Texas;

(G) the American Airpower Museum, Farmingdale, New York;

(H) the Pima Air Museum, Tucson, Arizona;

(I) the Seattle Museum of Flight, Seattle, Washington;

(J) the March Air Museum, March Reserve Air Base, California; and

(K) the Texas State History Museum, Austin, Texas.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President pro tempore of the Senate and the Speaker of the House of Representatives shall make appropriate arrangements for the award, on behalf of the Congress, of a single gold medal of appropriate design in honor of the Women Airforce Service Pilots (WASP) collectively, in recognition of their pioneering military service and exemplary record, which forged revolutionary reform in the Armed Forces of the United States of America.

(b) DESIGN AND STRIKING.—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) SMITHSONIAN INSTITUTION.—

(1) IN GENERAL.—Following the award of the gold medal in honor of the Women Airforce Service Pilots, the gold medal shall be given to the Smithsonian Institution, where it will be displayed as appropriate and made available for research.

(2) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Smithsonian Institution shall make the gold medal received under this Act available for display elsewhere, particularly at other locations associated with the WASP.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under this Act, at a price sufficient to cover the costs of the medals, including labor, materials, dyes, use of machinery, and overhead expenses.

SEC. 4. NATIONAL MEDALS.

Medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, an amount not to exceed $30,000 to pay for the cost of the medal authorized under section 2.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Approved July 1, 2009.

LEGISLATIVE HISTORY—S. 614:

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 20, considered and passed Senate.
June 16, considered and passed House.

Public Law 111–41
111th Congress

An Act

July 27, 2009
[H.R. 2632]

To amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Korean War Veterans Recognition Act.
4 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Korean War Veterans Recognition Act".

SEC. 2. DISPLAY OF FLAG ON NATIONAL KOREAN WAR VETERANS ARMISTICE DAY.

Section 6(d) of title 4, United States Code, is amended by inserting "National Korean War Veterans Armistice Day, July 27;" after "July 4;".

Approved July 27, 2009.

LEGISLATIVE HISTORY—H.R. 2632:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 20, 21, considered and passed House.
July 24, considered and passed Senate.

Public Law 111–42
111th Congress

Joint Resolution

Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

July 28, 2009
[H.J. Res. 56]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—APPROVING THE RENEWAL OF IMPORT RESTRICTIONS CONTAINED IN THE BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

SEC. 101. AMENDMENT TO BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

Section 9(b)(3) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61; 50 U.S.C. 1701 note) is amended by striking "six years" and inserting "nine years".

SEC. 102. RENEWAL OF IMPORT RESTRICTIONS UNDER BURMESE FREEDOM AND DEMOCRACY ACT OF 2003.

50 USC 1701 note.

(a) IN GENERAL.—Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

(b) RULE OF CONSTRUCTION.—This joint resolution shall be deemed to be a "renewal resolution" for purposes of section 9 of the Burmese Freedom and Democracy Act of 2003.

SEC. 103. CUSTOMS USER FEES.

Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "January 31, 2018" and inserting "February 7, 2018".

SEC. 104. EFFECTIVE DATE.

19 USC 58c note.

This title and the amendments made by this title shall take effect on the date of the enactment of this joint resolution or July 26, 2009, whichever occurs first.

Corporate Estimated Tax Shift Act of 2009.

TITLE II—TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES

26 USC 1 note.

SEC. 201. SHORT TITLE.

This title may be cited as the "Corporate Estimated Tax Shift Act of 2009".

26 USC 6655 note.

SEC. 202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENTS FOR 2010, 2011, AND 2013.—Section 401 of the Tax Increase Prevention and Reconciliation Act of 2005 (and any modification of such section contained in any other provision of law) shall not apply with respect to any installment of corporate estimated tax which (without regard to such section) would otherwise be due after December 31, 2009.

(b) ADJUSTMENT FOR 2014.—Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2014 shall be 100.25 percent of such amount; and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

Approved July 28, 2009.

LEGISLATIVE HISTORY—H.J. Res. 56:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 21, considered and passed House.
July 23, considered and passed Senate.

Public Law 111–43
111th Congress

An Act

To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

July 31, 2009
[S. 1513]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–10 (123 Stat. 990), is amended by striking "July 31, 2009" each place it appears and inserting "September 30, 2009".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on July 30, 2009.

Approved July 31, 2009.

LEGISLATIVE HISTORY—S. 1513:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 24, considered and passed Senate.
July 28, 29, considered and passed House.

Public Law 111–44
111th Congress

An Act

To authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

Aug. 7, 2009
[H.R. 2245]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

New Frontier Congressional Gold Medal Act.
31 USC 5111 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Frontier Congressional Gold Medal Act".

31 USC 5111 note.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as spacecraft commander for Apollo 11, the first manned lunar landing mission, Neil A. Armstrong gained the distinction of being the first man to land a craft on the moon and first to step on its surface on July 21, 1969;

(2) by conquering the moon at great personal risk to safety, Neil Armstrong advanced America scientifically and technologically, paving the way for future missions to other regions in space;

(3) Edwin E. "Buzz" Aldrin, Jr., joined Armstrong in piloting the lunar module, Eagle, to the surface of the moon, and became the second person to walk upon its surface;

(4) Michael Collins piloted the command module, Columbia, in lunar orbit and helped his fellow Apollo 11 astronauts complete their mission on the moon;

(5) John Herschel Glenn, Jr., helped pave the way for the first lunar landing when on February 20, 1962, he became the first American to orbit the Earth; and

(6) John Glenn's actions, like Armstrong's, Aldrin's and Collins's, continue to greatly inspire the people of the United States.

31 USC 5111 note.
President.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., each a gold medal of appropriate design, in recognition of their significant contributions to society.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall

strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

31 USC 5111 note.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medals.

SEC. 5. NATIONAL MEDALS.

31 USC 5111 note.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

31 USC 5111 note.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

Approved August 7, 2009.

LEGISLATIVE HISTORY—H.R. 2245 (S. 951):

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 20, considered and passed House.
July 21, considered and passed Senate.

Public Law 111–45
111th Congress

An Act

Aug. 7, 2009
[H.R. 3114]

To authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

35 USC 41 note.

SECTION 1. AUTHORITY OF PTO DIRECTOR TO USE TRADEMARK FUNDS.

(a) AUTHORITY.—

(1) IN GENERAL.—The Director of the United States Patent and Trademark Office—

(A) may use funds made available for fiscal year 2009, pursuant to section 31 of the Trademark Act of 1946 (15 U.S.C. 1113), under the heading "Department of Commerce—United States Patent and Trademark Office—Salaries and Expenses" in title I of division B of the Omnibus Appropriations Act, 2009 (Public Law 111–8), up to $70,000,000, to support the processing of patents and other activities, services, and materials relating to patents, notwithstanding section 42(c) of title 35, United States Code; and

(B) notwithstanding any other provision of law, shall, upon the exercise of the authority under subparagraph (A), establish a surcharge, in amounts up to $70,000,000, on patent fees in effect under title 35, United States Code, to repay any funds drawn down pursuant to subparagraph (A),

Certification.

if the Director certifies in writing to the Congress that the use of the funds described in subparagraph (A) is reasonably necessary to avoid furloughs or a reduction-in-force, or both, in the United States Patent and Trademark Office, and does not create a substantial risk of a furlough or reduction-in-force of personnel working in the Trademark Operation of the United States Patent and Trademark Office.

(2) SURCHARGES DEPOSITED IN TREASURY.—All surcharges paid under paragraph (1)(B) shall be deposited in the Treasury as an offsetting receipt that shall not be available for obligation or expenditure.

Termination date.
Deadlines.

(b) LIMITATIONS ON AUTHORITY.—The authority under subsection (a)(1)(A) shall terminate on June 30, 2010. The surcharge established under subsection (a)(1)(B) shall take effect no later than September 30, 2011, and all funds drawn down pursuant to subsection (a)(1)(A) shall be repaid pursuant to subsection (a)(1)(B) no later than September 30, 2014.

(c) DEFINITIONS.—In this section:

(1) DIRECTOR.—The terms "Director of the United States Patent and Trademark Office" and "Director" mean the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(2) TRADEMARK ACT OF 1946.—The term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

Approved August 7, 2009.

LEGISLATIVE HISTORY—H.R. 3114 (S. 1358):

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 7, considered and passed House.
July 16, considered and passed Senate.

Public Law 111–46
111th Congress

An Act

Aug. 7, 2009
[H.R. 3357]

To restore sums to the Highway Trust Fund and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING OF THE HIGHWAY TRUST FUND.

26 USC 9503.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986 (relating to determination of trust fund balances after September 30, 1998) is amended—

(1) by striking paragraph (2); and

(2) by adding at the end the following new paragraph:

"(2) INCREASE IN FUND BALANCE.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated (without fiscal year limitation) to the Highway Trust Fund $7,000,000,000.".

SEC. 2. ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS.

The item relating to "Department of Labor—Employment and Training Administration—Advances to the Unemployment Trust Fund and Other Funds" in title I of division F of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 754) is amended by striking "to remain available through September 30, 2010" and all that follows (before the heading for the following item) and inserting "such sums as may be necessary".

SEC. 3. FHA MORTGAGE INSURANCE COMMITMENT AUTHORITY.

The item relating to "Federal Housing Administration—Mutual Mortgage Insurance Program Account" in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 966) is amended by striking "$315,000,000,000" and inserting "$400,000,000,000".

SEC. 4. GNMA MORTGAGE-BACKED SECURITIES GUARANTEE COMMITMENT AUTHORITY.

The item relating to "Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee

Program Account" in title II of division I of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 967) is amended by striking "$300,000,000,000" and inserting "$400,000,000,000".

Approved August 7, 2009.

LEGISLATIVE HISTORY—H.R. 3357:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 29, considered and passed House.
July 30, considered and passed Senate.

Public Law 111–47
111th Congress

An Act

Aug. 7, 2009
[H.R. 3435]

Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, and for other purposes, namely:

DEPARTMENT OF TRANSPORTATION

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

(TRANSFER OF FUNDS)

For an additional amount for "Consumer Assistance to Recycle and Save Program" to carry out the Consumer Assistance to Recycle and Save Program established by the Consumer Assistance to Recycle and Save Act of 2009 (title XIII of Public Law 111–32), not to exceed $2,000,000,000, to remain available until September 30, 2010: *Provided*, That such amount shall be available for such purpose only to the extent directed by the President, and shall be derived by transfer from the amount made available for "Department of Energy—Energy Programs—Title 17—Innovative Technology Loan Guarantee Program" in title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5): *Provided further*, That the amount under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Ante, p. 1913.

Section 1302(g) of Public Law 111–32 is amended by inserting the following new paragraph:

"(3) REVIEW OF ADMINISTRATION OF THE PROGRAM BY GOVERNMENT ACCOUNTABILITY OFFICE AND INSPECTOR GENERAL.—Not later than 180 days after the termination date described in subsection (c)(1)(A), the Government Accountability Office and the Inspector General of the Department of Transportation shall submit reports to the Committee on Energy and Commerce of the House of Representatives and

Deadline.
Reports.

the Committee on Commerce, Science, and Transportation of the Senate reviewing the administration of the program.".

Approved August 7, 2009.

LEGISLATIVE HISTORY—H.R. 3435:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 31, considered and passed House.
Aug. 6, considered and passed Senate.

Public Law 111–48
111th Congress

An Act

Aug. 12, 2009
[H.R. 838]

To provide for the conveyance of a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, to facilitate the construction of a new educational facility that includes a secure parking area for the Bureau of Prisons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Miami Dade College Land Conveyance Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Miami Dade College Land Conveyance Act".

SEC. 2. CONVEYANCE OF BUREAU OF PRISONS LAND TO MIAMI DADE COUNTY, FLORIDA.

(a) CONVEYANCE REQUIRED.—The Attorney General shall convey to Miami Dade College of Miami Dade County, Florida (in this section referred to as the "College"), all right, title, and interest of the United States in and to a parcel of land held by the Bureau of Prisons of the Department of Justice in Miami Dade County, Florida, consisting of a parking lot approximately 47,500 square feet and located at 35 NE 2 Street, for the purpose of permitting the College to use the parcel as a site for a new educational building that includes a parking area, of which not less than 118 secure parking spaces shall be designated for use by the Bureau of Prisons of the Department of Justice.

(b) REVERSIONARY INTEREST.—If the Attorney General determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Attorney General, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Attorney General under this subsection shall be made on the record after an opportunity for a hearing.

(c) SURVEY.—If the Attorney General considers it necessary, the Attorney General may have the exact acreage or square footage and legal description of the land to be conveyed under subsection (a) determined by a survey satisfactory to the Attorney General. The College shall bear the cost of the survey.

(d) EXEMPTION.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply to the conveyance of land under subsection (a).

Approved August 12, 2009.

LEGISLATIVE HISTORY—H.R. 838 (S. 814):

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 31, considered and passed House.
July 28, considered and passed Senate.

Public Law 111–49
111th Congress

An Act

To amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

Aug. 12, 2009
[S. 1107]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Judicial Survivors Protection Act of 2009.
28 USC 376 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Survivors Protection Act of 2009".

28 USC 376 note.

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "judicial official" refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term "Judicial Survivors' Annuities Fund" means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94–554; 90 Stat. 2611).

(3) The term "Judicial Survivors' Annuities System" means the program established under section 376 of title 28, United States Code.

28 USC 376 note.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

28 USC 376 note.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) CONTRIBUTION RATE.—Every active judicial official who files a written notification of his or her intention to participate in the

Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

(1) of a justice or judge of the United States retired from regular active service under section 371(b) or 372(a) of title 28, United States Code;

(2) of a judge of the United States Court of Federal Claims retired under section 178 of title 28, United States Code; or

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code,

shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE. 28 USC 376 note.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY. 28 USC 376 note.

Section 376 of title 28, United States Code, is amended by adding at the end the following:

"(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act.".

28 USC 376 note.

SEC. 7. EFFECTIVE DATE.

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

Approved August 12, 2009.

LEGISLATIVE HISTORY—S. 1107:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 10, considered and passed Senate.
July 29, considered and passed House.

Public Law 111–50
111th Congress

An Act

To designate the facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, as the "Geraldine Ferraro Post Office Building".

Aug. 19, 2009
[H.R. 774]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GERALDINE FERRARO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 46–02 21st Street in Long Island City, New York, shall be known and designated as the "Geraldine Ferraro Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Geraldine Ferraro Post Office Building".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 774:

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 5, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–51
111th Congress

An Act

Aug. 19, 2009
[H.R. 987]

To designate the facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, as the "John Scott Challis, Jr. Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN SCOTT CHALLIS, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 601 8th Street in Freedom, Pennsylvania, shall be known and designated as the "John Scott Challis, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John Scott Challis, Jr. Post Office".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 987:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 16, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–52
111th Congress

An Act

To designate the facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, as the "Elijah Pat Larkins Post Office Building".

Aug. 19, 2009
[H.R. 1271]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIJAH PAT LARKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2351 West Atlantic Boulevard in Pompano Beach, Florida, shall be known and designated as the "Elijah Pat Larkins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Elijah Pat Larkins Post Office Building".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 1271:

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 5, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–53
111th Congress

An Act

Aug. 19, 2009
[H.R. 1275]

To direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah Recreational Land Exchange Act of 2009.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Recreational Land Exchange Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the land located in Grand, San Juan, and Uintah Counties, Utah, that is identified on the maps as—

(A) "BLM Subsurface only Proposed for Transfer to State Trust Lands";

(B) "BLM Surface only Proposed for Transfer to State Trust Lands"; and

(C) "BLM Lands Proposed for Transfer to State Trust Lands".

(2) GRAND COUNTY MAP.—The term "Grand County Map" means the map prepared by the Bureau of Land Management entitled "Utah Recreational Land Exchange Act Grand County", dated May 14, 2009, and relating to the exchange of Federal land and non-Federal land in Grand and San Juan Counties, Utah.

(3) MAPS.—The term "maps" means the Grand County Map and the Uintah County Map.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land in Grand, San Juan, and Uintah Counties, Utah, that is identified on the maps as—

(A) "State Trust Land Proposed for Transfer to BLM"; and

(B) "State Trust Minerals Proposed for Transfer to BLM".

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means the State of Utah, as trustee under the Utah State School and Institutional Trust Lands Management Act (Utah Code Ann. 53C–1–101 et seq.).

(7) UINTAH COUNTY MAP.—The term "Uintah County Map" means the map prepared by the Bureau of Land Management entitled "Utah Recreational Land Exchange Act Uintah

County", dated May 14, 2009, and relating to the exchange of Federal land and non-Federal land in Uintah County, Utah.

SEC. 3. EXCHANGE OF LAND.

(a) IN GENERAL.—If the State offers to convey to the United States title to the non-Federal land, the Secretary shall—

(1) accept the offer; and

(2) on receipt of all right, title, and interest of the State in and to the non-Federal land, convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) CONDITIONS.—The exchange authorized under subsection (a) shall be subject to—

(1) valid existing rights;

(2) except as otherwise provided by this section—

(A) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(B) any other applicable laws;

(3) all costs of land exchanges under this Act, including but not limited to appraisals, surveys, and related costs, shall be paid equally by the Secretary and the State; and

(4) any additional terms and conditions that the Secretary and the State mutually determine to be appropriate.

(c) TITLE APPROVAL.—Title to the Federal land and non-Federal land to be exchanged under this section shall be in a format acceptable to the Secretary and the State.

(d) APPRAISALS.—

(1) IN GENERAL.—The value of the Federal land and the non-Federal land shall be determined by appraisals conducted by 1 or more independent appraisers selected jointly by the Secretary and the State.

(2) APPLICABLE LAW.—The appraisals conducted under paragraph (1) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(3) APPROVAL.—The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(4) ADJUSTMENT.—

(A) IN GENERAL.—If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the estimated value of the payments that would have been made to the State of Utah from bonuses, rentals, and royalties that the United States would have received if such minerals were leased pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) LIMITATION.—An adjustment under subparagraph (A) shall not be considered as a property right of the State.

(5) AVAILABILITY OF APPRAISALS.—

(A) IN GENERAL.—All final appraisals, appraisal reviews, and determinations of value for land to be exchanged under this section shall be available for public review at the Utah State Office of the Bureau of Land

Public inspection.

Management at least 30 days before the conveyance of the applicable parcels.

Notice.

(B) PUBLICATION.—The Secretary or the State, as applicable, shall publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that the appraisals are available for public inspection.

(e) CONVEYANCE OF PARCELS IN PHASES.—

(1) IN GENERAL.—Notwithstanding that appraisals for all of the parcels of Federal land and non-Federal land may not have been approved under subsection (d)(3), parcels of the Federal land and non-Federal land may be exchanged under subsection (a) in 3 phases beginning on the date on which the appraised values of the parcels included in the applicable phase are approved under this subsection.

(2) PHASES.—The 3 phases referred to in paragraph (1) are—

(A) phase 1, consisting of the non-Federal land identified as "phase one" land on the Grand County Map;

(B) phase 2, consisting of the non-Federal land identified as "phase two" land on the Grand County Map and the Uintah County Map; and

(C) phase 3, consisting of any remaining non-Federal land that is not identified as "phase one" land or "phase two" land on the Grand County Map or the Uintah County Map.

(3) NO AGREEMENT ON EXCHANGE.—If agreement has not been reached with respect to the exchange of an individual parcel of Federal land or non-Federal land, the Secretary and the State may agree to set aside the individual parcel to allow the exchange of the other parcels of Federal land and non-Federal land to proceed.

Deadline.

(4) TIMING.—It is the intent of Congress that at least the first phase of the exchange of land authorized by subsection (a) be completed not later than 360 days after the date on which the State makes the Secretary an offer to convey the non-Federal land under that subsection.

(f) RESERVATION OF INTEREST IN OIL SHALE.—

(1) IN GENERAL.—With respect to Federal land that contains oil shale resources, the Secretary shall reserve an interest in the portion of the mineral estate that contains the oil shale resources.

(2) EXTENT OF INTEREST.—The interest reserved by the United States under paragraph (1) shall consist of—

(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop oil shale resources;

(B) the amount that would have been received by the Federal Government under the applicable royalty rate if the oil shale resources had been retained in Federal ownership; and

(C) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the oil shale resources.

(3) PAYMENT.—Any amounts due under paragraph (2) shall be paid by the State to the United States not less than quarterly.

(4) NO OBLIGATION TO LEASE.—The State shall not be obligated to lease or otherwise develop oil shale resources in which the United States retains an interest under this subsection.

(5) VALUATION.—Federal land in which the Secretary reserves an interest under this subsection shall be appraised—

(A) without regard to the presence of oil shale; and

(B) in accordance with subsection (d).

(g) WITHDRAWAL OF FEDERAL LAND PRIOR TO EXCHANGE.— Time period.
Subject to valid existing rights, during the period beginning on the date of enactment of this Act and ending on the earlier of the date that the Federal land is removed from the exchange or the date on which the Federal land is conveyed under this Act, the Federal land is withdrawn from—

(1) disposition (other than disposition under section 4) under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) the operation of—

(A) the mineral leasing laws;

(B) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.); and

(C) the first section of the Act of July 31, 1947 (commonly known as the "Materials Act of 1947") (30 U.S.C. 601).

(h) APPURTENANT WATER RIGHTS.—Any conveyance of a parcel of Federal land or non-Federal land under this Act shall include the conveyance of water rights appurtenant to the parcel conveyed.

(i) EQUAL VALUE EXCHANGE.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land to be exchanged under this Act—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) EQUALIZATION.—

(A) SURPLUS OF FEDERAL LAND.—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the State, by one or more of the following:

(i) By reducing the acreage of the Federal land to be conveyed.

(ii) By adding additional State land to the non-Federal land to be conveyed.

(iii) Consistent with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716), by cash equalization of not more than 5 percent of the total value of the lands or interests in lands to be transferred out of Federal ownership.

(B) SURPLUS OF NON-FEDERAL LAND.—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the State, by one or both of the following:

(i) By reducing the acreage of the non-Federal land to be conveyed.

(ii) Consistent with section 206(b) of the Federal Land Policy and Management Act (43 U.S.C. 1716), by cash equalization of not more than 5 percent of the total value of the lands or interests in lands to be transferred out of Federal ownership.

(3) NOTICE AND PUBLIC INSPECTION.—

(A) IN GENERAL.—If the Secretary and the State determine to add or remove land from the exchange, the Secretary or the State shall—

Publication.

(i) publish in a newspaper of general circulation in Salt Lake County, Utah, a notice that identifies when and where a revised exchange map will be available for public inspection; and

Records.

(ii) transmit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a copy of the revised exchange map.

(B) LIMITATION.—The Secretary and the State shall not add or remove land from the exchange until at least 30 days after the date on which the notice is published under subparagraph (A)(i) and the map is transmitted under subparagraph (A)(ii).

SEC. 4. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) ADMINISTRATION OF NON-FEDERAL LAND.—

(1) IN GENERAL.—Subject to paragraph (2) and in accordance with section 206(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)), the non-Federal land acquired by the United States under this Act shall become part of, and be managed as part of, the Federal administrative unit or area in which the land is located.

(2) WITHDRAWAL PARCELS.—Any non-Federal land acquired by the United States under this Act identified on the maps as "Withdrawal Parcels" is withdrawn from the operation of the mineral leasing and mineral material disposal laws.

(3) RECEIPTS.—

(A) IN GENERAL.—Any mineral receipts derived from the non-Federal land acquired under this Act shall be paid into the general fund of the Treasury.

(B) APPLICABLE LAW.—Mineral receipts from the non-Federal land acquired under this Act shall not be subject to section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(b) GRAZING PERMITS.—

(1) IN GENERAL.—If land conveyed under this Act is subject to a lease, permit, or contract for the grazing of domestic livestock in effect on the date of acquisition, the Secretary and the State shall allow the grazing to continue for the remainder of the term of the lease, permit, or contract, subject to the related terms and conditions of user agreements, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—

(A) IN GENERAL.—Nothing in this Act prevents the Secretary or the State from canceling or modifying a grazing permit, lease, or contract if the land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for nongrazing purposes by the Secretary or the State.

(B) LIMITATION.—Except to the extent reasonably necessary to accommodate surface operations in support of mineral development, the Secretary or the State shall not cancel or modify a grazing permit, lease, or contract because the land subject to the permit, lease, or contract has been leased for mineral development.

(4) BASE PROPERTIES.—If land conveyed by the State under this Act is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remaining term of the lease or permit and the term of any renewal or extension of the lease or permit.

(c) HAZARDOUS MATERIALS.—

(1) IN GENERAL.—The Secretary and, as a condition of the exchange, the State shall make available for review and inspection any record relating to hazardous materials on the land to be exchanged under this Act.

Public inspection. Records.

(2) COSTS.—The costs of remedial actions relating to hazardous materials on land acquired under this Act shall be paid by those entities responsible for the costs under applicable law.

(d) EASEMENT.—The conveyance of Federal land in sec. 33, T. 4 S., R. 24 E., and sec. 4, T. 5 S., R. 24 E., of the Salt Lake Meridian, shall be subject to a 1,000 foot wide scenic easement and a 200 foot wide road right-of-way previously granted to the National Park Service for the Dinosaur National Monument, as described in Land Withdrawal No. U–0141143, pursuant to the Act of September 8, 1960 (74 Stat. 857,861).

SEC. 5. TERMINATION OF AUTHORITY.

The provisions of this Act shall terminate 5 years after the date of enactment.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 1275:

HOUSE REPORTS: No. 111–179 (Comm. on Natural Resources).
SENATE REPORTS: No. 111–67 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 155 (2009):
July 7, 8, considered and passed House.
Aug. 5, considered and passed Senate.

Public Law 111–54
111th Congress

An Act

To designate the facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, as the "Caroline O'Day Post Office Building".

Aug. 19, 2009
[H.R. 1397]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAROLINE O'DAY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 41 Purdy Avenue in Rye, New York, shall be known and designated as the "Caroline O'Day Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Caroline O'Day Post Office Building".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 1397:

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 5, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–55
111th Congress

An Act

Aug. 19, 2009
[H.R. 2090]

To designate the facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, as the "Frederic Remington Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREDERIC REMINGTON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 431 State Street in Ogdensburg, New York, shall be known and designated as the "Frederic Remington Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Frederic Remington Post Office Building".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 2090:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 3, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–56
111th Congress

An Act

To designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station".

Aug. 19, 2009
[H.R. 2162]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HERBERT A LITTLETON POSTAL STATION.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, shall be known and designated as the "Herbert A Littleton Postal Station".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Herbert A Littleton Postal Station".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 2162:

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 12, 13, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–57
111th Congress

An Act

Aug. 19, 2009
[H.R. 2325]

To designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the "Laredo Veterans Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAREDO VETERANS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, shall be known and designated as the "Laredo Veterans Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Laredo Veterans Post Office".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 2325:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 15, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–58
111th Congress

An Act

To designate the facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, as the "Kile G. West Post Office Building".

Aug. 19, 2009
[H.R. 2422]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. KILE G. WEST POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2300 Scenic Drive in Georgetown, Texas, shall be known and designated as the "Kile G. West Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Kile G. West Post Office Building".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 2422:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 15, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–59
111th Congress

An Act

Aug. 19, 2009
[H.R. 2470]

To designate the facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, as the "Lieutenant Commander Roy H. Boehm Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIEUTENANT COMMANDER ROY H. BOEHM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 19190 Cochran Boulevard FRNT in Port Charlotte, Florida, shall be known and designated as the "Lieutenant Commander Roy H. Boehm Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Commander Roy H. Boehm Post Office Building".

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 2470:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 15, 16, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–60
111th Congress

An Act

To extend the deadline for commencement of construction of a hydroelectric project.

Aug. 19, 2009
[H.R. 2938]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 12187, the Commission may, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for up to 3 consecutive 2-year periods from the date of the expiration of the extension originally issued by the Commission.

(b) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission may reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.R. 2938:

SENATE REPORTS: No. 111–68 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 155 (2009):
July 21, 22, considered and passed House.
Aug. 5, considered and passed Senate.

Public Law 111–61
111th Congress

Joint Resolution

Aug. 19, 2009
[H.J. Res. 44]

Recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army.

Whereas the Noncommissioned Officer ranks, namely corporals and sergeants, date back more than 230 years in United States Army history, beginning with the birth of the Continental Army in 1775 and highlighted in the westward expansion of the United States, the Civil War, World War I, World War II, the Korean Conflict, the Vietnam Conflict, the liberation of Kuwait, and the current Global War on Terror;

Whereas Noncommissioned Officers are accomplished military professionals who have combined civilian and military education opportunities to become the Army's preeminent body of leadership;

Whereas Noncommissioned Officers are the "backbone of the American Army" and are the standard keepers for the Army in the training, leading, coaching, and mentoring of soldiers;

Whereas Noncommissioned Officers have provided invaluable service and have made great sacrifices in the line of duty, a virtue held most high, and they have continually proven their dedication and a willingness to make great sacrifices on behalf of the United States;

Whereas Noncommissioned Officers recognize their role in training young soldiers to become future leaders, and they also recognize that an important part of their job is caring and looking out for the welfare of junior enlisted members and their families;

Whereas Noncommissioned Officers are the "eyes and ears" of the commander, and have a well-earned reputation for having operational and strategic awareness to interpret and issue orders as necessary within their duties and in the absence of commissioned officers; and

Whereas the United States Army is an institution rich in cultural, ethnic, and gender diversity, and Noncommissioned Officers are outstanding role models for all Americans and are exemplary representatives of the moral character and strength of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) recognizes the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army;

(2) expresses its deepest appreciation to the Noncommissioned Officers of the Army who serve or have served in defense of the United States; and

(3) encourages the people of the United States to recognize, commemorate, and honor the role and contribution of Noncommissioned Officers, past and present, in defense of the United States.

Approved August 19, 2009.

LEGISLATIVE HISTORY—H.J. Res. 44:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 27, 28, considered and passed House.
Aug. 4, considered and passed Senate.

Public Law 111–62
111th Congress

Joint Resolution

Aug. 19, 2009
[S.J. Res. 19]

Granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

Whereas Congress in title VI of the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432) authorized the Secretary of Transportation to make grants to the Washington Metropolitan Area Transit Authority subject to certain conditions, including that no amounts may be provided until specified amendments to the Washington Metropolitan Area Transit Regulation Compact have taken effect;

Whereas legislation enacted by the State of Maryland (Chapter 111, 2009 Laws of the Maryland General Assembly), the Commonwealth of Virginia (Chapter 771, 2009 Acts of Assembly of Virginia), and the District of Columbia (D.C. Act 18–0095) contain the amendments to the Washington Metropolitan Area Transit Regulation Compact specified by the Passenger Rail Investment and Improvement Act of 2008 (section 601, Public Law 110–432); and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to sections 5, 9 and 18 of title III of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 5 is amended to read as follows:

"(a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the Federal Government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein,

and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

"(b) Before entering upon the duties of his office each Director and alternate Director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the constitution or laws of the Government he represents shall provide: 'I, , hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and laws of the state or political jurisdiction from which I was appointed as a director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter.'".

(2) Subsection (a) of section 9 is amended to read as follows:

"(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.".

(3) Section 9 is further amended by inserting new subsection (d) to read as follows (and by renumbering all subsequent paragraphs of section 9):

"(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.".

(4) Section 18 is amended by adding a new section 18(d) to read as follows:

"(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under title VI, section 601, Public Law 110–432 regarding funding of capital and preventative maintenance projects of 1 the Authority shall be made from amounts derived from dedicated funding sources.

Definition.

"(2) For the purposes of this paragraph (d), a 'dedicated funding source' means any source of funding that is earmarked or required under State or local law to be used to match Federal appropriations authorized under title VI, section 601, Public Law 110–432 for payments to the Authority.".

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved. The consent granted by this Act shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region that forms the subject of the compact.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

Approved August 19, 2009.

LEGISLATIVE HISTORY—S.J. Res. 19:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 28, considered and passed Senate.
July 31, considered and passed House.

Public Law 111–63
111th Congress

An Act

To amend title XI of the Social Security Act to reauthorize for 1 year the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program.

Sept. 18, 2009
[H.R. 3325]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

WIPA and PABSS Reauthorization Act of 2009. 42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "WIPA and PABSS Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF THE WORK INCENTIVES PLANNING AND ASSISTANCE PROGRAM.

Section 1149(d) of the Social Security Act (42 U.S.C. 1320b–20(d)) is amended by striking "2009" and inserting "2010".

SEC. 3. REAUTHORIZATION OF THE PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY PROGRAM.

Section 1150(h) of the Social Security Act (42 U.S.C. 1320b–21(h)) is amended by striking "2009" and inserting "2010".

Approved September 18, 2009.

LEGISLATIVE HISTORY—H.R. 3325:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 28, considered and passed House.
Aug. 6, considered and passed Senate.

Public Law 111–64
111th Congress

Joint Resolution

Sept. 18, 2009
[S.J. Res. 9]

Providing for the appointment of France A. Córdova as a citizen regent of the Board of Regents of the Smithsonian Institution.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 5581 of the Revised Statutes (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the resignation of Eli Broad of California is filled by the appointment of France A. Córdova of Indiana. The appointment is for a term of 6 years, effective on the later of April 7, 2009, or the date of enactment of this joint resolution.

Effective date.

Approved September 18, 2009.

LEGISLATIVE HISTORY—S.J. Res. 9:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 17, considered and passed Senate.
Sept. 9, considered and passed House.

Public Law 111–65
111th Congress

An Act

To provide for the award of a gold medal on behalf of Congress to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

Sept. 30, 2009
[H.R. 1243]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

31 USC 5111 note.

SECTION 1. FINDINGS.

Congress finds the following:

(1) Arnold Palmer is a world famous golf professional, a highly successful business executive, a prominent advertising spokesman, a devoted husband, father, and grandfather, and a man with a common touch that has made him one of the most popular and accessible public figures in history.

(2) Arnold Palmer amassed 92 championships in professional competition of national or international stature by the end of 1993, 62 of which came on the Professional Golf Association Tour.

(3) Arnold Palmer's magnetic personality and unfailing sense of kindness and thoughtfulness have endeared him to millions throughout the world.

(4) Arnold Palmer has been the recipient of countless honors including virtually every national award in golf and both the Hickok Athlete of the Year and Sports Illustrated's Sportsman of the Year awards, and he was chosen Athlete of the Decade for the 1960s in a national Associated Press poll.

(5) Arnold Palmer has received numerous honors outside the world of sports, including the Patriot Award of the Congressional Medal of Honor Society, the Golden Plate award of the American Academy of Achievement, and the United States Navy Memorial Lone Sailor Award.

(6) Arnold Palmer was honored by the United States Golf Association with the opening of the Arnold Palmer Center for Golf History on June 3rd 2008.

(7) Arnold Palmer served his country for 3 years in the United States Coast Guard and was among those chosen to address the Joint Session of Congress on the occasion of the 100th anniversary of the birth of President Dwight D. Eisenhower.

(8) Arnold Palmer served as Honorary National Chairman of the March of Dimes Birth Defects Foundation for 20 years and played a major role in the fund-raising drive that led to the creation of the Arnold Palmer Hospital for Children

in Orlando and the Latrobe Area Hospital Charitable Foundation in his Western Pennsylvania hometown.

(9) Arnold Palmer remains active in tournament golf, although he retired from competition in the major championships on April 14, 2002, when he played the last of his 48 Masters Tournaments, where he was given an emotional standing ovation as he finished the 18th hole.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Arnold Palmer in recognition of his service to the Nation in promoting excellence and good sportsmanship.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary of the Treasury may prescribe, the Secretary may strike duplicate medals in bronze of the gold medal struck pursuant to section 2 and sell such duplicate medals at a price sufficient to cover the costs of the duplicate medals (including labor, materials, dies, use of machinery, overhead expenses) and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING.

(a) AUTHORIZATION OF CHARGES.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Approved September 30, 2009.

LEGISLATIVE HISTORY—H.R. 1243:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 28, considered and passed House.
Sept. 9, considered and passed Senate.

Public Law 111–66
111th Congress

An Act

To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Sept. 30, 2009
[H.R. 3614]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–43 (123 Stat. 1965), is amended by striking "September 30, 2009" each place it appears and inserting "October 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on September 29, 2009.

Approved September 30, 2009.

LEGISLATIVE HISTORY—H.R. 3614:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 23, considered and passed House.
Sept. 25, considered and passed Senate, amended.
Sept. 29, House concurred in Senate amendment.

Public Law 111–67
111th Congress

An Act

Sept. 30, 2009
[S. 1677]

To reauthorize the Defense Production Act of 1950, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Defense Production Act Reauthorization of 2009.
50 USC app. 2061 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Defense Production Act Reauthorization of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reauthorization of Defense Production Act of 1950.
Sec. 3. Declaration of policy.
Sec. 4. Priority in contracts and orders.
Sec. 5. Designation of energy as a strategic and critical material.
Sec. 6. Strengthening domestic capability.
Sec. 7. Expansion of productive capacity and supply.
Sec. 8. Definitions.
Sec. 9. Voluntary agreements and plans of action for national defense.
Sec. 10. Employment of personnel; appointment policies; nucleus executive reserve; use of confidential information by employees; printing and distribution of reports.
Sec. 11. Defense Production Act Committee.
Sec. 12. Annual report on impact of offsets.

SEC. 2. REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.

(a) TERMINATION OF ACT.—

(1) TERMINATION.—Section 717 of the Defense Production Act of 1950 (50 U.S.C. App. 2166) is amended—

(A) by striking subsections (a) and (b) and inserting the following:

"(a) Title I (except section 104), title III, and title VII (except sections 707, 708, and 721) shall terminate on September 30, 2014, except that all authority extended under title III on or after the date of enactment of the Defense Production Act Reauthorization of 2009 shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) Notwithstanding subsection (a), any agency created under a provision of law that is terminated under subsection (a) may continue in existence, for purposes of liquidation, for a period not to exceed 6 months, beginning on the date of termination of the provision authorizing the creation of such agency under subsection (a)."; and

(B) in subsection (c), by striking the second undesignated paragraph.

(2) REPEALS.—Titles II, IV, V, and VI of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq., 2101 et seq., 2121 et seq., and 2131 et seq.) are repealed.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "(including" and all that follows through ") by" and inserting "by"; and

(B) by striking "(a) AUTHORIZATION.—Except as provided in subsection (b), there" and inserting "There"; and

(2) by striking subsection (b).

SEC. 3. DECLARATION OF POLICY.

(a) FINDINGS.—Section 2 of the Defense Production Act of 1950 (50 U.S.C. App. 2062) is amended to read as follows:

"SEC. 2. DECLARATION OF POLICY.

"(a) FINDINGS.—Congress finds that—

"(1) the security of the United States is dependent on the ability of the domestic industrial base to supply materials and services for the national defense and to prepare for and respond to military conflicts, natural or man-caused disasters, or acts of terrorism within the United States;

"(2) to ensure the vitality of the domestic industrial base, actions are needed—

"(A) to promote industrial resources preparedness in the event of domestic or foreign threats to the security of the United States;

"(B) to support continuing improvements in industrial efficiency and responsiveness;

"(C) to provide for the protection and restoration of domestic critical infrastructure operations under emergency conditions; and

"(D) to respond to actions taken outside of the United States that could result in reduced supplies of strategic and critical materials, including energy, necessary for national defense and the general economic well-being of the United States;

"(3) in order to provide for the national security, the national defense preparedness effort of the United States Government requires—

"(A) preparedness programs to respond to both domestic emergencies and international threats to national defense;

"(B) measures to improve the domestic industrial base for national defense;

"(C) the development of domestic productive capacity to meet—

"(i) essential national defense needs that can result from emergency conditions; and

"(ii) unique technological requirements; and

"(D) the diversion of certain materials and facilities from ordinary use to national defense purposes, when national defense needs cannot otherwise be satisfied in a timely fashion;

"(4) to meet the requirements referred to in this subsection, this Act provides the President with an array of authorities to shape national defense preparedness programs and to take

appropriate steps to maintain and enhance the domestic industrial base;

"(5) in order to ensure national defense preparedness, it is necessary and appropriate to assure the availability of domestic energy supplies for national defense needs;

"(6) to further assure the adequate maintenance of the domestic industrial base, to the maximum extent possible, domestic energy supplies should be augmented through reliance on renewable energy sources (including solar, geothermal, wind, and biomass sources), more efficient energy storage and distribution technologies, and energy conservation measures;

"(7) much of the industrial capacity that is relied upon by the United States Government for military production and other national defense purposes is deeply and directly influenced by—

"(A) the overall competitiveness of the industrial economy of the United States; and

"(B) the ability of industries in the United States, in general, to produce internationally competitive products and operate profitably while maintaining adequate research and development to preserve competitiveness with respect to military and civilian production; and

"(8) the inability of industries in the United States, especially smaller subcontractors and suppliers, to provide vital parts and components and other materials would impair the ability to sustain the Armed Forces of the United States in combat for longer than a short period.

"(b) STATEMENT OF POLICY.—It is the policy of the United States that—

"(1) to ensure the adequacy of productive capacity and supply, Federal departments and agencies that are responsible for national defense acquisition should continuously assess the capability of the domestic industrial base to satisfy production requirements under both peacetime and emergency conditions, specifically evaluating the availability of adequate production sources, including subcontractors and suppliers, materials, skilled labor, and professional and technical personnel;

"(2) every effort should be made to foster cooperation between the defense and commercial sectors for research and development and for acquisition of materials, components, and equipment;

"(3) plans and programs to carry out the purposes of this Act should be undertaken with due consideration for promoting efficiency and competition;

"(4) in providing United States Government financial assistance under this Act to correct a domestic industrial base shortfall, the President should give consideration to the creation or maintenance of production sources that will remain economically viable after such assistance has ended;

"(5) authorities under this Act should be used to reduce the vulnerability of the United States to terrorist attacks, and to minimize the damage and assist in the recovery from terrorist attacks that occur in the United States;

"(6) in order to ensure productive capacity in the event of an attack on the United States, the United States Government should encourage the geographic dispersal of industrial facilities in the United States to discourage the concentration

of such productive facilities within limited geographic areas that are vulnerable to attack by an enemy of the United States;

"(7) to ensure that essential national defense requirements are met, consideration should be given to stockpiling strategic materials, to the extent that such stockpiling is economical and feasible; and

"(8) in the construction of any industrial facility owned by the United States Government, in the rendition of any financial assistance by the United States Government for the construction, expansion, or improvement of any industrial facility, and in the production of goods and services, under this Act or any other provision of law, each department and agency of the United States Government should apply, under the coordination of the Federal Emergency Management Agency, when practicable and consistent with existing law and the desirability for maintaining a sound economy, the principle of geographic dispersal of such facilities in the interest of national defense.".

SEC. 4. PRIORITY IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended by adding at the end the following:

"(d) The head of each Federal agency to which the President delegates authority under this section shall—

"(1) not later than 270 days after the date of enactment of the Defense Production Act Reauthorization of 2009, issue final rules, in accordance with section 553 of title 5, United States Code, that establish standards and procedures by which the priorities and allocations authority under this section is used to promote the national defense, under both emergency and nonemergency conditions; and

Deadline. Regulations.

"(2) as appropriate and to the extent practicable, consult with the heads of other Federal agencies to develop a consistent and unified Federal priorities and allocations system.".

Consultation.

SEC. 5. DESIGNATION OF ENERGY AS A STRATEGIC AND CRITICAL MATERIAL.

Section 106 of the Defense Production Act of 1950 (50 U.S.C. App. 2076) is amended—

(1) by striking "such designation" and all that follows through "(1)" and inserting "such designation";

(2) by striking "; or" and inserting a period; and

(3) by striking paragraph (2).

SEC. 6. STRENGTHENING DOMESTIC CAPABILITY.

Section 107 of the Defense Production Act of 1950 (50 U.S.C. App. 2077) is amended—

(1) in subsection (a)—

(A) by inserting "restore," after "modernize,"; and

(B) by inserting "materials," after "items,"; and

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1), as so redesignated, by striking "or critical technology items" and inserting ", critical technology items, essential materials, and industrial resources".

SEC. 7. EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY.

Title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) is amended to read as follows:

"TITLE III—EXPANSION OF PRODUCTIVE CAPACITY AND SUPPLY

50 USC app. 2091.

"SEC. 301. PRESIDENTIAL AUTHORIZATION FOR THE NATIONAL DEFENSE.

"(a) EXPEDITING PRODUCTION AND DELIVERIES OR SERVICES.—

"(1) AUTHORIZED ACTIVITIES.—To reduce current or projected shortfalls of industrial resources, critical technology items, or essential materials needed for national defense purposes, subject to such regulations as the President may prescribe, the President may authorize a guaranteeing agency to provide guarantees of loans by private institutions for the purpose of financing any contractor, subcontractor, provider of critical infrastructure, or other person in support of production capabilities or supplies that are deemed by the guaranteeing agency to be necessary to create, maintain, expedite, expand, protect, or restore production and deliveries or services essential to the national defense.

"(2) PRESIDENTIAL DETERMINATIONS REQUIRED.—Except during a period of national emergency declared by Congress or the President, a loan guarantee may be entered into under this section only if the President determines that—

"(A) the loan guarantee is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential for national defense purposes;

"(B) without a loan guarantee, credit is not available to the loan applicant under reasonable terms or conditions sufficient to finance the activity;

"(C) the loan guarantee is the most cost effective, expedient, and practical alternative for meeting the needs of the Federal Government;

"(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed;

"(E) the loan to be guaranteed bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan;

"(F) the loan agreement for the loan to be guaranteed provides that no provision of the loan agreement may be amended or waived without the consent of the fiscal agent of the United States for the guarantee; and

"(G) the loan applicant has provided or will provide—

"(i) an assurance of repayment, as determined by the President; and

"(ii) security—

"(I) in the form of a performance bond, insurance, collateral, or other means acceptable to the fiscal agent of the United States; and

"(II) in an amount equal to not less than 20 percent of the amount of the loan.

"(3) LIMITATIONS ON LOANS.—Loans under this section may be—

"(A) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

"(i) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

"(ii) establishes a limitation on the total loan principal that may be guaranteed; and

"(B) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

"(b) FISCAL AGENTS OF THE UNITED STATES.—

"(1) IN GENERAL.—Any Federal agency or any Federal reserve bank, when designated by the President, is hereby authorized to act, on behalf of any guaranteeing agency, as fiscal agent of the United States in the making of such contracts of guarantee and in otherwise carrying out the purposes of this section.

"(2) FUNDS.—All such funds as may be necessary to enable any fiscal agent described in paragraph (1) to carry out any guarantee made by it on behalf of any guaranteeing agency shall be supplied and disbursed by or under authority from such guaranteeing agency.

"(3) LIMIT ON LIABILITY.—No fiscal agent described in paragraph (1) shall have any responsibility or accountability, except as agent in taking any action pursuant to or under authority of this section.

"(4) REIMBURSEMENTS.—Each fiscal agent described in paragraph (1) shall be reimbursed by each guaranteeing agency for all expenses and losses incurred by such fiscal agent in acting as agent on behalf of such guaranteeing agency, including, notwithstanding any other provision of law, attorneys' fees and expenses of litigation.

"(c) OVERSIGHT.—

"(1) IN GENERAL.—All actions and operations of fiscal agents under authority of or pursuant to this section shall be subject to the supervision of the President, and to such regulations as the President may prescribe.

"(2) OTHER AUTHORITY.—The President is authorized to prescribe—

"(A) either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through fiscal agents under this section; and

"(B) regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

"(d) AGGREGATE GUARANTEE AMOUNTS.—

"(1) INDUSTRIAL RESOURCE AND CRITICAL TECHNOLOGY SHORTFALLS.—

"(A) IN GENERAL.—If the making of any guarantee or obligation of the Federal Government under this title relating to a domestic industrial base shortfall would cause the aggregate outstanding amount of all guarantees for such shortfall to exceed $50,000,000, any such guarantee may be made only—

Notification.

"(i) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives in writing of the proposed guarantee; and

"(ii) after the 30-day period following the date on which notice under clause (i) is provided.

"(B) WAIVERS AUTHORIZED.—The requirements of subparagraph (A) may be waived—

"(i) during a period of national emergency declared by Congress or the President; or

"(ii) upon a determination by the President, on a nondelegable basis, that a specific guarantee is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

"(2) OTHER LIMITATIONS.—The authority conferred by this section shall not be used primarily to prevent the financial insolvency or bankruptcy of any person, unless—

Certification.

"(A) the President certifies that the insolvency or bankruptcy would have a direct and substantially adverse effect upon national defense production; and

Deadline.

"(B) a copy of the certification under subparagraph (A), together with a detailed justification thereof, is transmitted to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 days prior to the exercise of that authority for such use.

50 USC app. 2092.

"SEC. 302. LOANS TO PRIVATE BUSINESS ENTERPRISES.

"(a) LOAN AUTHORITY.—To reduce current or projected shortfalls of industrial resources, critical technology items, or materials essential for the national defense, the President may make provision for loans to private business enterprises (including nonprofit research corporations and providers of critical infrastructure) for the creation, maintenance, expansion, protection, or restoration of capacity, the development of technological processes, or the production of essential materials, including the exploration, development, and mining of strategic and critical metals and minerals.

"(b) CONDITIONS OF LOANS.—Loans may be made under this section on such terms and conditions as the President deems necessary, except that—

"(1) financial assistance may be extended only to the extent that it is not otherwise available from private sources on reasonable terms; and

"(2) during periods of national emergency declared by the Congress or the President, no such loan may be made unless the President determines that—

"(A) the loan is for an activity that supports the production or supply of an industrial resource, critical technology item, or material that is essential to the national defense;

"(B) without the loan, United States industry cannot reasonably be expected to provide the needed capacity, technological processes, or materials in a timely manner;

"(C) the loan is the most cost-effective, expedient, and practical alternative method for meeting the need;

"(D) the prospective earning power of the loan applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan in accordance with the terms of the loan, as determined by the President; and

"(E) the loan bears interest at a rate determined by the Secretary of the Treasury to be reasonable, taking into account the then-current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

"(c) LIMITATIONS ON LOANS.—Loans under this section may be—

"(1) made or guaranteed under the authority of this section only to the extent that an appropriations Act—

"(A) provides, in advance, budget authority for the cost of such guarantees, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a); and

"(B) establishes a limitation on the total loan principal that may be guaranteed; and

"(2) made without regard to the limitations of existing law, other than section 1341 of title 31, United States Code.

"(d) AGGREGATE LOAN AMOUNTS.—

"(1) IN GENERAL.—If the making of any loan under this section to correct a shortfall would cause the aggregate outstanding amount of all obligations of the Federal Government under this title relating to such shortfall to exceed $50,000,000, such loan may be made only—

"(A) if the President has notified the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, in writing, of the proposed loan; and Notification.

"(B) after the 30-day period following the date on which notice under subparagraph (A) is provided.

"(2) WAIVERS AUTHORIZED.—The requirements of paragraph (1) may be waived—

"(A) during a period of national emergency declared by the Congress or the President; and

"(B) upon a determination by the President, on a nondelegable basis, that a specific loan is necessary to avert an industrial resource or critical technology shortfall that would severely impair national defense capability.

"SEC. 303. OTHER PRESIDENTIAL ACTION AUTHORIZED. 50 USC app. 2093.

"(a) IN GENERAL.—

"(1) IN GENERAL.—To create, maintain, protect, expand, or restore domestic industrial base capabilities essential for the national defense, the President may make provision—

"(A) for purchases of or commitments to purchase an industrial resource or a critical technology item, for Government use or resale;

"(B) for the encouragement of exploration, development, and mining of critical and strategic materials, and other materials;

"(C) for the development of production capabilities; and

"(D) for the increased use of emerging technologies in security program applications and the rapid transition of emerging technologies—

"(i) from Government-sponsored research and development to commercial applications; and

"(ii) from commercial research and development to national defense applications.

"(2) TREATMENT OF CERTAIN AGRICULTURAL COMMODITIES.—A purchase for resale under this subsection shall not include that part of the supply of an agricultural commodity which is domestically produced, except to the extent that such domestically produced supply may be purchased for resale for industrial use or stockpiling.

"(3) TERMS OF SALES.—No commodity purchased under this subsection shall be sold at less than—

"(A) the established ceiling price for such commodity, except that minerals, metals, and materials shall not be sold at less than the established ceiling price, or the current domestic market price, whichever is lower; or

"(B) if no ceiling price has been established, the higher of—

"(i) the current domestic market price for such commodity; or

"(ii) the minimum sale price established for agricultural commodities owned or controlled by the Commodity Credit Corporation, as provided in section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427).

"(4) DELIVERY DATES.—No purchase or commitment to purchase any imported agricultural commodity shall specify a delivery date which is more than 1 year after the date of termination of this section.

"(5) PRESIDENTIAL DETERMINATIONS.—Except as provided in paragraph (7), the President may not execute a contract under this subsection unless the President determines that—

"(A) the industrial resource, material, or critical technology item is essential to the national defense; and

"(B) without Presidential action under this section, United States industry cannot reasonably be expected to provide the capability for the needed industrial resource, material, or critical technology item in a timely manner.

"(6) NOTIFICATION TO CONGRESS OF SHORTFALL.—

"(A) IN GENERAL.—Except as provided in paragraph (7), the President shall provide written notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of a domestic industrial base shortfall prior to taking action under this subsection to remedy the shortfall. The notice shall include the determinations made by the President under paragraph (5).

"(B) AGGREGATE AMOUNTS.—If the taking of any action under this subsection to correct a domestic industrial base shortfall would cause the aggregate outstanding amount of all such actions for such shortfall to exceed $50,000,000, the action or actions may be taken only after the 30-day period following the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives have been notified in writing of the proposed action.

"(7) WAIVERS AUTHORIZED.—The requirements of paragraphs (1) through (6) may be waived—

"(A) during a period of national emergency declared by the Congress or the President; or

"(B) upon a determination by the President, on a non-delegable basis, that action is necessary to avert an industrial resource or critical technology item shortfall that would severely impair national defense capability.

"(b) EXEMPTION FOR CERTAIN LIMITATIONS.—Subject to the limitations in subsection (a), purchases and commitments to purchase and sales under subsection (a) may be made without regard to the limitations of existing law (other than section 1341 of title 31, United States Code), for such quantities, and on such terms and conditions, including advance payments, and for such periods, but not extending beyond a date that is not more than 10 years from the date on which such purchase, purchase commitment, or sale was initially made, as the President deems necessary, except that purchases or commitments to purchase involving higher than established ceiling prices (or if no such established ceiling prices exist, currently prevailing market prices) or anticipated loss on resale shall not be made, unless it is determined that supply of the materials could not be effectively increased at lower prices or on terms more favorable to the Government, or that such purchases are necessary to assure the availability to the United States of overseas supplies.

"(c) PRESIDENTIAL FINDINGS.—

"(1) IN GENERAL.—The President may take the actions described in paragraph (2), if the President finds that—

"(A) under generally fair and equitable ceiling prices, for any raw or nonprocessed material, there will result a decrease in supplies from high-cost sources of such material, and that the continuation of such supplies is necessary to carry out the objectives of this title; or

"(B) an increase in cost of transportation is temporary in character and threatens to impair maximum production or supply in any area at stable prices of any materials.

"(2) SUBSIDY PAYMENTS AUTHORIZED.—Upon a finding under paragraph (1), the President may make provision for subsidy payments on any such domestically produced material, other than an agricultural commodity, in such amounts and in such manner (including purchases of such material and its resale at a loss), and on such terms and conditions, as the President determines to be necessary to ensure that supplies from such high-cost sources are continued, or that maximum production or supply in such area at stable prices of such materials is maintained, as the case may be.

"(d) INCIDENTAL AUTHORITY.—The procurement power granted to the President by this section shall include the power to transport and store and have processed and refined any materials procured under this section.

"(e) INSTALLATION OF EQUIPMENT IN INDUSTRIAL FACILITIES.—

"(1) INSTALLATION AUTHORIZED.—If the President determines that such action will aid the national defense, the President is authorized—

"(A) to procure and install additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the Federal Government;

"(B) to procure and install equipment owned by the Federal Government in plants, factories, and other industrial facilities owned by private persons;

"(C) to provide for the modification or expansion of privately owned facilities, including the modification or improvement of production processes, when taking actions under section 301, 302, or this section; and

"(D) to sell or otherwise transfer equipment owned by the Federal Government and installed under this subsection to the owners of such plants, factories, or other industrial facilities.

"(2) INDEMNIFICATION.—The owner of any plant, factory, or other industrial facility that receives equipment owned by the Federal Government under this section shall agree—

"(A) to waive any claim against the United States under section 107 or 113 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607 and 9613); and

"(B) to indemnify the United States against any claim described in paragraph (1) made by a third party that arises out of the presence or use of equipment owned by the Federal Government.

"(f) EXCESS METALS, MINERALS, AND MATERIALS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law to the contrary, metals, minerals, and materials acquired pursuant to this section which, in the judgment of the President, are excess to the needs of programs under this Act, shall be transferred to the National Defense Stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), when the President deems such action to be in the public interest.

"(2) TRANSFERS AT NO CHARGE.—Transfers made pursuant to this subsection shall be made without charge against or reimbursement from funds appropriated for the purposes of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.), except that costs incident to such transfer, other than acquisition costs, shall be paid or reimbursed from such funds.

"(g) SUBSTITUTES.—When, in the judgement of the President, it will aid the national defense, the President may make provision for the development of substitutes for strategic and critical materials, critical components, critical technology items, and other industrial resources.

"SEC. 304. DEFENSE PRODUCTION ACT FUND.

50 USC app. 2094.

"(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a separate fund to be known as the 'Defense Production Act Fund' (in this section referred to as the 'Fund').

"(b) MONEYS IN FUND.—There shall be credited to the Fund—

"(1) all moneys appropriated for the Fund, as authorized by section 711; and

"(2) all moneys received by the Fund on transactions entered into pursuant to section 303.

"(c) USE OF FUND.—The Fund shall be available to carry out the provisions and purposes of this title, subject to the limitations set forth in this Act and in appropriations Acts.

"(d) DURATION OF FUND.—Moneys in the Fund shall remain available until expended.

"(e) FUND BALANCE.—The Fund balance at the close of each fiscal year shall not exceed $750,000,000, excluding any moneys appropriated to the Fund during that fiscal year or obligated funds. If, at the close of any fiscal year, the Fund balance exceeds $750,000,000, the amount in excess of $750,000,000 shall be paid into the general fund of the Treasury.

"(f) FUND MANAGER.—The President shall designate a Fund manager. The duties of the Fund manager shall include— President.

"(1) determining the liability of the Fund in accordance with subsection (g);

"(2) ensuring the visibility and accountability of transactions engaged in through the Fund; and

"(3) reporting to the Congress each year regarding activities of the Fund during the previous fiscal year.

"(g) LIABILITIES AGAINST FUND.—When any agreement entered into pursuant to this title after December 31, 1991, imposes any contingent liability upon the United States, such liability shall be considered an obligation against the Fund.". Contracts.

SEC. 8. DEFINITIONS.

Section 702 of the Defense Production Act of 1950 (50 U.S.C. App. 2152) is amended—

(1) in paragraph (1), by striking "military equipment identified by the Secretary of Defense" and inserting "equipment identified by the President";

(2) by striking paragraphs (2), (4), (9), and (18);

(3) by redesignating paragraph (3) as paragraph (2);

(4) by inserting after paragraph (2), as so redesignated, the following:

"(3) CRITICAL TECHNOLOGY.—The term 'critical technology' includes any technology designated by the President to be essential to the national defense.";

(5) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively;

(6) in paragraph (6), as so redesignated—

(A) in the paragraph heading, by striking "DEFENSE";

(B) by striking "domestic defense" and inserting "domestic"; and

(C) by striking "graduated mobilization,";

(7) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(8) by inserting after paragraph (9), as so redesignated, the following:

"(10) GUARANTEEING AGENCY.—The term 'guaranteeing agency' means a department or agency of the United States engaged in procurement for the national defense.

"(11) HOMELAND SECURITY.—The term 'homeland security' includes efforts—

"(A) to prevent terrorist attacks within the United States;

"(B) to reduce the vulnerability of the United States to terrorism;

"(C) to minimize damage from a terrorist attack in the United States; and

"(D) to recover from a terrorist attack in the United States.";

(9) in paragraph (12), by striking "capacity" and inserting "base";

(10) in paragraph (14), by striking "military assistance to any foreign nation" and inserting "military or critical infrastructure assistance to any foreign nation, homeland security"; and

(11) in paragraph (16)—

(A) in subparagraph (A), by striking "or" at the end;

(B) in subparagraph (B), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(C) the movement of individuals and property by all modes of civil transportation; or

"(D) other national defense programs and activities.".

SEC. 9. VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR NATIONAL DEFENSE.

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "defense of the United States" and all that follows through the period and inserting "national defense."; and

(B) by adding at the end the following:

President.

"(3) Upon a determination by the President, on a nondelegable basis, that a specific voluntary agreement or plan of action is necessary to meet national defense requirements resulting from an event that degrades or destroys critical infrastructure—

"(A) an individual that has been delegated authority under paragraph (1) with respect to such agreement or plan shall not be required to consult with the Attorney General or the Federal Trade Commission under paragraph (2)(B); and

Publication.
Regulation.
Notice.

"(B) the President shall publish a rule in accordance with subsection (e)(2)(B) and publish notice in accordance with subsection (e)(3)(B) with respect to such agreement or plan as soon as is practicable under the circumstances.";

(2) in subsection (f)(2)—

(A) by striking "two years" each place that term appears and inserting "5 years"; and

(B) by striking "two-year" and inserting "5-year"; and

(3) by striking subsection (n) and inserting the following:

"(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, the Federal Advisory Committee Act (5 U.S.C. App.) and any other provision of Federal law relating to advisory committees shall not apply to—

"(1) the consultations referred to in subsection (c)(1); or

"(2) any activity conducted under a voluntary agreement or plan of action approved pursuant to this section that complies with the requirements of this section.".

SEC. 10. EMPLOYMENT OF PERSONNEL; APPOINTMENT POLICIES; NUCLEUS EXECUTIVE RESERVE; USE OF CONFIDENTIAL INFORMATION BY EMPLOYEES; PRINTING AND DISTRIBUTION OF REPORTS.

Section 710 of the Defense Production Act of 1950 (50 U.S.C. App. 2160) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking clause (iii);

(B) by striking paragraph (4);

(C) by redesignating paragraphs (5) through (8) as paragraphs (4) through (7), respectively; and

(D) in paragraph (6), as so redesignated, by striking "At least" and all that follows through "survey" and inserting "The Director of the Office of Personnel Management shall carry out a biennial survey of";

(2) in subsection (c), by striking the third sentence;

(3) in subsection (d), by striking "needed;" and all that follows through the period and inserting "needed."; and

(4) in subsection (e)—

(A) in the first sentence, by striking "emergency" and inserting "national defense emergency, as determined by the President"; and

(B) by striking the third sentence.

SEC. 11. DEFENSE PRODUCTION ACT COMMITTEE.

Section 722 of the Defense Production Act of 1950 (50 U.S.C. App. 2171) is amended to read as follows:

"SEC. 722. DEFENSE PRODUCTION ACT COMMITTEE.

"(a) COMMITTEE ESTABLISHED.—There is established the Defense Production Act Committee (in this section referred to as the 'Committee'), which shall advise the President on the effective use of the authority under this Act by the departments, agencies, and independent establishments of the Federal Government to which the President has delegated authority under this Act.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The members of the Committee shall be—

"(A) the head of each Federal agency to which the President has delegated authority under this Act; and

"(B) the Chairperson of the Council of Economic Advisors.

"(2) CHAIRPERSON.—The President shall designate 1 member of the Committee as the Chairperson of the Committee. President.

"(c) EXECUTIVE DIRECTOR.—

"(1) IN GENERAL.—The President shall appoint an Executive Director of the Defense Production Act Committee (in this section referred to as the 'Executive Director'), who shall— President.

"(A) be responsible to the Chairperson of the Committee; and

"(B) carry out such activities relating to the Committee as the Chairperson may determine.

"(2) APPOINTMENT.—The appointment by the President shall not be subject to the advice and consent of the Senate.

"(3) COMPENSATION.—For pay periods beginning on or after the date on which each Chairperson is appointed, funds for the pay of the Executive Director shall be paid from appropriations to the salaries and expenses account of the department or agency of the Chairperson of the Committee. The Executive Director shall be compensated at a rate of pay equivalent to that of a Deputy Assistant Secretary (or a comparable position) of the Federal agency of the Chairperson of the Committee.

"(d) REPORT.—Not later than the end of the first quarter of each calendar year, the Committee shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report signed by each member of the Committee that contains—

"(1) a review of the authority under this Act of each department, agency, or independent establishment of the Federal Government to which the President has delegated authority under this Act;

"(2) recommendations for the effective use of the authority described in paragraph (1) in a manner consistent with the statement of policy under section 2(b);

"(3) recommendations for legislation, regulations, executive orders, or other action by the Federal Government necessary to improve the use of the authority described in paragraph (1); and

"(4) recommendations for improving information sharing between departments, agencies, and independent establishments of the Federal Government relating to all aspects of the authority described in paragraph (1).

"(e) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.".

SEC. 12. ANNUAL REPORT ON IMPACT OF OFFSETS.

(a) ANNUAL REPORT.—Title VII of the Defense Production Act of 1950 (50 U.S.C. App. 2151 et seq.) is amended by adding at the end the following:

50 USC app. 2172.

"SEC. 723. ANNUAL REPORT ON IMPACT OF OFFSETS.

"(a) REPORT REQUIRED.—

President.

"(1) IN GENERAL.—The President shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, a detailed annual report on the impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the United States.

"(2) DUTIES OF THE SECRETARY OF COMMERCE.—The Secretary of Commerce (hereafter in this subsection referred to as the 'Secretary') shall—

"(A) prepare the report required by paragraph (1);

Consultation.

"(B) consult with the Secretary of Defense, the Secretary of the Treasury, the Secretary of State, and the

United States Trade Representative in connection with the preparation of such report; and

"(C) function as the President's Executive Agent for carrying out this section.

"(b) INTERAGENCY STUDIES AND RELATED DATA.—

"(1) PURPOSE OF REPORT.—Each report required under subsection (a) shall identify the cumulative effects of offset agreements on—

"(A) the full range of domestic defense productive capability (with special attention paid to the firms serving as lower-tier subcontractors or suppliers); and

"(B) the domestic defense technology base as a consequence of the technology transfers associated with such offset agreements.

"(2) USE OF DATA.—Data developed or compiled by any agency while conducting any interagency study or other independent study or analysis shall be made available to the Secretary to facilitate the execution of the Secretary's responsibilities with respect to trade offset and countertrade policy development.

"(c) NOTICE OF OFFSET AGREEMENTS.—

"(1) IN GENERAL.—If a United States firm enters into a contract for the sale of a weapon system or defense-related item to a foreign country or foreign firm and such contract is subject to an offset agreement exceeding $5,000,000 in value, such firm shall furnish to the official designated in the regulations promulgated pursuant to paragraph (2) information concerning such sale.

"(2) REGULATIONS.—The information to be furnished under paragraph (1) shall be prescribed in regulations promulgated by the Secretary. Such regulations shall provide protection from public disclosure for such information, unless public disclosure is subsequently specifically authorized by the firm furnishing the information.

"(d) CONTENTS OF REPORT.—

"(1) IN GENERAL.—Each report under subsection (a) shall include—

"(A) a net assessment of the elements of the industrial base and technology base covered by the report;

"(B) recommendations for appropriate remedial action under the authority of this Act, or other law or regulations;

"(C) a summary of the findings and recommendations of any interagency studies conducted during the reporting period under subsection (b);

"(D) a summary of offset arrangements concluded during the reporting period for which information has been furnished pursuant to subsection (c); and

"(E) a summary and analysis of any bilateral and multilateral negotiations relating to the use of offsets completed during the reporting period.

"(2) ALTERNATIVE FINDINGS OR RECOMMENDATIONS.—Each report required under this section shall include any alternative findings or recommendations offered by any departmental Secretary, agency head, or the United States Trade Representative to the Secretary.

"(e) UTILIZATION OF ANNUAL REPORT IN NEGOTIATIONS.—The findings and recommendations of the reports required by subsection

(a), and any interagency reports and analyses shall be considered by representatives of the United States during bilateral and multilateral negotiations to minimize the adverse effects of offsets.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFENSE PRODUCTION ACT AMENDMENTS OF 1992.—Section 123(c)(1)(C) of the Defense Production Act Amendments of 1992 (50 U.S.C. App. 2099 note) is amended by striking "section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))" and inserting "section 723(a) of the Defense Production Act of 1950".

(2) AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000.—Section 1102(2) of the American Homeownership and Economic Opportunity Act of 2000 (31 U.S.C. 1113 note) is amended by striking "309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099)" and inserting "723 of the Defense Production Act of 1950".

(3) DEFENSE PRODUCTION ACT AMENDMENTS OF 2003.—Section 7(a) of the Defense Production Act Amendments of 2003 (50 U.S.C. App. 2099 note) is amended by striking "section 309(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2099(a))" and inserting "section 723(a) of the Defense Production Act of 1950".

Approved September 30, 2009.

LEGISLATIVE HISTORY—S. 1677:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 16, considered and passed Senate.
Sept. 23, considered and passed House.

Public Law 111–68
111th Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes.

Oct. 1, 2009
[H.R. 2918]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REFERENCES

SEC. 1. Except as expressly provided otherwise, any reference to "this Act" or "this joint resolution" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2010

Legislative Branch Appropriations Act, 2010.

2 USC 60a note.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

LEGISLATIVE BRANCH

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Victoria Reggie Kennedy, widow of Edward M. Kennedy, late a Senator from Massachussetts, $174,000.

Victoria Reggie Kennedy.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $178,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $70,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $140,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,000,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $153,601,000, which shall remain available until September 30, 2014.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: *Provided*, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $422,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS

Effective date. 26 USC 61–1 and note.

SEC. 1. Effective on and after October 1, 2009, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2009, increased by an additional $50,000 each.

REPORTING REQUIREMENT

SEC. 2. Section 105(a) of the Legislative Branch Appropriations Act 1965 (Public Law 88–454; 2 U.S.C. 104a) is amended—

(1) in the last sentence of paragraph (1), by striking "shall" and inserting "may"; and

(2) by adding at the end the following:

"(6) Beginning with the report covering the first full semiannual period of the 112th Congress, the Secretary of the Senate—

Web posting.

"(1) shall publicly post on-line on the website of the Senate each report in a searchable, itemized format as required under this section;

"(2) shall issue each report required under this section in electronic form; and

"(3) may issue each report required under this section in other forms at the discretion of the Secretary of the Senate.".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,369,025,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $25,881,000, including: Office of the Speaker, $5,077,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,530,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,565,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,194,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,690,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $517,000; Republican Steering Committee, $981,000; Republican Conference, $1,748,000; Republican Policy Committee, $362,000; Democratic Steering and Policy Committee, $1,366,000; Democratic Caucus, $1,725,000; nine minority employees, $1,552,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $497,000; and Cloakroom Personnel—minority, $497,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $660,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $139,878,000: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2010, except that $1,000,000 of such amount shall remain available until expended for committee room upgrading.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2010.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $198,301,000, including: for salaries and expenses of the Office of the Clerk, including not more than $23,000, of which not more than $20,000 is for the Family Room, for official representation and reception expenses, $30,089,000 of which $2,600,000 shall remain available until expended; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $9,509,000; for salaries and expenses of the Office of the Chief Administrative Officer including not more than $3,000 for official representation and reception expenses, $130,782,000, of which $3,937,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $5,045,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $4,445,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $1,415,000; for the Office of the Chaplain, $179,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,060,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,258,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,814,000; for salaries and expenses of the Office of Interparliamentary Affairs, $859,000; for other authorized employees, $1,249,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $597,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $313,665,000, including: supplies, materials, administrative costs and Federal tort claims, $3,948,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $276,703,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $25,098,000, of which $5,425,000 shall remain available until expended; transition activities for new members and staff, $2,907,000; Wounded Warrior Program, $2,500,000, to be derived from funding provided for this purpose in Division G of Public Law 111–8; Office of Congressional Ethics, $1,548,000; Energy Demonstration Projects, $2,500,000, if authorized, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $760,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "House of Representatives—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 2010. Any amount remaining after all payments are made under such allowances for fiscal year 2010 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 102. Effective with respect to fiscal year 2010 and each succeeding fiscal year, the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for each of the following offices is increased as follows: 2 USC 74a–10b.

(1) The allowance for the office of the Majority Whip is increased by $96,000.

(2) The allowance for the office of the Minority Whip is increased by $96,000.

HOUSE FITNESS CENTER

SEC. 103. Any active duty member of the Armed Forces who is assigned to a congressional liaison office of the Armed Forces at the House of Representatives may obtain membership in the exercise facility established for employees of the House of Representatives (as described in section 103(a) of the Legislative Branch Appropriations Act, 2005) in the same manner as an employee of the House of Representatives, in accordance with such regulations as the Committee on House Administration may promulgate.

SEC. 104. (a) Section 101(d) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(d)), as added by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by striking "and made available" and inserting "and merged with and made available".

(b) The amendment made by subsection (a) shall apply to funds appropriated for fiscal year 2010 and succeeding fiscal years. Applicability. 2 USC 956 note.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives. For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,366,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,805,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $265,188,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the

awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $63,130,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2010 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISION

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. Amounts appropriated for fiscal year 2010 for the Capitol Police may be transferred between the headings "Salaries" and "General expenses" upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,377,000, of which $884,000 shall remain available until September 30, 2011: *Provided,* That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

ADMINISTRATIVE PROVISION

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

SEC. 1101. (a) IN GENERAL.—Title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) is amended by inserting after section 305 the following:

"SEC. 306. DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY. 2 USC 1386.

"The Executive Director may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) is amended by inserting after section 305 the following:

"Sec. 306. Disposition of surplus or obsolete personal property.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2010, and each fiscal year thereafter. 2 USC 1386 note.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $45,165,000.

ADMINISTRATIVE PROVISION

EXECUTIVE EXCHANGE PROGRAM FOR THE CONGRESSIONAL BUDGET OFFICE

SEC. 1201. Section 1201 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 611 note; Public law 110–161; 121 Stat. 2238) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "3" and inserting "5"; and

(B) in paragraph (2), by striking "3" and inserting "5";

(2) by striking subsection (d), and redesignating subsection (e) as subsection (d); and

(3) in subsection (d) (as redesignated by this section), by striking "Subject to subsection (d), this" and inserting "This".

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $106,783,000, of which $5,400,000 shall remain available until September 30, 2014.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $33,182,000, of which $6,499,000 shall remain available until September 30, 2014.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings,

and the Capitol Power Plant, $10,974,000, of which $1,410,000 shall remain available until September 30, 2014.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $74,392,000, of which $15,390,000 shall remain available until September 30, 2014.

HOUSE OFFICE BUILDINGS

For necessary expenses for the maintenance, care and operation of the House office buildings, $100,466,000, of which $53,360,000 shall remain available until September 30, 2014.

In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $50,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $119,133,000, of which $25,610,000 shall remain available until September 30, 2014: *Provided,* That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2010.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $45,795,000, of which $19,560,000 shall remain available until September 30, 2014.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $27,012,000, of which $8,150,000 shall remain available until September 30, 2014.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $11,390,000, of which $900,000 shall remain available until September 30, 2014: *Provided*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,459,000.

ADMINISTRATIVE PROVISIONS

DISPOSITION OF SURPLUS OR OBSOLETE PERSONAL PROPERTY

2 USC 1817a.

SEC. 1301. (a) IN GENERAL.—The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

FLEXIBLE AND COMPRESSED WORK SCHEDULES

SEC. 1302. Chapter 61 of title 5, United States Code, is amended—

(1) in section 6121(1) by striking "and the Library of Congress" and inserting "the Library of Congress, the Architect of the Capitol, and the Botanic Garden"; and

(2) in section 6133(c) by adding at the end the following:

"(3) With respect to employees of the Architect of the Capitol and the Botanic Garden, the authority granted to the Office of Personnel Management under this subchapter shall be exercised by the Architect of the Capitol.".

ACCEPTANCE OF VOLUNTARY STUDENT SERVICES

SEC. 1303. (a) Section 3111 of title 5, United States Code, is amended by adding at the end the following:

"(e) For purposes of this section the term 'agency' shall include the Architect of the Capitol. With respect to the Architect of the Capitol, the authority granted to the Office of Personnel Management under this section shall be exercised by the Architect of the Capitol.".

HOUSE HISTORIC BUILDINGS REVITALIZATION TRUST FUND

SEC. 1304. (a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States, as an account for the Architect of the Capitol, the House Historic Buildings Revitalization Trust Fund (hereafter in this section referred to as the "Fund"). 2 USC 1870.

(b) USE OF AMOUNTS.—Amounts in the Fund shall be used by the Architect of the Capitol for the revitalization of the major historical buildings and assets of the House of Representatives which the Architect is responsible for maintaining and preserving, except that the Architect may not obligate any amounts in the Fund without the approval of the Committee on Appropriations of the House of Representatives.

(c) CONTINUING AVAILABILITY OF FUNDS.—Any amounts transferred to and merged with, or otherwise deposited into, the Fund shall remain available until expended.

(d) PERMITTING TRANSFERS FROM AMOUNTS APPROPRIATED FOR HOUSE OF REPRESENTATIVES.—Section 101 of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b), as amended by section 103(a) of the Legislative Branch Appropriations Act, 2009, is amended by adding at the end the following new subsection:

"(e) Amounts appropriated for any fiscal year for the House of Representatives under any heading other than the heading 'Members' Representational Allowances' may be transferred to the Architect of the Capitol and merged with and made available under the heading 'House Historic Buildings Revitalization Trust Fund', subject to the approval of the Committee on Appropriations of the House of Representatives.".

(e) EFFECTIVE DATE.—This section and the amendment made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SUPPORT AND MAINTENANCE DURING EMERGENCIES

SEC. 1305. (a) During an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, the Architect of the Capitol— 2 USC 1827.

(1) may accept contributions of comfort and other incidental items and services to support employees of the Office of the Architect of the Capitol while such employees are on duty in response to the emergency; and

(2) may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for the Office of the Architect of the Capitol if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency.

(b) This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year. Applicability.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library;

operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $446,151,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2010, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2010 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided,* That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further,* That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further,* That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program: *Provided further,* That of the total amount appropriated, $750,000 shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $250,000 shall be used to carry out activities under the Civil Rights History Project Act of 2009: *Provided further,* That of the total amount appropriated, $200,000 shall be used for the purpose of preserving, digitizing and making available historically and culturally significant materials related to the development of Nebraska and the American West, which amount shall be transferred to the Durham Museum in Omaha, Nebraska.

Nebraska. Historic preservation.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,476,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2010 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,861,000 shall be derived from collections during fiscal year 2010 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,612,000: *Provided further*, That not more than $100,000 of

the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $112,490,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,182,000, of which $30,577,000 shall remain available until expended: *Provided,* That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

Contracts.
Newspapers.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1401. (a) IN GENERAL.—For fiscal year 2010, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $123,328,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2010, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "Library of Congress", under the subheading

"Salaries and Expenses", to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1402. (a) IN GENERAL.—Amounts appropriated for fiscal year 2010 for the Library of Congress may be transferred during fiscal year 2010 between any of the headings under the heading "Library of Congress" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading "Library of Congress" for fiscal year 2010 may be transferred from that account by all transfers made under subsection (a).

CLASSIFICATION OF LIBRARY OF CONGRESS POSITIONS ABOVE GS–15

SEC. 1403. Section 5108 of title 5, United States Code, is amended by adding at the end the following:

"(c) The Librarian of Congress may classify positions in the Library of Congress above GS–15 pursuant to standards established by the Office in subsection (a)(2).".

LEAVE CARRYOVER FOR CERTAIN LIBRARY OF CONGRESS EXECUTIVE POSITIONS

SEC. 1404. Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking "or" at the end;

(2) in subparagraph (G), by striking the period and inserting "; or" and

(3) by adding after subparagraph (G) the following:

"(H) a position in the Library of Congress the compensation for which is set at a rate equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314.".

Applicability.
5 USC 6304 note.

(4) The amendments made by subsection (a) shall apply with respect to annual leave accrued during pay periods beginning after the date of the enactment of this Act.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United

States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $93,768,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

Time period.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $40,911,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2008 and 2009 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $12,782,000 for information technology development and facilities repair: *Provided,* That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as

may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings "Office of Superintendent of Documents" and "Salaries and Expenses" may not be used for contracted security services at GPO's passport facility in the District of Columbia.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

Regulations.

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $556,849,000: *Provided,* That not more than $5,449,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further,* That not more than $2,350,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further*, That not more than $7,423,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2010: *Provided further,* That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further,* That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

ADMINISTRATIVE PROVISION

REPEAL OF CERTAIN AUDITS, STUDIES, AND REVIEWS OF THE GOVERNMENT ACCOUNTABILITY OFFICE

SEC. 1501. (a) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECTED COST.—Section 211 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3151) is amended by striking subsection (d).

(b) AUDITS OF SMALL BUSINESS PARTICIPATION IN CONSTRUCTION OF THE ALASKA NATURAL GAS PIPELINE.—Section 112 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720j) is amended by striking subsection (c).

(c) AUDITS OF ASSISTANCE UNDER COMPACTS OF FREE ASSOCIATION.—Section 104(h) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c(h)) is amended by striking paragraph (3).

(d) SEMIANNUAL AUDITS OF INDEPENDENT COUNSEL EXPENDITURES.—The matter under the heading "Salaries and Expenses, General Legal Activities" under the heading "Legal Activities" under title II of the Department of Justice Appropriation Act of 1988, (28 U.S.C. 591 note; Public Law 100–202; 101 Stat. 1329, 1329–9) is amended by striking "*Provided further,* That the Comptroller General shall perform semiannual financial reviews of expenditures from the Independent Counsel permanent indefinite appropriation, and report their findings to the Committees on Appropriations of the House and Senate:".

(e) REPORTS ON AMBULANCE SERVICE COSTS.—Section 414 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

42 USC 1395m note.
42 USC 1395m note, 1395x.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $12,000,000.

ADMINISTRATIVE PROVISION

OPEN WORLD LEADERSHIP CENTER

SEC. 1601. (a) BOARD MEMBERSHIP.—Section 313(a)(2) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(a)(2)) is amended—

(1) in subparagraph (A), by striking "members" and inserting "Members of the House of Representatives"; and

(2) in subparagraph (B), by striking "members" and inserting "Senators".

(b) EXECUTIVE DIRECTOR.—Section 313(d) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(d)) is amended in the first sentence by striking "The Board shall appoint" and inserting "On behalf of the Board, the Librarian of Congress shall appoint".

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to— 2 USC 1151 note.

(1) appointments made on and after the date of enactment of this Act; and

(2) the remainder of the fiscal year in which enacted, and each fiscal year thereafter.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II

GENERAL PROVISIONS

MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2010 unless expressly so provided in this Act.

RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

Contracts.

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

This division may be cited as the "Legislative Branch Appropriations Act, 2010".

DIVISION B—CONTINUING APPROPRIATIONS RESOLUTION, 2010

Continuing Appropriations Resolution, 2010.

That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable

corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2010, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2009 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this joint resolution, that were conducted in fiscal year 2009, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252).

(2) Section 155 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), except that subsections (c), (d), and (e) of such section shall not apply to funds made available under this joint resolution.

(3) Divisions C through E of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329).

(4) Divisions A through I of the Omnibus Appropriations Act, 2009 (Public Law 111–8), as amended by section 2 of Public Law 111–46.

(5) Titles III and VI (under the heading "Coast Guard") of the Supplemental Appropriations Act, 2009 (Public Law 111–32).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for (1) the new production of items not funded for production in fiscal year 2009 or prior years; (2) the increase in production rates above those sustained with fiscal year 2009 funds; or (3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P–1 line item in a budget activity within an appropriation account and an R–1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2009.

Contracts.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

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

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2009.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which

funds or authority for such project or activity are available under this joint resolution.

Expiration date.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act for fiscal year 2010, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until whichever of the following first occurs: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution; (2) the enactment into law of the applicable appropriations Act for fiscal year 2010 without any provision for such project or activity; or (3) October 31, 2009.

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

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

SEC. 109. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2010 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this joint resolution that would impinge on final funding prerogatives.

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

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2009, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2009, to be continued through the date specified in section 106(3).

Deadline.

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2009 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2009, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this joint resolution may be obligated and expended notwithstanding section 10 of Public

Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 114. Amounts made available by this joint resolution related to amounts provided in chapter 2 of title IX of the Supplemental Appropriations Act, 2008 (Public Law 110–252), and titles III and VI of the Supplemental Appropriations Act, 2009 (Public Law 111–32), are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, except that amounts so designated under this section shall not exceed $129,989,000,000.

Extension date. Applicability.

SEC. 115. The provisions of section 14103 of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution, and such provisions shall also apply to funds made available in this joint resolution.

Applicability.

SEC. 116. Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Extension date.

SEC. 117. The authority provided by paragraphs (3) and (4) of section 9(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3); 1758(h)(4)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 118. The authority provided by section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

Applicability. Extension date.

SEC. 119. Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)(ii)) shall be applied by substituting "October 1, 2008, and October 1, 2009" for "October 1, 2008" and shall continue in effect through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 120. The authority provided by section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 121. Notwithstanding section 101, amounts are provided for "Department of Commerce—Bureau of the Census—Periodic Censuses and Programs" at a rate for operations of $7,065,707,000.

Extension date.

SEC. 122. The authority provided by section 8116 of division C of Public Law 110–329 and section 310 of title III of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 123. The authority provided by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 124. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), as amended by section 1022 of the Duncan Hunter

National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution.

SEC. 125. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1024 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 or the date specified in section 106(3) of this joint resolution. Extension date.

SEC. 126. Notwithstanding any other provision of this joint resolution, except section 106, the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds" for such programs and activities under title IV of S. 1432 (111th Congress), as reported by the Committee on Appropriations of the Senate, at the rate set forth under "District of Columbia Funds" as included in the Second Fiscal Year 2010 Budget Request Act (D.C. Act 18–188).

SEC. 127. The authority provided by section 5739 of title 5, United States Code, shall continue in effect through the date specified in section 106(3) of this joint resolution, notwithstanding subsection (e) of such section 5739. Extension date.

SEC. 128. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "the 11-year period beginning on the first day the pilot program is in effect". Applicability.

SEC. 129. Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016a and 4026) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009". Applicability.

SEC. 130. The requirement set forth in section 610(b) of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) shall continue through the date specified in section 106(3) of this joint resolution. Extension date.

SEC. 131. Section 550(b) of Public Law 109–295 shall be applied by substituting the date specified in section 106(3) of this joint resolution for "three years after the date of enactment of this Act". Applicability.

SEC. 132. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009". Applicability.

SEC. 133. Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

SEC. 134. Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009". Applicability.

SEC. 135. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291), Applicability.

as amended by section 336 of the Consolidated Appropriations Act, 2005 (Public Law 108–447), shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Applicability.

SEC. 136. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by Public Law 106–113), as amended by section 335(6) of Public Law 108–108, shall be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

Extension date.

SEC. 137. The authority provided by section 325 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108–108), as amended by section 426 of division E of Public Law 111–8, shall continue to apply through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 138. The authority provided by the 19th unnumbered paragraph under heading "Administrative Provisions, Forest Service" in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109–54, shall continue in effect through the date specified in section 106(3) of this joint resolution.

Extension date.

SEC. 139. Notwithstanding any other provision of law, including section 703 of Public Law 109–415, the authorities provided in title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall continue in effect as they were in effect during fiscal year 2009, and apply through the date specified in section 106(3) of this joint resolution.

Applicability.

SEC. 140. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for "the end of fiscal year 2009".

SEC. 141. Notwithstanding section 101, amounts are provided for "Veterans Health Administration—Medical Services", "Veterans Health Administration—Medical Support and Compliance", and "Veterans Health Administration—Medical Facilities" of the Department of Veterans Affairs at rates for operations not exceeding the lower of the amount in the President's fiscal year 2010 Budget Request (H. Doc. 111–3), the amount in H.R. 3082, as passed by the House of Representatives on July 10, 2009, or the amount in S. 1407, as reported by the Committee on Appropriations of the Senate on July 7, 2009.

Iraq.

SEC. 142. Notwithstanding section 7042(b) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for Iraq shall be obligated under the terms and conditions of section 1106(b) of Public Law 111–32.

Palestinian Authority.

SEC. 143. Notwithstanding section 7040(f) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for the Palestinian Authority shall be obligated under the terms and conditions of section 1107 of Public Law 111–32.

Iraq. Zimbabwe.

SEC. 144. Notwithstanding sections 7042(a) and 7070(e) of division H of Public Law 111–8, amounts provided by section 101 of this joint resolution for assistance for Iraq and Zimbabwe shall be obligated under the terms and conditions of section 1108 of Public Law 111–32.

Extension date.

SEC. 145. The authority provided by section 1113 of Public Law 111–32 shall continue in effect through the date specified in section 106(3) of this joint resolution.

SEC. 146. The authority provided by section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) shall remain in effect through the date specified in section 106(3) of this joint resolution. Extension date.

SEC. 147. The authority provided by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) shall remain in effect through the date specified in section 106(3) of this joint resolution. Extension date.

SEC. 148. The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831 (a)(3)) shall remain in effect through the date specified in section 106(3) of this joint resolution.

SEC. 149. Notwithstanding any other provision of this joint resolution, other than section 106, the Secretary of Housing and Urban Development shall obligate funds provided by section 101 at a rate the Secretary determines is necessary to renew or amend, in a timely manner, all section 8 project-based, section 202, and section 811, rental assistance contracts. In renewing or amending such contracts, the Secretary may provide for payments to be made beyond the period covered by this joint resolution. Housing. Contracts.

SEC. 150. Commitments to guarantee loans, as authorized by the National Housing Act and insured under the Mutual Mortgage Insurance Fund, shall not exceed a loan principal of $1,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 151. Commitments to guarantee loans, as authorized by section 306 of the National Housing Act, shall not exceed a loan principal of $2,500,000,000 multiplied by the number of days covered by this joint resolution.

SEC. 152. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)), the Secretary of Housing and Urban Development may, through the date specified in section 106(3) of this joint resolution, insure, and enter into commitments to insure mortgages under section 255 of such Act. During the period covered by this joint resolution, for new loans guaranteed pursuant to section 255 of the National Housing Act (12. U.S.C. 1715z-20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate. Mortgages.

SEC. 153. Section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)) shall be applied by substituting the date specified in section 106(3) of this joint resolution for the date specified in such section 24(o). Applicability.

SEC. 154. Funds made available under section 101 for the National Transportation Safety Board shall include amounts necessary to make lease payments due in fiscal year 2010 only, on an obligation incurred in 2001 under a capital lease.

SEC. 155. (a) Section 48103(6) of title 49, United States Code, shall be applied: (1) by substituting the amount specified in such section with an amount that equals $3,820,000,000 multiplied by the ratio of the number of days covered by this joint resolution to 365; and (2) by substituting the fiscal year specified in such section with the period beginning October 1, 2009, through the date specified in section 106(3) of this joint resolution. This subsection shall be in effect through the earlier of the date of enactment Applicability. Time period. Expiration date.

of an Act amending section 48103 of title 49, United States Code, or the date specified in section 106(3) of this joint resolution.

Applicability.

(b) Section 47104(c) of title 49, United States Code, shall be applied by substituting "2010" for "2009".

(c) Nothing in this section shall affect the availability of any balances of contract authority provided under section 48103 of title 49, United States Code, for fiscal year 2009 and any prior fiscal year.

Applicability.

SEC. 156. (a) Sections 4081(d)(2)(B), 4261(j)(1)(A)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 shall each be applied by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009".

(b) Subsections (d)(1) and (e)(2) of section 9502 of such Code shall each be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

26 USC 9502.

(c) Subparagraph (A) of section 9502(d)(1) of such Code is amended by inserting "or any joint resolution making continuing appropriations for the fiscal year 2010" before the semicolon at the end.

SEC. 157. (a) EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.—Except as otherwise provided in this section, requirements, authorities, conditions, eligibilities, limitations, and other provisions authorized under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, and chapter 53 of title 49, United States Code, which would otherwise expire on or cease to apply after September 30, 2009, are incorporated by reference and shall continue in effect through the date specified in section 106(3) of this joint resolution.

(b) USE OF FUNDS.—Except as otherwise expressly provided in this section, funds made available for obligation under this joint resolution and expended under the authority of this section shall be distributed, administered, limited, and made available for obligation in the same manner and at the same rate as funds authorized to be appropriated for fiscal year 2009 to carry out programs, projects, activities, eligibilities, and requirements under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144), the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), titles I through VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914), titles I through V of the Transportation Equity Act for the 21st Century (112 Stat. 107), title 23, United States Code, chapter 53 of title 49, United States Code, including section 5338(f)(1) of title 49, United States Code, chapter 303 of part A of subtitle VI of title 49, United States Code, and part B of subtitle VI of title 49, United States Code.

(c) DISTRIBUTION OF FUNDS UNDER TITLES III AND V OF SAFETEA–LU.—Funds made available for programs authorized under titles III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1544 and 1779) and continued under this joint resolution shall be distributed to major program areas under those programs in the same

proportion as funds were allocated for those program areas for fiscal year 2009, except that any designations for specific activities in sections 3044 and 3046 under title III and in title V of such Act shall not be required to be continued for the duration of this joint resolution.

(d) EXTENSION AND FLEXIBILITY FOR CERTAIN ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, the portion of the share of funds of a State under subsection (b) determined by the amount that the State received for fiscal year 2009 to carry out sections 1301(m), 1302(e), 1307, 1702, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1202, 1205, 1217, 1256, and 1485), and section 144(f)(1) of title 23, United States Code, shall be—

(1) made available to the State for purposes described in section 133(b) of title 23, United States Code; and

(2) administered in the same manner and with the same period of availability as such funding is administered under section 133 of title 23, United States Code, except that subsections (d)(2) and (d)(3) of such section shall not apply to amounts administered pursuant to this section.

SEC. 158. (a) APPROPRIATION OF FUNDING FOR CERTAIN HIGHWAY TRUST FUND PROGRAMS.—For the period from October 1, 2009, through the date specified in section 106(3) of this joint resolution, an amount shall be available from the Highway Trust Fund (including from the Mass Transit Account) to carry out each program, project, and activity continued under section 157 of this joint resolution that was funded from the Highway Trust Fund (including from the Mass Transit Account) during fiscal year 2009 in a sum equal to and from the same account as— Time period.

(1) the total amount available for such program, project, and activity for fiscal year 2009 under titles I through VI of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1144) and the SAFETEA–LU Technical Corrections Act of 2008 (122 Stat. 1572), divided by 365; and multiplied by

(2) the number of days between September 30, 2009, and the date specified in section 106(3) of this joint resolution.

(b) CONTRACT AUTHORITY.—Funds made available under this joint resolution to be expended under the authority of section 157 of this joint resolution shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, or section 5338(f)(1) of title 49, United States Code, whichever appropriate.

(c) CALCULATION.—The amounts made available under this joint resolution to be expended under the authority of this section shall be calculated by taking into account any rescission or cancellation of funds or contract authority for fiscal year 2009 under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or any other law.

SEC. 159. (a) EXTENSION OF AUTHORITY FOR EXPENDITURES FROM HIGHWAY TRUST FUND.— Applicability.

(1) Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 shall be applied—

(A) by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009"; and

(B) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

26 USC 9503.

(2) Paragraph (1) of section 9503(c) of such Code is amended by striking "under" and all that follows and inserting "under the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).".

(b) MASS TRANSIT ACCOUNT.—

(1) Paragraph (3) of section 9503(e) of such Code shall be applied by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

(2) Paragraph (3) of section 9503(e) of such Code is amended by striking "in accordance with" and all that follows and inserting "in accordance with the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law or any other provision of law which was referred to in this paragraph before the date of the enactment of such Continuing Appropriations Resolution (as such Resolution and provisions of law are in effect on the date of the enactment of such Resolution).".

(c) EXCEPTION TO LIMITATIONS ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code shall be applied—

(1) by substituting the date specified in section 106(3) of this joint resolution for "September 30, 2009"; and

(2) by substituting the date that is 1 day after the date specified in section 106(3) of this joint resolution for "October 1, 2009".

SEC. 160. Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

Time period.

(1) in subsection (a), by inserting "and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law," after "2009,"; and

(2) in subsection (b)(1)(A), by inserting "and the period from October 1, 2009, through the date specified in section 106(3) of the first Continuing Appropriations Resolution for Fiscal Year 2010 enacted into law," after "2009".

SEC. 161. (a) Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended—

26 USC 9504.

(1) by striking "(as in effect" in subparagraph (A) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010),";

(2) by striking "(as in effect" in subparagraph (B) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010), and"; and

(3) by striking "(as in effect" in subparagraph (C) and all that follows in such subparagraph and inserting "(as in effect on the date of the enactment of the first Continuing Appropriations Resolution for Fiscal Year 2010).".

(b) Paragraph (2) of section 9504(d) of such Code shall be applied by substituting the date that is one day after the date specified in section 106(3) of this joint resolution for "October 1, 2009". Applicability.

SEC. 162. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to sections 157 through 161 of this joint resolution shall be available until (1) enactment into law of an Act to extend or reauthorize surface transportation programs, or (2) the date specified in section 106(3) of this joint resolution, whichever first occurs, and shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations. ACORN.

SEC. 164. (a) Clause (iii) of section 8909a(d)(3)(A) of title 5, United States Code, is amended to read as follows:

"(iii) $1,400,000,000, not later than September 30, 2009;".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of section 803(a)(1)(B) of the Postal Accountability and Enhancement Act (Public Law 109–435; 120 Stat. 3251). Effective date. 5 USC 8909a note.

This division may be cited as the "Continuing Appropriations Resolution, 2010".

Approved October 1, 2009.

LEGISLATIVE HISTORY—H.R. 2918:

HOUSE REPORTS: Nos. 111–160 (Comm. on Appropriations) and 111–265 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 155 (2009):

June 19, considered and passed House.

June 25, July 6, considered and passed Senate, amended.

Sept. 25, House agreed to conference report.

Sept. 30, Senate agreed to conference report.

Public Law 111–69
111th Congress

An Act

Oct. 1, 2009
[H.R. 3607]

To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Fiscal Year 2010 Federal Aviation Administration Extension Act.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Year 2010 Federal Aviation Administration Extension Act".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

26 USC 4081.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2009" and inserting "December 31, 2009".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "September 30, 2009" and inserting "December 31, 2009".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "September 30, 2009" and inserting "December 31, 2009".

26 USC 4081 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "October 1, 2009" and inserting "January 1, 2010"; and

(2) by inserting "or the Fiscal Year 2010 Federal Aviation Administration Extension Act" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "October 1, 2009" and inserting "January 1, 2010".

26 USC 9502 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) $1,000,000,000 for the 3-month period beginning on October 1, 2009.".

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "September 30, 2009," and inserting "December 31, 2009,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "October 1, 2009." and inserting "January 1, 2010.".

(b) Section 41743(e)(2) of such title is amended by striking "2009" and inserting "2010".

(c) Section 44302(f)(1) of such title is amended—

(1) by striking "September 30, 2009," and inserting "December 31, 2009,"; and

(2) by striking "December 31, 2009," and inserting "March 31, 2010,".

(d) Section 44303(b) of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

(e) Section 47107(s)(3) of such title is amended by striking "October 1, 2009." and inserting "January 1, 2010.".

(f) Section 47115(j) of such title is amended by inserting "and for the portion of fiscal year 2010 ending before January 1, 2010," after "2009,".

(g) Section 47141(f) of such title is amended by striking "September 30, 2009." and inserting "December 31, 2009.".

(h) Section 49108 of such title is amended by striking "September 30, 2009," and inserting "December 31, 2009,".

(i) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by inserting ", or in the portion of fiscal year 2010 ending before January 1, 2010," after "fiscal year 2009".

(j) Section 186(d) of such Act (117 Stat. 2518) is amended by inserting "and for the portion of fiscal year 2010 ending before January 1, 2010," after "2009,".

(k) Section 409(d) of such Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2009." and inserting "September 30, 2010.".

(l) The amendments made by this section shall take effect on October 1, 2009.

Effective date. 49 USC 40117 note.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1) of title 49, United States Code, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) $2,338,287,375 for the 3-month period beginning on October 1, 2009.".

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; and"; and

(3) by adding at the end the following:

"(6) $733,444,250 for the 3-month period beginning on October 1, 2009.".

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (12);

(2) by striking the period at the end of paragraph (13) and inserting "; and"; and

(3) by adding at the end the following:

"(14) $46,250,000 for the 3-month period beginning on October 1, 2009.".

Approved October 1, 2009.

LEGISLATIVE HISTORY—H.R. 3607:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 23, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 111–70
111th Congress

An Act

To amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy.

Oct. 9, 2009
[H.R. 2131]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2009" and inserting "October 1, 2010".

Approved October 9, 2009.

LEGISLATIVE HISTORY—H.R. 2131:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 23, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 111–71
111th Congress

An Act

Oct. 9, 2009
[H.R. 3593]

To amend the United States International Broadcasting Act of 1994 to extend by one year the operation of Radio Free Asia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONE YEAR EXTENSION OF OPERATION OF RADIO FREE ASIA.

Section 309(f) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(f)) is amended by striking "2009" and inserting "2010".

Approved October 9, 2009.

LEGISLATIVE HISTORY—H.R. 3593:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 23, considered and passed House.
Sept. 29, considered and passed Senate.

Public Law 111–72
111th Congress

An Act

To amend title XVIII of the Social Security Act to delay the date on which the accreditation requirement under the Medicare Program applies to suppliers of durable medical equipment that are pharmacies.

Oct. 13, 2009
[H.R. 3663]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF MEDICARE DME ACCREDITATION DEADLINE FOR CERTAIN PHARMACIES.

(a) IN GENERAL.—Section 1834(a)(20)(F)(i) of the Social Security Act (42 U.S.C. 1395m(a)(20)(F)(i)) is amended by inserting before the semicolon the following: ", except that the Secretary shall not require under this clause pharmacies to obtain such accreditation before January 1, 2010".

(b) CONSTRUCTION.—Nothing in subsection (a) shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w–3).

42 USC 1395 note.

Approved October 13, 2009.

LEGISLATIVE HISTORY—H.R. 3663:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 30, considered and passed House.
Oct. 5, considered and passed Senate.

Public Law 111–73
111th Congress

An Act

Oct. 15, 2009
[S. 1707]

To authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Enhanced Partnership with Pakistan Act of 2009.
22 USC 8401 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Enhanced Partnership with Pakistan Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Findings.
Sec. 4. Statement of principles.

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

Sec. 101. Authorization of assistance.
Sec. 102. Authorization of appropriations.
Sec. 103. Auditing.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Purposes of assistance.
Sec. 202. Authorization of assistance.
Sec. 203. Limitations on certain assistance.
Sec. 204. Pakistan Counterinsurgency Capability Fund.
Sec. 205. Requirements for civilian control of certain assistance.

TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

Sec. 301. Strategy Reports.
Sec. 302. Monitoring Reports.

22 USC 8401.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term "counterinsurgency" means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term "counterterrorism" means efforts to combat al Qaeda and other foreign terrorist

organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term "FATA" means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.—The term "Frontier Crimes Regulation" means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.—The term "impact evaluation research" means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) MAJOR DEFENSE EQUIPMENT.—The term "major defense equipment" has the meaning given the term in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

(8) NWFP.—The term "NWFP" means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) OPERATIONS RESEARCH.—The term "operations research" means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) SECURITY FORCES OF PAKISTAN.—The term "security forces of Pakistan" means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) SECURITY-RELATED ASSISTANCE.—The term "security-related assistance"—

(A) means—

(i) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(ii) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et. seq); but

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32).

SEC. 3. FINDINGS. 22 USC 8402.

Congress finds the following:

(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) Since 2001, the United States has contributed more than $15,000,000,000 to Pakistan, of which more than $10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development.

(4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—the FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terikh-e Taliban and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan's security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, "Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safe-haven in Pakistan.".

(9) According to a Government Accountability Office report (GAO–08–622), "since 2003, the [A]dministration's national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA" and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with ⅔ of the population living on less than $2 a day and ⅕ of the population living below the poverty line according to the United Nations Development Program.

(11) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with more than 175,000,000 people, an annual population growth rate of two percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.

SEC. 4. STATEMENT OF PRINCIPLES. 22 USC 8403.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan's own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan's struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) to support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani children's

futures and eliminate incitements to violence and intolerance;

(F) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) to assist Pakistan's efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for "Financial Action Task Force" observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) to strengthen Pakistan's counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) to strengthen Pakistan's efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

(L) to achieve full cooperation in matters of counterproliferation of nuclear materials and related networks;

(M) to strengthen Pakistan's efforts to gain control of its under-governed areas and address the threat posed by any person or group that conducts violence, sabotage, or other terrorist activities in Pakistan or its neighboring countries; and

(N) to explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

22 USC 8411.

SEC. 101. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—The President is authorized to provide assistance to Pakistan—

(1) to support the consolidation of democratic institutions;

(2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights;

(3) to promote economic freedoms and sustainable economic development;

(4) to support investment in people, including those displaced in on-going counterinsurgency operations; and

(5) to strengthen public diplomacy.

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen Pakistan's institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability of members of parliament to respond to constituents, and supporting of parliamentary leadership;

(B) support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan's efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) support for the implementation of legal and political reforms in the FATA;

(E) support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) programs that support sustainable economic growth, including in rural areas, and the sustainable management of natural resources through investments in water resource management systems;

(B) expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements;

(C) investments in energy, including energy generation and cross-border infrastructure projects with Afghanistan;

(D) employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

(E) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(F) access to microfinance for small business establishment and income generation, particularly for women; and

(G) countering radicalization by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women's literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) programs relating to higher education to ensure a breadth and consistency of Pakistani graduates, including through public-private partnerships;

(C) improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under-five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue

and expand sister institution programs between United States and Pakistani schools and universities.

(c) ADDITIONAL AND RELATED ACTIVITIES.—

(1) AVAILABILITY OF AMOUNTS FOR PAKISTANI POLICE PROFESSIONALIZATION, EQUIPPING, AND TRAINING.—Not less than $150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 102 should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) AVAILABILITY OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Up to $10,000,000 of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) UTILIZING PAKISTANI ORGANIZATIONS.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) USE OF DIRECT EXPENDITURES.—Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) CHIEF OF MISSION FUND.—Of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102, up to $5,000,000 may be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this title or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this section, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the "Chief of Mission Fund".

(6) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(C) the United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this title.

President. Deadline.

(d) NOTIFICATION.—For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

22 USC 8412.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to $1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

Reports.

(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

(B) not more than $750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

Certification.

(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and

Memorandum.

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) MAKER OF CERTIFICATION.—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.

Determination. Certification.

(c) WAIVER.—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

(d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

SEC. 103. AUDITING. 22 USC 8413.

(a) ASSISTANCE AUTHORIZED.—The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this title shall audit, investigate, and oversee the obligation and expenditure of such amounts.

(b) AUTHORIZATION FOR IN-COUNTRY PRESENCE.—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated under section 102 for each of the fiscal years 2010 through 2014, up to $30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

SEC. 201. PURPOSES OF ASSISTANCE. 22 USC 8421.

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

SEC. 202. AUTHORIZATION OF ASSISTANCE. 22 USC 8422.

(a) INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as "E–IMET").

(2) USE OF FUNDS.—It is the sense of Congress that a substantial amount of funds made available to carry out this

subsection for a fiscal year should be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) FOREIGN MILITARY FINANCING PROGRAM.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) USE OF FUNDS.—

(A) IN GENERAL.—A significant portion of the amount made available to carry out this subsection for a fiscal year shall be for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan.

(B) SENSE OF CONGRESS.—It is the sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A).

(3) ADDITIONAL AUTHORITY.—Except as provided in sections 3 and 102 of the Arms Export Control Act, the second section 620J of the Foreign Assistance Act of 1961 (as added by Public Law 110–161), and any provision of an Act making appropriations for the Department of State, foreign operations, and related programs that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(4) DEFINITIONS.—In this section, the terms "defense articles", "defense services", and "military education and training" have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance, including through Pakistan's military as appropriate, in areas damaged by combat operations.

(d) EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(A) military and civilian personnel of Pakistan; and

(B)(i) military and civilian personnel of countries determined by the Secretary of State to be in the process of consolidating and strengthening a democratic form of government; or

(ii) military and civilian personnel of North Atlantic Treaty Organization member countries,

in order to foster greater mutual respect for and understanding of the principle of civilian rule of the military.

(2) ELEMENTS OF PROGRAM.—The program authorized under paragraph (1) may include conferences, seminars, exchanges, and other events, distribution of publications and reimbursements of expenses of foreign military personnel participating in the program, including transportation, translation and administrative expenses.

(3) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this section for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 to carry out the program established by this subsection.

SEC. 203. LIMITATIONS ON CERTAIN ASSISTANCE.

Certification.
22 USC 8423.

(a) LIMITATION ON SECURITY-RELATED ASSISTANCE.—For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(b) LIMITATION ON ARMS TRANSFERS.—For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(c) CERTIFICATION.—The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 201, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling

terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

(C) strengthening counterterrorism and anti-money laundering laws; and

(3) the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) CERTAIN PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32), may be obligated or expended to make payments relating to—

(A) the Letter of Offer and Acceptance PK–D–YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006;

(B) the Letter of Offer and Acceptance PK–D–NAP signed between the Governments of the United States of America and Pakistan on September 30, 2006; and

(C) the Letter of Offer and Acceptance PK–D–SAF signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) EXCEPTION.—Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) PRIOR NOTICE OF WAIVER.—The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

22 USC 8424.

SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State's Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32), hereinafter in this section referred to as the "Fund", shall consist of the following:

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out title I of this Act).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense's Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsections (d) and (e) of section 203, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense's Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer. Deadline.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

22 USC 8425.

SEC. 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) DOCUMENTATION.—For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

Certification.

(b) WAIVER.—

(1) SECURITY-RELATED ASSISTANCE.—The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subsection (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(2) NON-ASSISTANCE PAYMENTS.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) APPLICATION TO CERTAIN ACTIVITIES.—Nothing in this section shall apply with respect to—

(1) any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.);

(2) any assistance to promote democratic elections or public participation in democratic processes;

Determination.
Certification.

(3) any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that subsequent to the termination of assistance or payments a democratically elected government has taken office;

(4) any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended;

(5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and

(6) any assistance or payments made pursuant to section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4578).

(d) DEFINITIONS.—In this section—

(1) the term "appropriate congressional committees" means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the term "civilian government of Pakistan" does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.

TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

SEC. 301. STRATEGY REPORTS. 22 USC 8441.

(a) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

(1) A description of the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.

(2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) A plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act.

(4) A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy.

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual "Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance":

(A) Civil liberties.
(B) Political rights.
(C) Voice and accountability.
(D) Government effectiveness.
(E) Rule of law.
(F) Control of corruption.
(G) Immunization rates.
(H) Public expenditure on health.
(I) Girls' primary education completion rate.
(J) Public expenditure on primary education.

(K) Natural resource management.
(L) Business start-up.
(M) Land rights and access.
(N) Trade policy.
(O) Regulatory quality.
(P) Inflation control.
(Q) Fiscal policy.

(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

(b) COMPREHENSIVE REGIONAL STRATEGY REPORT.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan's long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

President. (2) COMPREHENSIVE REGIONAL SECURITY STRATEGY.—The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

(3) REPORT.—

President. (A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) CONTENTS.—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(C) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

Deadline. (c) SECURITY-RELATED ASSISTANCE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such

amounts complements or otherwise is related to amounts described in section 204.

SEC. 302. MONITORING REPORTS. 22 USC 8442.

(a) SEMI-ANNUAL MONITORING REPORT.—Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period. The report shall include—

(1) a description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to title I of this Act during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;

(2) a list of persons or entities from the United States or other countries that have received funds in excess of $100,000 to conduct projects under title I of this Act during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(3) with respect to the plan described in section 301(a)(3), updates to such plan and a description of best practices to improve the impact of the assistance authorized under title I of this Act;

(4) an assessment of the effectiveness of assistance provided under title I of this Act during the period covered by the report in achieving desired objectives and outcomes as guided by the plan described in section 301(a)(3), and as updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(6) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(7) any incidents or reports of waste, fraud, and abuse of expenditures under title I of this Act;

(8) the amount of funds authorized to be appropriated pursuant to section 102 that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under sections 101(c)(2) and 103;

(9) a description of the expenditures made from any Chief of Mission Fund established pursuant to section 101(c)(5) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any

expenditures from the Chief of Mission Fund in excess of $100,000;

(10) an accounting of assistance provided to Pakistan under title I of this Act, broken down into the categories set forth in section 301(a)(6);

(11) an evaluation of efforts undertaken by the Government of Pakistan to—

(A) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(B) eliminate the safe havens of such forces in Pakistan;

(C) close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;

(D) cease all support for extremist and terrorist groups;

(E) prevent attacks into neighboring countries;

(F) increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and

(G) improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) a detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise;

(13) an assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan's financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) a detailed description of the extent to which funds obligated and expended pursuant to section 202(b) meet the requirements of such section; and

(15) an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) a review of, and comments addressing, the Pakistan Assistance Strategy Report;

(B) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act;

(C) a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section

23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program); and

(D) an assessment of the impact of the assistance on the security and stability of Pakistan.

(2) CERTIFICATION REPORT.—Not later than 120 days after the date on which the President makes the certification described in section 203(c) for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) SUBMISSION.—The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1906 and 1907).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

Approved October 15, 2009.

LEGISLATIVE HISTORY—S. 1707:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 24, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 111–74
111th Congress

An Act

Oct. 19, 2009
[H.R. 1687]

To designate the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, as the "Ralph Regula Federal Building and United States Courthouse".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RALPH REGULA FEDERAL BUILDING AND UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The Administrator of General Services shall ensure that the federally occupied building located at McKinley Avenue and Third Street, SW., Canton, Ohio, is known and designated as the "Ralph Regula Federal Building and United States Courthouse".

(b) REFERENCES.—With respect to the period in which the building referred to in subsection (a) is federally occupied, any reference in a law, map, regulation, document, paper, or other record of the United States to that building shall be deemed to be a reference to the "Ralph Regula Federal Building and United States Courthouse".

Approved October 19, 2009.

LEGISLATIVE HISTORY—H.R. 1687:

HOUSE REPORTS: No. 111–140 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 9, 11, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 111–75
111th Congress

An Act

To designate the United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, as the "Albert Armendariz, Sr., United States Courthouse".

Oct. 19, 2009
[H.R. 2053]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 525 Magoffin Avenue in El Paso, Texas, shall be known and designated as the "Albert Armendariz, Sr., United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Albert Armendariz, Sr., United States Courthouse".

Approved October 19, 2009.

LEGISLATIVE HISTORY—H.R. 2053:

HOUSE REPORTS: No. 111–241 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 9, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 111–76
111th Congress

An Act

Oct. 19, 2009
[H.R. 2121]

To authorize the Administrator of General Services to convey a parcel of real property in Galveston, Texas, to the Galveston Historical Foundation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF REAL PROPERTY IN GALVESTON, TEXAS, TO GALVESTON HISTORICAL FOUNDATION.

Deadline.

(a) CONVEYANCE.—Not later than 90 days after the date of enactment of this Act, the Administrator of General Services shall offer to convey, by quitclaim deed, to the Galveston Historical Foundation all right, title, and interest of the United States in and to the parcel of real property located at 502 20th Street in Galveston, Texas, including the improvements thereon.

(b) CONSIDERATION.—As consideration for conveyance of the parcel under subsection (a), the Administrator shall require the Galveston Historical Foundation to pay to the Administrator the fair market value of the parcel, as determined based on an appraisal that is acceptable to the Administrator.

(c) COSTS OF CONVEYANCE.—The Galveston Historical Foundation shall be responsible for the costs of an appraisal conducted under subsection (b) and for all other costs related to the conveyance.

(d) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (b) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

Notification.

(2) EXPENDITURE.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator, in amounts specified in appropriations Acts, for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator, except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require that any conveyance under subsection (a) be subject

to such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

Approved October 19, 2009.

LEGISLATIVE HISTORY—H.R. 2121:

HOUSE REPORTS: No. 111–246 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 9, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 111–77
111th Congress

An Act

Oct. 19, 2009
[H.R. 2498]

To designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 844 North Rush Street in Chicago, Illinois, shall be known and designated as the "William O. Lipinski Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "William O. Lipinski Federal Building".

Approved October 19, 2009.

LEGISLATIVE HISTORY—H.R. 2498:

HOUSE REPORTS: No. 111–213 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 9, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 111–78
110th Congress

An Act

To designate the United States courthouse located at 301 Simonton Street in Key West, Florida, as the "Sidney M. Aronovitz United States Courthouse".

Oct. 19, 2009
[H.R. 2913]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 301 Simonton Street in Key West, Florida, shall be known and designated as the "Sidney M. Aronovitz United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Sidney M. Aronovitz United States Courthouse".

Approved October 19, 2009.

LEGISLATIVE HISTORY—H.R. 2913:

HOUSE REPORTS: No. 111–240 (Comm. on Transportation and Infrastructure).
CONGRESSIONAL RECORD, Vol. 155 (2009):
July 31, considered and passed House.
Sept. 24, considered and passed Senate.

Public Law 111–79
111th Congress

An Act

Oct. 19, 2009
[S. 1289]

To improve title 18 of the United States Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Foreign Evidence Request Efficiency Act of 2009.
18 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Evidence Request Efficiency Act of 2009".

SEC. 2. IMPROVEMENTS TO TITLE 18.

Title 18 of the United States Code is amended—

(1) in section 2703—

(A) in subsection (a), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(B) in subsection (b)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction"; and

(C) in subsection (c)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(2) in section 2711(3), by striking "has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation; and" and inserting the following: "includes—

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or

"(iii) is acting on a request for foreign assistance pursuant to section 3512 of this title; or

"(B) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants; and";

(3) in section 3127(2)(A), by striking "having jurisdiction over the offense being investigated;" and inserting the following: "that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located;

"(iii) is in or for a district in which a landlord, custodian, or other person subject to subsections (a) or (b) of section 3124 of this title is located; or

"(iv) is acting on a request for foreign assistance pursuant to section 3512 of this title;";

(4) in chapter 223, by adding at the end the following:

"§ 3512. Foreign requests for assistance in criminal investigations and prosecutions

"(a) EXECUTION OF REQUEST FOR ASSISTANCE.—

"(1) IN GENERAL.—Upon application, duly authorized by an appropriate official of the Department of Justice, of an attorney for the Government, a Federal judge may issue such orders as may be necessary to execute a request from a foreign authority for assistance in the investigation or prosecution of criminal offenses, or in proceedings related to the prosecution of criminal offenses, including proceedings regarding forfeiture, sentencing, and restitution.

"(2) SCOPE OF ORDERS.—Any order issued by a Federal judge pursuant to paragraph (1) may include the issuance of—

"(A) a search warrant, as provided under Rule 41 of the Federal Rules of Criminal Procedure;

"(B) a warrant or order for contents of stored wire or electronic communications or for records related thereto, as provided under section 2703 of this title;

"(C) an order for a pen register or trap and trace device as provided under section 3123 of this title; or

"(D) an order requiring the appearance of a person for the purpose of providing testimony or a statement, or requiring the production of documents or other things, or both.

"(b) APPOINTMENT OF PERSONS TO TAKE TESTIMONY OR STATEMENTS.—

"(1) IN GENERAL.—In response to an application for execution of a request from a foreign authority as described under subsection (a), a Federal judge may also issue an order appointing a person to direct the taking of testimony or statements or of the production of documents or other things, or both.

"(2) AUTHORITY OF APPOINTED PERSON.—Any person appointed under an order issued pursuant to paragraph (1) may—

"(A) issue orders requiring the appearance of a person, or the production of documents or other things, or both;

"(B) administer any necessary oath; and

"(C) take testimony or statements and receive documents or other things.

"(c) FILING OF REQUESTS.—Except as provided under subsection (d), an application for execution of a request from a foreign authority under this section may be filed—

"(1) in the district in which a person who may be required to appear resides or is located or in which the documents or things to be produced are located;

"(2) in cases in which the request seeks the appearance of persons or production of documents or things that may be located in multiple districts, in any one of the districts in which such a person, documents, or things may be located; or

"(3) in any case, the district in which a related Federal criminal investigation or prosecution is being conducted, or in the District of Columbia.

"(d) SEARCH WARRANT LIMITATION.—An application for execution of a request for a search warrant from a foreign authority under this section, other than an application for a warrant issued as provided under section 2703 of this title, shall be filed in the district in which the place or person to be searched is located.

"(e) SEARCH WARRANT STANDARD.—A Federal judge may issue a search warrant under this section only if the foreign offense for which the evidence is sought involves conduct that, if committed in the United States, would be considered an offense punishable by imprisonment for more than one year under Federal or State law.

"(f) SERVICE OF ORDER OR WARRANT.—Except as provided under subsection (d), an order or warrant issued pursuant to this section may be served or executed in any place in the United States.

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude any foreign authority or an interested person from obtaining assistance in a criminal investigation or prosecution pursuant to section 1782 of title 28, United States Code.

"(h) DEFINITIONS.—As used in this section, the following definitions shall apply:

"(1) FEDERAL JUDGE.—The terms 'Federal judge' and 'attorney for the Government' have the meaning given such terms for the purposes of the Federal Rules of Criminal Procedure.

"(2) FOREIGN AUTHORITY.—The term 'foreign authority' means a foreign judicial authority, a foreign authority responsible for the investigation or prosecution of criminal offenses or for proceedings related to the prosecution of criminal offenses, or an authority designated as a competent authority or central authority for the purpose of making requests for assistance pursuant to an agreement or treaty with the United States regarding assistance in criminal matters."; and

(5) in the table of sections for chapter 223, by adding at the end the following:

"3512. Foreign requests for assistance in criminal investigations and prosecutions.".

Approved October 19, 2009.

LEGISLATIVE HISTORY—S. 1289:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 10, considered and passed Senate.
Sept. 30, considered and passed House.

Public Law 111–80
111th Congress

An Act

Oct. 21, 2009
[H.R. 2997]

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,285,000: *Provided*, That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, $13,032,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,254,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $9,436,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $1,859,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $1,700,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $61,579,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,566,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out. Reports.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, $895,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $23,922,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, $806,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and

for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $293,093,000, to remain available until expended, of which $184,812,000 shall be available for payments to the General Services Administration for rent; of which $13,500,000 for payment to the Department of Homeland Security for building security activities; and of which $94,781,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary shall use $15,911,000 of these funds to cover shortfalls incurred in prior year rental payments: *Provided further*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $5,125,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That of the amount appropriated, $13,000,000 is for stabilization and reconstruction activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,968,000: *Provided*, That these funds may be transferred to agencies of the Department

of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

Notification. Deadline.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $88,725,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $43,551,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, $895,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, $82,478,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $161,830,000, of which up to $37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not

exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,179,639,000, of which $44,138,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

7 USC 2254.

Maryland.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $70,873,000, of which $70,873,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $788,243,000, of which $120,054,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $29,000,000; for payments to eligible institutions (7 U.S.C. 3222), $48,500,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $89,029,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $16,185,000; for competitive grants (7 U.S.C. 450(i)(b)), $262,482,000, to remain available until expended; for the support

of animal health and disease programs (7 U.S.C. 3195), $2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $835,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,805,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $4,800,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,241,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $9,237,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,200,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $14,500,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $18,250,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $900,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $750,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $875,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,500,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $2,250,000; and for necessary expenses of Research and Education Activities, $45,122,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $494,923,000, of which $11,831,000 shall be for

the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $297,500,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $4,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,070,000; payments for the pest management program under section 3(d) of the Act, $9,938,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,750,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,770,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,412,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $486,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,068,000; payments for the federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,045,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,705,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $42,677,000, provided that each institution receives no less than $1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, $1,784,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $400,000; and for necessary expenses of Extension Activities, $20,396,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $60,022,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,148,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $4,096,000 for the regional pest management centers program, $4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,365,000 for the crops affected by Food Quality Protection Act implementation, $3,054,000 for the methyl bromide transition program, and $5,000,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–

106, as amended, $732,000, to remain available until September 30, 2011, for the critical issues program; $1,312,000 for the regional rural development centers program; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, $895,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $904,953,000, of which $24,410,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act, of which $2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $5,300,000 shall be for a National Animal Identification program; of which $60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: *Provided*, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, the National Animal Identification System, up to $1,500,000 in the scrapie program for indemnities, up to $1,000,000 for wildlife services methods development, up to $1,500,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and

8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $91,148,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

Notification.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating

expenses, including $10,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $41,964,000: *Provided,* That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress. Notification.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, $813,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,018,520,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: *Provided further*, That no fewer than 140 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available Employment positions.

under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, $895,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,253,777,000: *Provided,* That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further,* That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,369,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $2,150,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $650,000,000 shall be for direct loans; operating loans, $2,670,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans, $170,000,000 shall be for subsidized guaranteed loans and $1,000,000,000 shall be for direct loans; Indian tribe land acquisition loans, $3,940,000; conservation loans, $150,000,000, of which $75,000,000 shall be for guaranteed loans and $75,000,000 shall be for direct loans; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided,* That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans. Pink Bollworm.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $32,070,000, of which $5,550,000 shall be for unsubsidized guaranteed loans, and $26,520,000 shall be for direct loans; operating loans, $106,402,000, of which $35,100,000 shall be for unsubsidized guaranteed loans, $23,902,000 shall be for subsidized guaranteed loans, and $47,400,000 shall be for direct loans; conservation loans, $1,343,000, of which $278,000 shall be for guaranteed loans, and $1,065,000 shall be for direct loans; and Indian highly fractionated land loans, $793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $321,093,000, of which $313,173,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided,* That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer. Notification. Deadline.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $80,325,000: *Provided,* That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further,* That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided,* That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, $895,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $887,629,000, to remain available until September 30, 2011, of which $37,382,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act: *Provided,* That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further,* That the Secretary is authorized to transfer ownership of all land, buildings, and related improvements of the Natural Resources Conservation Service facilities located in Medicine Bow, Wyoming, to the Medicine Bow Conservation District: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

Wyoming.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $30,000,000, to remain available until expended, of which $22,111,000 shall be for the purposes, and in the amounts, specified in the table titled "Congressionally Designated Projects" in the statement of managers to accompany this Act: *Provided,* That not to exceed $12,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $40,161,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), $50,730,000: *Provided,* That not to exceed $3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, $895,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $201,987,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $13,121,488,000 for loans to section 502 borrowers, of which $1,121,488,000 shall be for direct loans, and of which $12,000,000,000 shall be for unsubsidized guaranteed loans; $34,412,000 for section 504 housing repair loans; $69,512,000 for section 515 rental housing; $129,090,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,448,000 for credit sales of acquired property, of which up to $1,448,000 may be for multi-family credit sales; and $4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $213,510,000, of which $40,710,000 shall be for direct loans, and of which $172,800,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, $18,935,000; section 538 multi-family housing guaranteed loans, $1,485,000; and credit sales of acquired property, $556,000: *Provided*, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109–97 and Public Law 110–5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $468,593,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further,* That of this amount not less than $2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further,* That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further,* That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further,* That rental assistance provided under

agreements entered into prior to fiscal year 2010 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further,* That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

Applicability.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $43,191,000, to remain available until expended: *Provided,* That of the funds made available under this heading, $16,400,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further,* That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further,* That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further,* That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further,* That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further,* That of the funds made available under this heading, $1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further,* That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further,* That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further,* That of the funds made available under this heading, $25,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to

Vouchers.

Loans.

preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further,* That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further,* That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further,* That if Congress enacts legislation to permanently authorize a multifamily rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $41,864,000, to remain available until expended: *Provided,* That of the total amount appropriated under this heading, the amount equal to the amount of Mutual and Self-Help Housing Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $45,500,000, to remain available until expended, of which $4,000,000 shall be for grants authorized by section 14204 of the Food, Conservation, and Energy Act of 2008: *Provided,* That of the total amount appropriated under this heading, the amount equal to the amount of Rural Housing Assistance Grants allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further,* That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with the "Rural

Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $19,746,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $54,993,000, to remain available until expended: *Provided,* That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further,* That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further,* That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further,* That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further,* That $13,902,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further,* That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further,* That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further,* That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $97,116,000, to remain available until expended: *Provided,* That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further,* That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further,* That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further,* That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further,* That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,536,000.

For the cost of direct loans, $8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which $2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That of the total amount appropriated

under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,941,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $44,463,000 shall not be obligated and $44,463,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $34,854,000, of which $300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which $20,367,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL MICROENTERPRISE INVESTMENT PROGRAM ACCOUNT

For the cost of loans and grants, $5,000,000 as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.): *Provided*, That such costs of loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), $39,340,000: *Provided,* That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $568,730,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally-recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): *Provided further*, That not less than $65,000,000 of the unobligated balances available for grants authorized by 306D of the Consolidated Farm and Rural Development Act shall be obligated within 90 days of the enactment of this Act: *Provided further*, That not to exceed $19,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $6,000,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further,* That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2009, shall be available through June 30, 2010, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: *Provided further*, That $17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall

Grants.
Deadline.

Contracts.

be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000: *Provided*, That, notwithstanding section 6106(b) of the Food, Conservation, and Energy Act of 2008, a guaranteed underwriting loan may not be issued until the amendments to the Rural Electrification Act of 1936 contained in section 6106(a) of the Food, Conservation, and Energy Act of 2008 are administratively implemented.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,959,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $400,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $37,755,000, to remain available until expended: *Provided*, That $3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: *Provided further,* That $4,500,000 shall be made available to those noncommercial educational television broadcast stations that serve rural areas and are qualified for Community Service Grants by the Corporation for Public Broadcasting under section 396(k) of the Communications Act of 1934, including associated translators and repeaters, regardless of the location of their main transmitter, studio-to-transmitter links, and equipment to allow local control over digital content and programming through the use of high-definition broadcast, multi-casting and datacasting technologies.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, $28,960,000, to remain available

until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $17,976,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, $813,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $16,855,829,000, to remain available through September 30, 2011, of which $1,000,000 may be used to carry out the school community garden pilot program established under section 18(g)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(3)), and of which $9,865,930,000 is hereby appropriated, $6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and $242,022,000 shall be derived by transfer from unobligated and unavailable balances from fiscal year 2009 under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the total amount available, $5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $7,252,000,000, to remain available through September 30, 2011: *Provided,* That notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)), not more than $15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children: *Provided further*, That notwithstanding section 17(h)(10)(A) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)(A)), of the amounts made available under this heading,

not less than $14,000,000 shall be used for infrastructure, not less than $60,000,000 shall be used for management information systems, and not less than $80,000,000 shall be used for breastfeeding peer counselors and other related activities: *Provided further,* That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further,* That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $58,278,181,000, of which $3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

Workfare.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $247,979,000, to remain available through September 30, 2011, of which $6,000,000 shall be for emergency food program infrastructure grants authorized by section 209 of the Emergency Food Assistance Act of 1983: *Provided,* That of the amount provided, $5,000,000 is to begin service in 7 additional States that have plans approved by the Department for the commodity supplemental food program: *Provided further,* That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further,* That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: *Provided further,* That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use

up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $147,801,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $180,367,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for middle-income country training programs and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83–480) and the Food for Progress Act of 1985, $2,812,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": *Provided*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480), for commodities supplied in connection with dispositions abroad under

title II of such Act, $1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $6,465,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which $355,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $209,500,000, to remain available until expended: *Provided,* That of this amount, the Secretary shall use $10,000,000 to conduct pilot projects to field test new and improved micronutrient fortified food products designed to meet energy and nutrient needs of program participants: *Provided further*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $3,237,218,000, of which $5,509,000 shall be for the purposes, and in the amounts, specified in the eighth paragraph under "Food and Drug Administration, Salaries and Expenses" in the statement of managers to accompany this Act: *Provided*, That of the amount provided under this heading, $578,162,000 shall be derived from prescription drug user fees

authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; $57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; and $235,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2010 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $880,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than $51,545,000 shall be available for the Office of Generic Drugs; (3) $305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $58,745,000 shall be for the National Center for Toxicological Research; (7) $216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $117,225,000 shall be for Rent and Related activities, of which $41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $171,526,000 shall be for payments to the General Services Administration for rent; and (10) $200,129,000 shall be for other activities, including the Office of the Commissioner; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further,* That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds

Fees.

may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $12,433,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $168,800,000, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials: *Provided,* That $8,200,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2010 to the Committees on Appropriations of the House of Representatives and the Senate.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided,* That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Section 10101 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009,

(Public Law 110–329) is amended in subsection (b) by inserting at the end the following: "In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary.". 7 USC 6945.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center. Notification.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse

obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided,* That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further,* That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

Notifications. Deadlines.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided,* That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

Deadline.
Notification.
Reports.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

Missouri.

SEC. 716. There is hereby appropriated $499,000 for any authorized Rural Development program purpose, in communities suffering from extreme outmigration and situated in areas that were designated as part of an Empowerment Zone pursuant to section 111 of the Community Renewal Tax Relief Act of 2000 (as contained in appendix G of Public Law 106–554).

SEC. 717. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided,* That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. There is hereby appropriated $3,497,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

SEC. 719. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

News stories.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the following:

(1) An Environmental Quality Incentives Program as authorized by sections 1241–240H of the Food Security Act of 1985, as amended (16 U.S.C. 3839aa–3839aa(8)), in excess of $1,180,000,000;

(2) a program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)); and

(3) a program under subsection (b)(2)(A)(ii) of section 14222 of Public Law 110–246 in excess of $1,123,000,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $25,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2010: *Provided further*, That $76,000,000 made available on October 1, 2010, to carry out section 19(i)(1)(C) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(iii) of section 14222 of Public Law 110–246: *Provided further*, That all unobligated balances under section 32 of the

Act of August 24, 1935, available as of September 30, 2009, are hereby rescinded.

SEC. 722. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 723. There is hereby appropriated $2,600,000, to remain available until expended, for the construction, interim operations, and necessary demolition needs for establishment of an agricultural pest facility in the State of Hawaii.

SEC. 724. There is hereby appropriated $4,000,000 to the Secretary of Agriculture to award grant(s) to develop and field test new food products designed to improve the nutritional delivery of humanitarian food assistance provided through the McGovern-Dole (section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1)) and the Food for Peace title II (7 U.S.C. 1691 et seq.) programs: *Provided,* That the Secretary shall use the authorities provided under the Research, Education, and Economics mission area of the Department in awarding such grant(s), with priority given to proposals that demonstrate partnering with and in-kind support from the private sector.

SEC. 725. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

State listing.

SEC. 726. Notwithstanding any other provision of law, and until receipt of the decennial census for the year 2010, the Secretary of Agriculture—

(1) shall consider—

(A) the unincorporated area of Los Osos, California, the city of Imperial, California, and the Harrisville Fire District, Rhode Island, to be rural areas for the purposes of eligibility for Rural Utilities Service water and waste disposal loans and grants;

(B) the incorporated community of Thermalito in Butte County, California, (including individuals and entities with projects within the community) eligible for loans and grants funded under the housing programs of the Rural Housing Service;

(C) the city of Lumberton, North Carolina, and the city of Sanford, North Carolina (including individuals and entities with projects within the city) eligible for loans and grants funded through the Rural Community Facilities Program Account; and

(D) the city of Nogales, Arizona (including individuals and entities with projects within the city) eligible for loans and grants funded through the housing programs of the Rural Housing Service; and

(2) may fund Rural Community Facility Program projects of the Rural Housing Service and Water and Waste Disposal Program projects of the Rural Utilities Service for communities and municipal districts and areas in Connecticut, Massachusetts, and Rhode Island that filed applications for such projects with the appropriate Rural Development field office of the Department of Agriculture prior to August 1, 2009, and that such projects were determined by the field office to be eligible for funding.

SEC. 727. There is hereby appropriated $3,000,000 for section 4404 of Public Law 107–171.

SEC. 728. Notwithstanding any other provision of law, there is hereby appropriated:

(1) $3,000,000 of which $2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and $1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) $350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection;

(3) $1,000,000 shall be for development of a prototype for a national carbon inventory and accounting system for forestry and agriculture;

(4) $1,000,000 for the International Food Protection Training Institute; and

(5) $200,000 for the Center for Foodborne Illness Research and Prevention.

State listing.

SEC. 729. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out—

(1) the Alameda Creek Watershed Project in Alameda County, California;

(2) the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(3) the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania;

(4) the Farmington River Restoration project in Litchfield County, Connecticut;

(5) the Lake Oscawana Management and Restoration project in Putnam County, New York;

(6) the Richland Creek Reservoir in Paulding County, Georgia;

(7) the Pocasset River Floodplain Management Project in the State of Rhode Island;

(8) the East Locust Creek Watershed Plan Revision in Missouri, including up to 100 percent of the engineering assistance and 75 percent cost share for construction cost of site RW1;

(9) the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

(10) the DuPage County Watershed project in the State of Illinois;

(11) the Dunloup Creek Watershed Project in Fayette and Raleigh Counties, West Virginia;

(12) the Dry Creek Watershed project in the State of California; and

(13) the Upper Clark Fork Watershed project in the State of Montana.

SEC. 730. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by inserting "the District of Columbia and" after the first instance of "institutions located in";

(2) by striking "ten" and inserting "thirteen";

(3) by striking "eight" and inserting "eleven"; and

(4) by inserting "Connecticut, Nevada, Wisconsin," after the first instance of "States shall be".

SEC. 731. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 732. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of the fiscal year from appropriations made available for salaries and expenses in this Act for the Farm Service Agency and the Rural Development mission area, shall remain available through September 30, 2011, for information technology expenses.

SEC. 733. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 734. (a) CHILD NUTRITION PROGRAMS.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

"(14) COMBAT PAY.—

"(A) DEFINITION OF COMBAT PAY.—In this paragraph, the term 'combat pay' means any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

"(i) is the result of deployment to or service in a combat zone; and

"(ii) was not received immediately prior to serving in a combat zone.

"(B) EXCLUSION.—Combat pay shall not be considered to be income for the purpose of determining the eligibility for free or reduced price meals of a child who is a member of the household of a member of the United States Armed Forces.".

(b) SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.—Section 17(d)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following:

"(C) COMBAT PAY.—For the purpose of determining income eligibility under this section, a State agency shall exclude from income any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this subparagraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

"(i) is the result of deployment to or service in a combat zone; and

"(ii) was not received immediately prior to serving in a combat zone.".

SEC. 735. There is hereby appropriated $1,000,000 for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a).

SEC. 736. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 737. Agencies with jurisdiction for carrying out international food assistance programs under the jurisdiction of this Act, including title II of the Food for Peace Act and the McGovern-Dole International Food for Education Program, shall—

Deadline.
Cost estimates.

(1) provide to the Committees on Appropriations of the House and the Senate no later than May 1, 2010, the following:

(A) estimates on cost-savings and programmatic efficiencies that would result from increased use of pre-positioning of food aid commodities and processes to ensure such cargoes are appropriately maintained to prevent spoilage;

Contracts.

(B) estimates on cost-savings and programmatic efficiencies that would result from the use of longer-term commodity procurement contracts, the proportional distribution of commodity purchases throughout the fiscal year, longer-term shipping contracts, contracts which include shared-risk principles, and adoptions of other commercially acceptable contracting practices;

(C) estimates on costs of domestic procurement of commodities, domestic inland transportation of food aid commodities, domestic storage (including loading and unloading), foreign storage (including loading and unloading), foreign inland transportation, and ocean freight (including ocean freight as adjusted by the ocean freight differential reimbursement provided by the Secretary of Transportation), and costs relating to allocation and distribution of commodities in recipient countries;

(D) information on the frequency of delays in transporting food aid commodities, the cause or purpose of any delays (including how those delays are tracked, monitored and resolved), missed schedules by carriers and non-carriers (and resulting program costs due to such delays, including impacts to program beneficiaries);

(E) information on the methodologies to improve interagency coordination between host governments, the World Food Program, and non-governmental organization to develop more consistent estimates of food aid needs and the number of intended recipients to appropriately inform the purchases of commodities and in order to appropriately plan for commodity procurement for food aid programs;

(2) provide the matter described under subsection (1) of this section in the form of a consensus report under the signatures of the Secretaries of Agriculture, State, and Transportation; and Reports.

(3) estimates and cost savings analysis for this section shall be derived from periods representative of normal program operations.

SEC. 738. There is hereby appropriated $250,000, to remain available until expended, for a grant to the Kansas Farm Bureau Foundation for work-force development initiatives to address outmigration in rural areas.

SEC. 739. There is hereby appropriated $800,000 to the Farm Service Agency to carry out a pilot program to demonstrate the use of new technologies that increase the rate of growth of reforested hardwood trees on private non-industrial forests lands, enrolling lands on the coast of the Gulf of Mexico that were damaged by Hurricane Katrina in 2005.

SEC. 740. (a) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of rare diseases: *Provided,* That the Commissioner of Food and Drugs shall appoint individuals employed by the Food and Drug Administration to serve on the review group: *Provided further,* That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of rare diseases, including specific expertise in developing or carrying out clinical trials. Establishment. 21 USC 360aa note.

(b) The Commissioner of Food and Drugs shall establish within the Food and Drug Administration a review group which shall recommend to the Commissioner of Food and Drugs appropriate preclinical, trial design, and regulatory paradigms and optimal solutions for the prevention, diagnosis, and treatment of neglected diseases of the developing world: *Provided,* That the Commissioner of Food and Drugs shall appoint individuals employed by the Food and Drug Administration to serve on the review group: *Provided further,* That members of the review group shall have specific expertise relating to the development of articles for use in the prevention, diagnosis, or treatment of neglected diseases of the developing world, including specific expertise in developing or carrying out clinical trials: *Provided further,* That for the purposes of this section the term "neglected disease of the developing world" means a tropical disease, as defined in section 524(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360n(a)(3)).

(c) The Commissioner of Food and Drugs shall— Deadlines.

(1) submit, not later than 1 year after the date of the establishment of review groups under subsections (a) and (b), Reports.

a report to Congress that describes both the findings and recommendations made by the review groups under subsections (a) and (b);

Guidelines.

(2) issue, not later than 180 days after submission of the report to Congress under paragraph (1), guidance based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world; and

Standards.

(3) develop, not later than 180 days after submission of the report to Congress under paragraph (1), internal review standards based on such recommendations for articles for use in the prevention, diagnosis, and treatment of rare diseases and for such uses in neglected diseases of the developing world.

SEC. 741. There is hereby appropriated $2,600,000 to carry out section 1621 of Public Law 110–246 and $3,000,000 to carry out section 1613 of Public Law 110–246.

Rescission.

SEC. 742. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $11,000,000 is hereby rescinded.

Poultry and poultry products. People's Republic of China. Notification.

SEC. 743. (a) None of the funds made available by this Act may be used to promulgate or implement a poultry products inspection rule allowing processed poultry or processed poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally notifies Congress that the Department will—

(1) not provide any preferential consideration to any application by the People's Republic of China for authorization to export poultry or poultry products to the United States;

Audits. Certifications.

(2) conduct audits of inspection systems and on-site reviews of slaughter and processing facilities, laboratories and other control operations before any Chinese facilities are certified as eligible to ship poultry or poultry products to the United States and, in subsequent years, to conduct such audits and reviews at least once annually or more frequently as the Secretary determines necessary;

(3) implement a significantly increased level of port of entry re-inspection;

(4) establish and conduct a formal and expeditious information sharing program with other countries importing processed poultry or processed poultry products from China that have conducted audits and plant inspections;0

Reports. Deadlines.

(5) report to the House and Senate Committees on Appropriations within 120 days of the date of enactment of this Act, and every 180 days thereafter for an indefinite period, with respect to the promulgation or implementation of any poultry products inspection rule authorizing the People's Republic of China to export poultry or poultry products to the United States, including—

(A) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to implement any poultry products inspection rule authorizing the People's Republic of China to export processed poultry or processed poultry products to the United States;

(B) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to determine whether the poultry inspection system of the People's

Republic of China achieves a level of sanitary protection equivalent to that achieved under United States standards;

(C) actions taken or to be taken by the Secretary to determine whether the administration and enforcement of the poultry and poultry products inspection system of the People's Republic of China ensures that it achieves a level of sanitary protection equivalent to that achieved under United States standards;

(D) the level of port of entry re-inspections to be conducted on processed poultry and processed poultry products offered for importation into the United States from the People's Republic of China; and

(E) a work plan incorporating any understandings or agreements between FSIS and relevant authorities of the People's Republic of China with respect to carrying out the Secretary's assessment of the equivalency of the poultry products inspection system of the People's Republic of China;

(6) make publicly available, no later than 30 days from the date they are finalized, the reports of any new audits and on-site reviews conducted by the Secretary, and, in addition, when such audit or review is being conducted to determine whether the People's Republic of China's poultry inspection system achieves a level of sanitary protection equivalent to that achieved under United States standards, to make the final report of such audit or review publicly available no later than 30 days prior to the publication of any notice of proposed rulemaking for such determination; and

Public information. Deadline. Reports. Notice.

(7) make publicly available a list of facilities in the People's Republic of China certified to export poultry or poultry products to the United States and to notify the House and Senate Committees on Appropriations if the number of facilities certified by the People's Republic of China exceeds ten.

Public information. Records. Notification.

(b) None of the funds made available by this Act may be used to promulgate any proposed or final rule allowing the importation into the United States of poultry slaughtered or poultry products produced from poultry slaughtered in the People's Republic of China unless such rule is promulgated in accordance with the procedures for significant rules specified in Executive Order 12866.

(c) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

Applicability.

SEC. 744. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 745. (a) Section 531(g)(7)(F) of the Federal Crop Insurance Act (7 U.S.C. 1531(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting "(including multiyear assistance)" after "assistance"; and

(2) in clause (i), by inserting "or multiyear production losses" after "a production loss".

(b) Section 901(g)(7)(F) of the Trade Act of 1974 (19 U.S.C. 2497(g)(7)(F)) is amended—

(1) in the matter preceding clause (i), by inserting "(including multiyear assistance)" after "assistance"; and

(2) in clause (i), by inserting "or multiyear production losses" after "a production loss".

SEC. 746. (a) DEPARTMENT OF AGRICULTURE ASSISTANCE DURING PANDEMIC EMERGENCY.—During fiscal year 2010, in any case in which a school is closed for at least 5 consecutive days during a pandemic emergency designation, each household containing at least 1 member who is an eligible child attending the school shall be eligible to receive assistance pursuant to a State agency plan approved under subsection (b).

(b) ASSISTANCE.—To carry out this section, the Secretary of Agriculture may approve State agency plans for temporary emergency standards of eligibility and levels of benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for households with eligible children. Plans approved by the Secretary may provide for supplemental allotments to households receiving benefits under such Act, and issuances to households not already receiving benefits. Such level of benefits shall be determined by the Secretary in an amount not less than the value of meals at the free rate over the course of 5 school days for each eligible child in the household.

(c) MINIMUM CLOSURE REQUIREMENT.—The Secretary of Agriculture shall not provide assistance under this section in the case of a school that is closed for less than 5 consecutive days.

(d) USE OF EBT SYSTEM.—A State agency may provide assistance under this section through the EBT card system established under section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016).

(e) RELEASE OF INFORMATION.—Notwithstanding any other provision of law, the Secretary of Agriculture may authorize State educational agencies and school food authorities administering a school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) to release to appropriate officials administering the supplemental nutrition assistance program such information as may be necessary to carry out this section.

(f) WAIVERS.—To facilitate implementation of this section, the Secretary of Agriculture may approve waivers of the limits on certification periods otherwise applicable under section 3(f) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(f)), reporting requirements otherwise applicable under section 5(f) of such Act (7 U.S.C. 2014(f)), and other administrative requirements otherwise applicable to State agencies under such Act.

(g) FUNDING.—The Secretary of Agriculture shall use funds made available under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to fund, with the exception of the commodities described in subsection (h), benefits provided under this section.

(h) AVAILABILITY OF COMMODITIES.—During fiscal year 2010, the Secretary of Agriculture may utilize funds appropriated under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) to purchase commodities for emergency distribution in any area of the United States during a pandemic emergency designation.

(i) DEFINITIONS.—In this section:

(1) The term "eligible child" means a child (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) who, if not for the closure of

the school attended by the child during a pandemic emergency designation and due to concerns about an influenza pandemic, would receive free or reduced price school meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 175l et seq.) at the school.

(2) The term "pandemic emergency designation" means the declaration—

(A) of a public health emergency, based on pandemic influenza, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

(B) of a domestic emergency, based on pandemic influenza, by the Secretary of Homeland Security.

(3) The term "school" has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

Earmarks.

SEC. 747. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–181) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 748. (a) There is hereby appropriated $350,000,000 of which $60,000,000 is provided for purchases of cheese and other dairy products under 7 U.S.C. 2036(a) and $290,000,000 is provided to the Secretary of Agriculture to assist dairy producers under section 10104 of Public Law 107–171.

(b)(1) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this section.

(2) PROCEDURE.—The promulgation of the implementing regulations and the administration of this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary of Agriculture shall use the authority provided under section 808 of title 5, United States Code.

SEC. 749. (a) Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking "2009" and inserting "2010".

(b) Section 9(f)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(5)) is amended by striking "2009" and inserting "2010".

(c)(1) Section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended by striking "2009" and inserting "2010".

(2) Section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended by striking "2009" and inserting "2010".

(d) Section 18(h)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)(5)) is amended by striking "2009" and inserting "2010".

(e) Section 21(g)(1)(A)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(g)(1)(A)(ii)) is amended by striking "and October 1, 2008" and inserting "October 1, 2008, and October 1, 2009".

(f) Section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended by striking "2009" and inserting "2010".

Children and youth.
Urban and rural areas.

(g)(1) From the funds made available under paragraph (5), the Secretary shall carry out demonstration projects to develop and test methods of providing access to food for children in urban and rural areas during the summer months when schools are not in regular session to—

(A) reduce or eliminate the food insecurity and hunger of children; and

(B) improve the nutritional status of children.

Definition.

(2) For purposes of this subsection, the term "children" means low-income children, as specified by the Secretary.

(3)(A) From the funds made available under paragraph (5), the Secretary shall provide for an independent evaluation of the demonstration projects carried out under this subsection, which shall use rigorous methodologies, including—

(i) random assignment of children or schools, where practicable; or

(ii) if random assignment of children or schools is not practicable, quasi-experimental or other methods that are capable of producing scientifically valid information regarding which projects are effective in achieving the purposes described in paragraph (1).

Deadlines.
Reports.

(B)(i) Not later than December 31, 2010, and each December 31 thereafter until the completion of the last evaluation conducted under subparagraph (A) the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes—

(I) the status of each demonstration project carried out under this subsection; and

(II) the results of the evaluations conducted under subparagraph (A) for the previous fiscal year.

Deadline.
Reports.

(ii) Not later than 120 days after the completion of the last evaluation conducted under subparagraph (A), the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes recommendations on how to improve children's access to food during the summer months when school is not in regular session.

(4) The Secretary may use funds made available under paragraph (5) to pay—

(A) participant benefits;

(B) the added administrative expenses incurred by participating organizations as a result of participating in a project under this subsection;

(C) costs associated with outreach to potential participants and potential sponsoring organizations; and

(D) costs associated with soliciting, administering, monitoring, and evaluating each demonstration project carried out under this subsection.

Effective date.

(5)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $85,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

Grants.
Children and youth.

(h)(1)(A) From the funds made available under subparagraph (C), the Secretary shall provide assistance through grants to State agencies administering the National School Lunch Program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) with the lowest rates of children certified for free meals pursuant to paragraphs (4) and (5) of section 9(b) of such Act (42 U.S.C. 1758(b)(4); 1758(b)(5)) for the purpose of improving such rates.

(B) Under the terms and conditions established by the Secretary, a State receiving grant funds under this subsection may use such funds to pay costs related to improving the rate of direct certification in such State, including the costs related to—

(i) making technology improvements;

(ii) providing technical assistance to local educational agencies;

(iii) implementing a new or revised direct certification system in such State and in the local educational agencies of such State; and

(iv) using multiple public means tested benefits programs for the purpose of direct certification.

Effective date.

(C)(i) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph $22,000,000, to remain available until expended.

(ii) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

(2)(A) From the funds made available under subparagraph (B), the Secretary shall provide technical assistance to assist States receiving grants under paragraph (1), and other States, as appropriate, in improving the rates of direct certification.

Effective date.

(B)(i) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this paragraph $3,000,000, to remain available until expended.

(ii) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this paragraph the funds transferred under clause (i), without further appropriation.

Performance payments.
Intergovernmental relations.

(i)(1) From the funds made available under paragraph (4), in carrying out the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786 et seq.) (in this subsection referred to as the "program") during fiscal year 2010, the Secretary shall provide performance bonus payments to State agencies that demonstrate—

(A) the highest proportion of breastfed infants, as compared to other State agencies participating in the program; or

(B) the greatest improvement in proportion of breastfed infants, as compared to other State agencies participating in the program.

(2) In providing performance bonus payments to State agencies under this subsection, the Secretary shall consider a State agency's proportion of participating fully breastfed infants.

(3) A State agency that receives a performance bonus under paragraph (1)—

(A) shall treat the funds as program income; and

(B) may transfer the funds to local agencies for use in carrying out the program.

Effective date.

(4)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $5,000,000.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

Intergovernmental relations. Grants.

(j)(1) From the funds made available under paragraph (5), the Secretary shall make payments to State educational agencies to award grants to eligible school food authorities for the purchase of equipment for schools under the jurisdiction of such authorities.

(2)(A) Payments under paragraph (1) shall be allocated to State educational agencies in a manner proportional with each agency's administrative expense allocation under section 7(a)(2) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(a)(2)).

(B) If a State educational agency does not accept or use the amounts made available under its allocation in accordance with this subsection, the Secretary shall reallocate such amounts to other State educational agencies, as the Secretary determines necessary.

Deadline.

(3)(A) Not later than 180 days after receiving an allocation under this subsection, a State educational agency shall award grants, on a competitive basis, to eligible school food authorities.

Definition.

(B) For the purposes of this subsection, the term "eligible school food authority" means a school food authority—

(i) participating in the National School Lunch Program established under the Richard B. Russell National School Lunch Program (42 U.S. C. 1751 et seq.); and

(ii) that did not receive a grant for equipment assistance under the grant program carried out pursuant to the heading "Food and Nutrition Service Child Nutrition Programs" in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

(C) To qualify to receive a grant under this subsection, an eligible school food authority shall—

(i) submit an application to a State educational agency at such time, in such manner, and containing such information as the State educational agency may require; or

(ii) have submitted an application to receive equipment assistance under the grant program carried out pursuant to the heading "Food and Nutrition Service Child Nutrition Programs" in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public law 111–5).

(D) In awarding grants to eligible school food authorities, a State shall give priority to each eligible school food authority whose application demonstrates that in providing equipment assistance to schools with funds received under this subsection, it will give

priority to schools where not less than 50 percent of the enrolled students are eligible for free or reduced price meals under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(E) Under the terms and conditions established by the Secretary, an eligible school food authority receiving a grant under this subsection shall use such funds to purchase equipment for schools under the jurisdiction of the school food authority—

(i) to improve the quality of school meals, consistent with the goals of the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(ii) to improve the safety of food served in the school meal programs established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

(iii) to improve the overall energy efficiency of school foodservice operations; or

(iv) for other purposes as established by the Secretary.

(4) A State educational agency receiving an allocation under this subsection may not use more than 5 percent of such allocation for administrative costs associated with awarding grants to eligible school food authorities in accordance with this subsection.

Effective date.

(5)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $25,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

Grants.
Intergovernmental relations.
Children and youth.

(k)(1) The purpose of this subsection is to provide grants, on a competitive basis, to State agencies administering the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) (referred to in this section as "the program") for the purpose of improving the health and nutrition of children in child care settings.

(2) From the funds made available under paragraph (8), the Secretary shall award grants, on a competitive basis, to State agencies administering the program for the purpose of promoting health and nutrition improvement in child care settings.

(3) In awarding grants under this subsection, the Secretary shall give priority to State agencies administering projects under the program that carry out each of the authorized uses of funds described in paragraph (7).

(4) A State receiving a grant under this subsection shall use not less than 50 percent of such grant funds to award subgrants to institutions for the purpose of conducting the activities described in paragraph (6).

(5) For the purposes of this subsection, the term "institution" has the meaning given such term in section 17(a)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C.1766(a)(2)).

(6) To be eligible to receive funds under this subsection, a State agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include—

(A) a plan to improve the quality of food provided in—

(i) child care centers; and

(ii) family or group day care homes; and

(B) a description of—

(i) the procedures by which the State agency will use the grant received under this subsection to award subgrants to institutions; and

(ii) the criteria that the State agency will use in awarding such subgrants.

(7) In addition to such other activities as the Secretary determines to be appropriate, State agencies and institutions may use funds provided under this subsection for activities that—

(A) promote nutrition and physical activity in child care settings and that reflect the recommendations of—

(i) the most recent version of the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

(ii) the most recent scientific knowledge;

(B) provide technical assistance and training to sponsors and providers of child care centers and family or group day care homes in implementing State or local initiatives designed to improve the health and nutrition of children;

(C) perform outreach campaigns on the State or local level that are designed to increase access to the program in underserved areas and populations; and

(D) make innovative use of technology to provide training and education to promote the nutrition, physical activity, and health of children.

Effective date.

(8)(A) On October 1, 2009, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $8,000,000, to remain available until expended.

(B) The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

Definition.

(l) For purposes of this section, the term "Secretary" means the Secretary of Agriculture.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010".

Approved October 21, 2009.

LEGISLATIVE HISTORY—H.R. 2997 (S. 1406):

HOUSE REPORTS: Nos. 111–181 (Comm. on Appropriations) and 111–279 (Comm. of Conference).

SENATE REPORTS: No. 111–39 (Comm. on Appropriations) accompanying S. 1406.

CONGRESSIONAL RECORD, Vol. 155 (2009):

July 8, 9, considered and passed House.

July 30, 31, Aug. 3, 4, considered and passed Senate, amended.

Oct. 7, House agreed to conference report.

Oct. 8, Senate agreed to conference report.

Public Law 111–81
111th Congress

An Act

To amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

Oct. 22, 2009
[H.R. 1016]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans Health Care Budget Reform and Transparency Act of 2009.
38 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Health Care Budget Reform and Transparency Act of 2009".

SEC. 2. PRESIDENT'S BUDGET SUBMISSION.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(36) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(A) Medical Services.

"(B) Medical Support and Compliance.

"(C) Medical Facilities.".

SEC. 3. ADVANCE APPROPRIATIONS FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 116 the following new section:

"§ 117. Advance appropriations for certain medical care accounts

"(a) IN GENERAL.—For each fiscal year, beginning with fiscal year 2011, discretionary new budget authority provided in an appropriations Act for the medical care accounts of the Department shall—

"(1) be made available for that fiscal year; and

"(2) include, for each such account, advance discretionary new budget authority that first becomes available for the first fiscal year after the budget year.

"(b) ESTIMATES REQUIRED.—The Secretary shall include in documents submitted to Congress in support of the President's budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the medical care accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

"(c) MEDICAL CARE ACCOUNTS.—For purposes of this section, the term 'medical care accounts of the Department' means the

Definition.

following medical care accounts of the Veterans Health Administration, Department of Veterans Affairs account:

"(1) Medical Services.

"(2) Medical Support and Compliance.

"(3) Medical Facilities.

"(d) ANNUAL REPORT.—Not later than July 31 of each year, the Secretary shall submit to Congress an annual report on the sufficiency of the Department's resources for the next fiscal year beginning after the date of the submittal of the report for the provision of medical care. Such report shall also include estimates of the workload and demand data for that fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 113 the following new line:

"117. Advance appropriations for certain medical care accounts.".

38 USC 117 note.

SEC. 4. COMPTROLLER GENERAL REVIEW OF THE ACCURACY OF VA MEDICAL CARE BUDGET SUBMISSION IN RELATION TO BASELINE HEALTH CARE MODEL PROJECTION.

(a) REVIEW OF ACCURACY OF MEDICAL CARE BUDGET SUBMISSION.—The Comptroller General shall conduct a review of each budget of the President for a fiscal year that is submitted to Congress pursuant to section 1105(a) of title 31 in order to assess whether or not the relevant components of the amounts requested in such budget for such fiscal year for the medical care accounts of the Department of Veterans Affairs specified in section 117(c) of title 38, United States Code, as added by section 3, are consistent with estimates of the resources required by the Department for the provision of medical care and services in such fiscal year, as forecast using the Enrollee Health Care Projection Model, or other methodologies used by the Department.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate and the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives and to the Secretary a report on the review conducted under subsection (a).

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) An assessment of the review conducted under subsection (a).

(B) The basis for such assessment.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

Approved October 22, 2009.

LEGISLATIVE HISTORY—H.R. 1016 (S. 423):

HOUSE REPORTS: No. 111–171 (Comm. on Veterans' Affairs).
SENATE REPORTS: No. 111–41 (Comm. on Veterans' Affairs) accompanying S. 423.
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 23, considered and passed House.
Aug. 6, considered and passed Senate, amended, in lieu of S. 423.
Oct. 8, House concurred in Senate amendment with an amendment pursuant to H. Res. 804.
Oct. 13, Senate concurred in House amendment.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Oct. 22, Presidential remarks.

Public Law 111–82
111th Congress

An Act

Oct. 26, 2009
[S. 1717]

To authorize major medical facility leases for the Department of Veterans Affairs for fiscal year 2010, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF FISCAL YEAR 2010 MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following fiscal year 2010 major medical facility leases at the locations specified, in an amount not to exceed the amount shown for that location:

(1) Anderson, South Carolina, Outpatient Clinic, in an amount not to exceed $4,774,000.

(2) Atlanta, Georgia, Specialty Care Clinic, in an amount not to exceed $5,172,000.

(3) Bakersfield, California, Community Based Outpatient Clinic, in an amount not to exceed $3,464,000.

(4) Birmingham, Alabama, Annex Clinic and Parking Garage, in an amount not to exceed $6,279,000.

(5) Butler, Pennsylvania, Health Care Center, in an amount not to exceed $16,482,000.

(6) Charlotte, North Carolina, Health Care Center, in an amount not to exceed $30,457,000.

(7) Fayetteville, North Carolina, Health Care Center, in an amount not to exceed $23,487,000.

(8) Huntsville, Alabama, Outpatient Clinic Expansion, in an amount not to exceed $4,374,000.

(9) Kansas City, Kansas, Community Based Outpatient Clinic, in an amount not to exceed $4,418,000.

(10) Loma Linda, California, Health Care Center, in an amount not to exceed $31,154,000.

(11) McAllen, Texas, Outpatient Clinic, in an amount not to exceed $4,444,000.

(12) Monterey, California, Health Care Center, in an amount not to exceed $11,628,000.

(13) Montgomery, Alabama, Health Care Center, in an amount not to exceed $9,943,000.

(14) Tallahassee, Florida, Outpatient Clinic, in an amount not to exceed $13,165,000.

(15) Winston-Salem, North Carolina, Health Care Center, in an amount not to exceed $26,986,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2010 or the year in which funds are appropriated for the

Medical Facilities account $196,227,000 for the leases authorized in subsection (a).

Approved October 26, 2009.

LEGISLATIVE HISTORY—S. 1717:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 25, considered and passed Senate.
Oct. 7, considered and passed House.

Public Law 111–83
111th Congress

An Act

Oct. 28, 2009
[H.R. 2892]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

Department of Homeland Security Appropriations Act, 2010.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $147,818,000: *Provided*, That not to exceed $60,000 shall be for official reception and representation expenses, of which $20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program negotiations in Washington, DC: *Provided further*, That $15,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010: *Provided further*, That all official costs associated with the use of government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary.

Expenditure plan.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $254,190,000, of which not less than $1,000,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, $5,500,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue

Complex; and $17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $60,530,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts: *Provided*, That of the total amount made available under this heading, $5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report OIG–09–72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010.

Financial plan.

Deadline.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $338,393,000; of which $86,912,000 shall be available for salaries and expenses; and of which $251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That of the total amount appropriated, not less than $82,788,000 shall be available for data center development, of which not less than $38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Processing and Storage): *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

Deadline.
Expenditure plan.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $335,030,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $190,862,000 shall remain available until September 30, 2011: *Provided*, That none of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation or any follow-on entity until the Secretary certifies that such program

Certification.
Notification.

complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on operations of the National Immigration Information Sharing Operation or any follow-on entity pursuant to section 503 of this Act.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $2,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $113,874,000, of which not to exceed $150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,064,713,000, of which $3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not more than $800,000 shall be for procurement of portable solar charging rechargeable battery systems: *Provided*, That for fiscal year 2010,

Determination.

the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, $1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $422,445,000, to remain available until expended, of which not less than $227,960,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $50,000,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

Deadline.
Reports.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $800,000,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Secretary of Homeland Security, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that includes—

Expenditure plan.
Deadline.

(1) a detailed accounting of the program's implementation to date for all investments, including technology and tactical infrastructure, for funding already expended relative to system capabilities or services, system performance levels, mission benefits and outcomes, milestones, cost targets, program management capabilities, identification of the maximum investment, including life-cycle costs, related to the Secure Border Initiative program or any successor program, and description of the methodology used to obtain these cost figures;

(2) a description of how specific projects will further the objectives of the Secure Border Initiative, as defined in the Department of Homeland Security Secure Border Plan, and how the expenditure plan allocates funding to the highest priority border security needs;

(3) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based

delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;

(4) an identification of staffing, including full-time equivalents, contractors, and detailees, by program office;

(5) a description of how the plan addresses security needs at the Northern border and ports of entry, including infrastructure, technology, design and operations requirements, specific locations where funding would be used, and priorities for Northern border activities;

(6) a report on budget, obligations and expenditures, the activities completed, and the progress made by the program in terms of obtaining operational control of the entire border of the United States;

(7) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones to fully address such recommendations;

(8) a certification by the Chief Procurement Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications, that—

(A) the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including as provided in Circular A–11, part 7;

(B) the plans for the program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with such actions, together with any plans for addressing these risks, and the status of the implementation of such actions; and

(C) procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that the Secure Border Initiative Program Office has adequate staff and resources to effectively manage the Secure Border Initiative program and all contracts under such program, including the exercise of technical oversight;

(9) a certification by the Chief Information Officer of the Department including all supporting documents or memoranda, and documentation and a description of the investment review processes used to obtain such certifications that—

(A) the system architecture of the program has been determined to be sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were or were not assessed in making the alignment determination, the date of the alignment determination, and any known areas of misalignment together with the associated risks and corrective actions to address any such areas;

(B) the program has a risk management process that regularly and proactively identifies, evaluates, mitigates,

and monitors risks throughout the system life-cycle and communicates high-risk conditions to U.S. Customs and Border Protection and Department of Homeland Security investment decision-makers, as well as a listing of all the program's high risks and the status of efforts to address such risks; and

(C) an independent verification and validation agent is currently under contract for the projects funded under this heading;

(10) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the Secure Border Initiative program are being addressed so as to ensure adequate staff and resources to effectively manage the Secure Border Initiative; and

(11) an analysis by the Secretary for each segment, defined as not more than 15 miles, of fencing or tactical infrastructure, of the selected approach compared to other, alternative means of achieving operational control, including cost, level of operational control, possible unintended effects on communities, and other factors critical to the decisionmaking process:

Reports. Deadline.

Provided further, That the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress of the program, and obligations and expenditures for all outstanding task orders, as well as specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations, at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated: *Provided further*, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication of the decision in the Federal Register.

Certification.

Waiver authority. Deadline. Federal Register, publication.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State,

and local agencies in other law enforcement and emergency humanitarian efforts, $519,826,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $319,570,000, to remain available until expended; of which $39,700,000 shall be for constructing and equipping the Advanced Training Center; and of which not more than $3,500,000 shall be for acquisition, design, and construction of U.S. Customs and Border Protection Air and Marine facilities at El Paso International Airport, Texas: *Provided*, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for "Construction and Facilities Management" shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

Plans.
Deadline.
6 USC 214 note.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,342,134,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall

Waiver authority.

Child labor.

be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,500,000,000 shall be available to identify aliens convicted of a crime who may be deportable, and to remove them from the United States once they are judged deportable, of which $200,000,000 shall remain available until September 30, 2011: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: *Provided further,* That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than $2,545,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $7,300,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That none of the funds provided under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That none of the funds provided under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than "adequate" or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigation and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further,* That none of the funds provided under this heading may be obligated to collocate field offices of U.S. Immigration and Customs Enforcement until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention Program that identifies: (1) the funds required for nationwide program implementation; (2) the timeframe for achieving nationwide program implementation; and (3) an estimate of the number of individuals who could be enrolled in a nationwide program.

Aliens.

Reports.
Deadlines.

Aliens.

Detention beds.

Determination.

Contracts.

Implementation plan.

AUTOMATION MODERNIZATION

(INCLUDING TRANSFER OF FUNDS)

For expenses of immigration and customs enforcement automated systems, $90,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading,

Expenditure plan.

$10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security: *Provided further*, That of the total amount provided under this heading, up to $10,000,000 may be transferred to U.S. Immigration and Customs Enforcement "Salaries and Expenses" account for data center migration.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $4,818,000, to remain available until expended: *Provided*, That none of the funds made available in this Act may be used to solicit or consider any request to privatize facilities currently owned by the United States Government and used to detain aliens unlawfully present in the United States until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for carrying out that privatization.

Privatization plan.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $5,214,040,000, to remain available until September 30, 2011, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,358,076,000 shall be for screening operations, of which $1,116,406,000 shall be available for explosives detection systems; and not to exceed $855,964,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $778,300,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That of the total amount provided, $1,250,000 shall be made available for Safe Skies Alliance to develop and enhance research and training capabilities for Transportation Security Officer improvised explosive recognition training: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than $3,114,040,000: *Provided further*, That any security service fees collected in excess

Explosive detection systems.

Fees.

of the amount made available under this heading shall become available during fiscal year 2011: *Provided further*, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $110,516,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $171,999,000, to remain available until September 30, 2011.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $1,001,780,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, $20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: *Provided further*, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

Expenditure plans.

Deadline.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $860,111,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $26,000,000; minor shore construction projects not

exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,805,391,000, of which $581,503,000 shall be for defense-related activities, of which $241,503,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed $20,000 shall be for official reception and representation expenses; and of which $3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108–136 with respect to the Coast Guard Academy: *Provided further*, That of the funds provided under this heading, $50,000,000 shall be withheld from obligation for Headquarters Directorates until: (1) the fiscal year 2010 second quarter acquisition report required by Public Law 108–7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110–161; (2) the Revised Deepwater Implementation Plan; and (3) the future-years capital investment plan for fiscal years 2011–2015 are received by the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That funds made available under this heading for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

Coast Guard.

Reports.
Joint explanatory statement.
Plans.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels,

and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,537,080,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $121,000,000 shall be available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $129,500,000 shall be available until September 30, 2012, for other equipment; of which $27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than $300,000 for the Coast Guard Academy Pier and not less than $16,800,000 for Coast Guard Station Cleveland Harbor; of which $105,200,000 shall be available for personnel compensation and benefits and related costs; and of which $1,154,280,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $269,000,000 is for aircraft and $730,680,000 is for surface ships: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2011 budget request, a comprehensive review of the Revised Deepwater Implementation Plan, and every 5 years thereafter, that includes a complete projection of the acquisition costs and schedule for the duration of the plan: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

Review.
Reports.
Data.

Review.
Deadline.
14 USC 663 note.

Deadline.
Investment plan.
14 USC 663 note.

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

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

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

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

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the

Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2010.

Applicability.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $4,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $24,745,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment

of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,478,669,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 for protective travel shall remain available until September 30, 2011: *Provided further*, That up to $1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: *Provided further*, That of the total amount made available under this heading, $33,960,000, to remain available until expended, is for information technology modernization: *Provided further*, That none of the funds made available in the preceding proviso shall be obligated to purchase or install information technology equipment until the Chief Information Officer of the Department of Homeland Security submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for such modernization are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the

Waiver authority.

Reports.
Certification.

Notification.
Deadline.

Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $44,577,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $899,416,000, of which $760,155,000 shall remain available until September 30, 2011: *Provided*, That of the amount made available under this heading, $161,815,000 may not be obligated for the National Cyber Security Division program and $12,500,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure for each of these programs that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated to achieving each of those goals and milestones: *Provided further*, That of the total amount provided, no less than: $20,000,000 is for the National Infrastructure Simulation and Analysis Center; $1,000,000 is for Philadelphia infrastructure monitoring; $3,500,000 is for State and local cyber security training; $3,000,000 is for the Power and Cyber Systems Protection, Analysis, and Testing Program at the Idaho National Laboratory; $3,500,000 is for the Cyber Security Test Bed and Evaluation Center; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; $500,000 is for the Virginia Operational Integration Cyber Center of Excellence; $100,000 is for the Upstate New York Cyber Initiative; and $1,000,000 is for interoperable communications, technical assistance, and outreach programs.

Expenditure plan.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*,

Certification. Deadline.

That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff").

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $373,762,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act that meets the statutory conditions specified under this heading in Public Law 110–329: *Provided further*, That not less than $28,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

Expenditure plan. Deadline.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $139,250,000, of which $30,411,000 is for salaries and expenses: *Provided*, That $108,839,000 shall remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $5,000,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: *Provided further*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $797,650,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National

Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1394): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That of the total amount made available under this heading, not to exceed $36,300,000 shall remain available until September 30, 2011, for capital improvements at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available under this heading, $32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $6,995,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

Federal budget.

West Virginia. Pennsylvania. Disaster evacuation.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,015,200,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden: *Provided further*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2010, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

Puerto Rico.

Determination.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $19,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

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

(5) $13,000,000 shall be for the Citizen Corps Program.

(6) $300,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance, under sections

1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135 and 1163), of which not less than $20,000,000 shall be for Amtrak security: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(7) $300,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107, notwithstanding 46 U.S.C. 70107(c).

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

(9) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(10) $50,000,000 shall be for the Driver's License Security Grants Program in accordance with section 204 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

(11) $50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(12) $60,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended, of which no less than the amount specified for each Emergency Operations Center shall be provided as follows: $500,000, Benton County Emergency Management Commission, Iowa; $100,000, Brazoria County Emergency Management, Texas; $800,000, Butte-Silver Bow, Montana; $338,000, Calvert County Department of Public Safety, Maryland; $425,000, City of Alamosa Fire Department, Colorado; $600,000, City of Ames, Iowa; $250,000, City of Boerne, Texas; $500,000, City of Brawley, California; $300,000, City of Brigantine, New Jersey; $350,000, City of Brookings, Oregon; $1,000,000, City of Chicago, Illinois; $1,000,000, City of Commerce, California; $300,000, City of Cupertino, California; $1,000,000, City of Detroit, Michigan; $750,000, City of Elk Grove, California; $400,000, City of Green Cove Springs, Florida; $600,000, City of Greenville, North Carolina; $300,000, City of Hackensack, New Jersey; $800,000, City of Hartford, Connecticut; $250,000, City of Hopewell, Virginia; $254,500, City of La Habra, California; $600,000, City of Las Vegas, Nevada; $750,000, City of Lauderdale Lakes, Florida; $750,000, City of Minneapolis, Minnesota; $375,000, City of Monterey Park, California; $400,000, City of Moreno Valley, California; $1,000,000, City of Mount Vernon, New York; $1,000,000, City of Newark, New Jersey; $900,000, City of North Little Rock, Arkansas; $350,000, City of Palm Coast, Florida; $750,000, City of Port Gibson, Mississippi; $500,000, City of Scottsdale, Arizona; $750,000, City of Sunrise, Florida; $500,000, City of Tavares, Florida; $400,000, City of Torrington, Connecticut; $900,000, City of Whitefish, Montana; $500,000, City of Whittier, California; $500,000, City of Wichita, Kansas; $500,000, Columbia County, Oregon; $500,000, County of Union, New Jersey; $400,000, Dorchester County, South Carolina; $200,000, Fulton County (Atlanta) Emergency Management Agency, Georgia; $250,000, Howell County Emergency Preparedness, Missouri; $500,000, Jackson County Sheriff's Office, Missouri;

$750,000, Johnson County, Texas; $500,000, Kentucky Emergency Management, Kentucky; $800,000, Lake County, Florida; $600,000, Lea County, New Mexico; $1,000,000, Lincoln County, Washington; $250,000, Lycoming County, Pennsylvania; $250,000, Macomb County Emergency Management and Communications, Michigan; $300,000, Mercer County Emergency Management Agency, Kentucky; $1,000,000, Middle Rio Grande Development Council, Texas; $250,000, Minooka Fire Protection District, Illinois; $800,000, Mobile County Commission, Alabama; $200,000, Monroe County, Florida; $1,000,000, Morris County, New Jersey Office of Emergency Management, New Jersey; $750,000, New Orleans Emergency Medical Services, Louisiana; $1,000,000, North Carolina Office of Emergency Management, North Carolina; $500,000, North Hudson Regional Fire and Rescue, New Jersey; $980,000, North Louisiana Regional, Lincoln Parish, Louisiana; $1,500,000, Ohio Emergency Management Agency, Columbus, Ohio; $250,000, Passaic County Prosecutor's Office, New Jersey; $980,000, City of Providence, Rhode Island; $800,000, San Francisco Department of Emergency Management, California; $300,000, Sarasota County, Florida; $650,000, Scotland County, North Carolina; $500,000, Somerset County, Maine; $1,500,000, State of Maryland, Maryland; $158,000, City of Maitland, Florida; $500,000, Tohono O'odham Nation; $75,000, Towamencin Township, Pennsylvania; $275,000, Town of Harrison, New York; $500,000, Town of Shorter, Alabama; $750,000, Township of Irvington, New Jersey; $500,000, Township of Old Bridge, New Jersey; $247,000, Township of South Orange Village, South Orange, New Jersey; $500,000, Upper Darby Township Police Department, Pennsylvania; $165,000, Village of Elmsford, New York; $350,000, Washington Parish Government, Louisiana; $900,000, Westmoreland County Department of Public Safety, Pennsylvania; $1,000,000, Williamsburg County, South Carolina; and $20,000, Winston County Commission, Alabama.

(13) $267,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $164,500,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; $5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; $5,000,000 shall be for surface transportation emergency preparedness and response training to be awarded under full and open competition;

(B) $1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont; and

(C) $3,000,000 shall be for the Rural Domestic Preparedness Consortium, Eastern Kentucky University: *Provided*, That 4 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Management and Administration" account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That for grants under paragraphs (6) through (11), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, and (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train State and local emergency response providers.

Expenditure plan. Deadline.

Deadlines.

Deadlines.

Reports. Determination.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $810,000,000, of which $390,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2011: *Provided*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

Expenditure plan. Deadline.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $340,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

Expenditure plan. Deadline.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

Fees. Effective date.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,588,000.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,600,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That

Expenditure plan. Deadline.

Deadlines. Reports.

$105,600,000 shall be transferred to Federal Emergency Management Agency "Management and Administration" for management and administration functions: *Provided further*, That the amount provided in the previous proviso shall not be available for transfer to "Management and Administration" until the Federal Emergency Management Agency submits an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the Federal Emergency Management Agency shall submit the monthly "Disaster Relief" report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

Expenditure plan.

Deadlines. Reports.

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $146,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed $38,680,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than $107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: *Provided*, That any additional fees collected pursuant to section 1308(d) of the

National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $85,000,000 for operating expenses; (2) $969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which $70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)–(3): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), $100,000,000, to remain available until expended and to be obligated as detailed in the joint explanatory statement accompanying this Act: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $200,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $224,000,000, of which $50,000,000 is for processing applications for asylum or refugee status; of which $5,000,000 is for the processing of military naturalization applications; and of which $137,000,000 is for the basic pilot program (E-Verify Program),

as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That of the amounts made available for the basic pilot program (E-Verify Program), $30,000,000 shall remain available until September 30, 2011: *Provided further*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: *Provided further*, That none of the funds made available under this heading may be obligated for processing applications for asylum or refugee status unless the Secretary of Homeland Security has published a final rule updating part 103 of title 8, Code of Federal Regulations, to discontinue the asylum/refugee surcharge: *Provided further*, That none of the funds made available under this heading may be obligated for development of the "REAL ID hub" until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for that program that describes the strategic context of the program, the specific goals and milestones set for the program, and the funds allocated for achieving each of these goals and milestones: *Provided further*, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted for permanent residence.

Refugees.
Regulations.
Federal Register, publication.

Expenditure plan.

Aliens.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $239,356,000, of which up to $47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed

total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note), as amended by Public Law 110–329 (122 Stat. 3677), is further amended by striking "December 31, 2011" and inserting "December 31, 2012": *Provided further*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $43,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $143,200,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); $863,271,000, of which $713,083,000, to remain available until September 30, 2012; and of which $150,188,000, to remain available until September 30, 2014, solely for Laboratory Facilities: *Provided*, That not less than $20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: *Provided further*, That not less than $3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decision-making Exercises: *Provided further*, That not less than $12,000,000 shall be for construction expenses of the Pacific Northwest National Laboratory: *Provided further*, That not less than $2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: *Provided further*,

That not less than $10,000,000 shall be available for the National Institute for Hometown Security, Kentucky: *Provided further*, That not less than $2,000,000 shall be available for the Naval Postgraduate School: *Provided further*, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project: *Provided further*, That not less than $500,000 shall be available for a demonstration project to develop situational awareness and decision support capabilities through remote sensing technologies: *Provided further*, That not less than $4,000,000 shall be available for a pilot program to develop a replicable port security system that would improve maritime domain awareness: *Provided further*, That $32,000,000 shall be for the National Bio- and Agro-defense Facility, of which up to $2,000,000 may be obligated for the National Academy of Sciences to complete the Letter Report required in section 560(b) of this Act.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) as amended, for management and administration of programs and activities, $38,500,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, $324,537,000, to remain available until September 30, 2012.

SYSTEMS ACQUISITION

Certifications.

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $20,000,000, to remain available until September 30, 2012: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

Reports.

Consultation.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

Notifications.
Deadlines.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the joint explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be

transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

31 USC 1501 note.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

Approval request.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, Other Transaction Agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security

Grants.
Contracts.
Notification.
Deadlines.

determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That the notification shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under "State and Local Programs".

Briefing.
Deadline.

Contracts.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

Applicability.

SEC. 510. Sections 519, 520, 522, 528, 530, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2072, 2073, 2074, 2082) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 513. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

Deadlines.
Reports.
Air carriers and airports.

SEC. 514. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 is met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

(c) Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report on how the Transportation Security Administration plans to meet the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code. The report shall identify the elements of the system to screen 100 percent of cargo transported between domestic airports at a level of security commensurate with the level of security for the screening of passenger checked baggage.

SEC. 515. Within 45 days after the end of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department. Deadline. Reports.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, air cargo, baggage, and checkpoint screening systems, subject to notification: *Provided*, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated. Notification. Deadline. Reports.

SEC. 517. Any funds appropriated to Coast Guard "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC–B) program.

SEC. 518. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the manner prescribed in section 9701(e) of title 5, United States Code, in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in section 7103(a)(2) of such title. Collaboration.

SEC. 519. Section 532(a) of Public Law 109–295 (120 Stat. 1384) is amended by striking "2009" and inserting "2010".

Classified information.

SEC. 520. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

Grants. Contracts.

SEC. 521. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

Waiver authority.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

Deadline. Notification.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

Review.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General deems relevant: *Provided further*, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

Reports. Deadline.

Waiver authority.

SEC. 522. Except as provided in paragraphs (1) and (2) of this section, none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as

a Principal Federal Official, or any successor position, for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies—

(1) The Secretary of Homeland Security may waive the application of this section provided that any field position appointed pursuant to this waiver shall not hold the title of Principal Federal Official, shall functionally report through the Federal Coordinating Officer appointed under section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143), and shall be subject to the provisions of subsection (c) of section 319 of title 6, United States Code. The Secretary may not delegate the authority to grant such a waiver.

(2) Not later than 10 business days after the date on which the Secretary of Homeland Security issues a waiver under this section, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate explaining the circumstances necessitating the waiver, describing the specific role of any officials appointed pursuant to the waiver, and outlining measures taken to ensure compliance with subsection (c) of section 319 and subsections (c)(3) and (c)(4)(A) of section 313 of title 6, United States Code. Deadline. Notification.

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108–458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security. Butane lighters.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. None of the funds provided in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment. Equine.

Certification.

SEC. 528. None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 529. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 530. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 531. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

(1) in subsection (a), by striking "Until September 30, 2009" and inserting "Until September 30, 2010,"; and

(2) in subsection (d)(1), by striking "September 30, 2009," and inserting "September 30, 2010,".

Contracts.

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program (E-Verify Program) under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Drugs and drug abuse.

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

Applicability.

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

Notification.

SEC. 536. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under subsection (g)(4)(B) of title 31, Unites States Code (as added by Public Law

102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

National identification card.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

Certification.

SEC. 538. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program (E-Verify Program) under section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such non-participation.

Deadline. President. Web posting. Reports.

SEC. 539. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

Definitions.

(c) In this section—

(1) the term "Administrator" means the Administrator of the Federal Emergency Management Agency; and

(2) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

New York. Real property.

SEC. 540. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio- and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: *Provided*, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology "Research, Development, Acquisition, and Operations" account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or $5,000,000, whichever is greater: *Provided further*, That after

Notification. Deadline.

the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 541. The explanatory statement referenced in section 4 of Public Law 110–161 for "National Predisaster Mitigation Fund" under Federal Emergency Management Agency is deemed to be amended—

(1) by striking "Dalton Fire District" and all that follows through "750,000" and inserting the following:

"Franklin Regional Council of Governments, MA	250,000
Town of Lanesborough, MA	175,000
University of Massachusetts, MA	175,000";

(2) by striking "Santee and";

(3) by striking "3,000,000" and inserting "1,500,000";

(4) by inserting after the item relating to Adjutant General's Office of Emergency Preparedness the following:

"Town of Branchville, SC	1,500,000";

and

(5) by striking "Public Works Department of the City of Santa Cruz, CA" and inserting "Monterey County Water Resources Agency, CA".

SEC. 542. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 543. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking "September 30, 2009" and inserting "September 30, 2010".

Deadlines. Consultation.

SEC. 544. (a) Not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aircraft systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 545. From unobligated amounts that are available to the Coast Guard for fiscal year 2008 or 2009 for "Acquisition, Construction, and Improvements" for shoreside facilities and aids to navigation at Coast Guard Sector Buffalo, the Secretary of Homeland Security shall use such sums as may be necessary to make improvements to the land along the northern portion of Sector

Buffalo to enhance public access to the Buffalo Lighthouse and the waterfront.

SEC. 546. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.). 6 USC 416.

SEC. 547. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "at the end of the 11-year period beginning on the first day the pilot program is in effect." and inserting "on September 30, 2012.".

SEC. 548. Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "for 15 years" and inserting "until September 30, 2012".

SEC. 549. (a) In addition to collection of registration fees described in section 244(c)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(1)(B)), fees for fingerprinting services, biometric services, and other necessary services may be collected when administering the program described in section 244 of such Act. 8 USC 1254b.

(b) Subsection (a) shall be construed to apply for fiscal year 1998 and each fiscal year thereafter. Applicability.

SEC. 550. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking "three years after the date of enactment of this Act" and inserting "on October 4, 2010".

SEC. 551. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are amended by striking "basic pilot program" each place that term appears and inserting "E-Verify Program".

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking "Basic Pilot" and inserting "E-Verify".

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended by striking "under a pilot program" and inserting "under this subtitle".

SEC. 552. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI). Detainees. Cuba.

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

Deadline.

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

President. Classified information. Disposition plan.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

Notification. Deadline.

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

President. Classified information. Deadline.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term "freely associated States" means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. Definition.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act. President. Reports. Classified information.

SEC. 553. Section 44903(j)(2)(C) of title 49, United States Code, is amended by adding at the end the following new clause:

"(v) INCLUSION OF DETAINEES ON NO FLY LIST.—The Assistant Secretary, in coordination with the Terrorist Screening Center, shall include on the No Fly List any individual who was a detainee held at the Naval Station, Guantanamo Bay, Cuba, unless the President certifies in writing to Congress that the detainee poses no threat to the United States, its citizens, or its allies. For purposes of this clause, the term 'detainee' means an individual in the custody or under the physical control of the United States as a result of armed conflict.". Cuba. President. Certification. Definition.

SEC. 554. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: *Provided*, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a Fees. 6 USC 469a. Reports. Deadline.

summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

Urban and rural areas.

SEC. 555. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 556. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 557. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action, with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including but not limited to surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accord with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 558. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

Termination date.

SEC. 559. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

Certifications.

(b) The limitation in subsection (a) shall take effect only if:

(1) the Commandant of the Coast Guard certifies that the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Secretary of Homeland Security certifies that the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or to meet any other Federal navigation requirement.

(c) If the certifications described in subsection (b) are made, the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

Deadline. Reports.

(d) Not later than 30 days after such certifications pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the certifications described in subsection (b) are made, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: *Provided*, That the proceeds, less the costs of sale incurred by the General

Services Administration, shall be deposited as offsetting collections into the Coast Guard "Environmental Compliance and Restoration" account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran-C system, for the costs of securing and maintaining equipment that may be used as a backup to the Global Positioning System or to meet any other Federal navigation requirement, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: *Provided further*, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

Diseases.
Deadlines.

SEC. 560. (a) None of the funds made available by this Act may be obligated for construction of the National Bio- and Agro-defense Facility on the United States mainland until 30 days after the later of:

Risk assessment.
Kansas.

(1) the date on which the Secretary of Homeland Security submits to the Committee on Appropriations of the Senate and the House of Representatives a site-specific bio-safety and bio-security mitigation risk assessment, which includes an integrated set of analyses using plume modeling and epidemiologic impact modeling, to determine the requirements necessary to ensure safe operation of the National Bio- and Agro-defense Facility at the approved Manhattan, Kansas, site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 11, and the results of the National Academy of Sciences' review of the risk assessment as described in paragraph (b): *Provided*, That the integrated set of analyses is to determine the extent of the dispersion of the foot-and-mouth virus following a potential laboratory spill, the potential spread of foot-and-mouth disease in the surrounding susceptible animal population, and its economic impact: *Provided further*, That the integrated set of analyses should also take into account specific local, State, and national risk mitigation strategies; or

Reports.

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committees on Appropriations of the Senate and the House of Representatives a report that:

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110–246); and

Plans.

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

Contracts.
Reports.

(b) With regard to the integrated set of analyses included in the mitigation risk assessment required under paragraph (a)(1), the Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the mitigation risk assessment required by subsection (a)(1) of this section and to submit a Letter Report: *Provided*, That such contract shall be

entered into within 90 days from the date of enactment of this Act, and the National Academy of Sciences shall complete its assessment and submit its Letter Report within four months after the date the Department of Homeland Security concludes the risk assessment.

American Communities' Right to Public Information Act. 46 USC 101 note.

SEC. 561. (a) SHORT TITLE.—This section may be cited as the "American Communities' Right to Public Information Act".

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

"(d) NONDISCLOSURE OF INFORMATION.—

"(1) IN GENERAL.—Information developed under this section or sections 70102, 70104, and 70108 is not required to be disclosed to the public, including—

"(A) facility security plans, vessel security plans, and port vulnerability assessments; and

"(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this section or sections 70102, 70104, and 70108.

"(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.".

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

"(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.".

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.".

SEC. 562. Section 4 of the Act entitled "An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes" (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking "or" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; or" and

(3) by adding at the end the following:

"(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.".

SEC. 563. (a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting "(or in the case of a governmental entity located in such State, paid)" after "received, or reserved"; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking "nondepository institution operating in such State" and inserting "governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State";

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding "and" at the end;

(II) in item (bb), by striking ", to facilitate" and all that follows through "2009"; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

"(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;"; and

(D) by inserting after clause (i) the following:

"(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and".

(b) RULE OF CONSTRUCTION.—Section 44(f)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margins 2 ems to the right;

(2) by striking "No provision" and inserting the following:

"(A) IN GENERAL.—No provision"; and

(3) by adding at the end the following:

Loans.

"(B) APPLICABILITY.—This subsection shall be construed to apply to any loan or discount made, or note, bill of exchange, financing transaction, or other evidence of debt, originated by an insured depository institution, a governmental entity located in such State, or a person that is not a depository institution described in subparagraph (A) doing business in such State.".

Applicability.
Contracts.
12 USC 1831u note.

(c) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

OPEN FOIA Act of 2009.
5 USC 101 note.

SEC. 564. (a) SHORT TITLE.—This section may be cited as the "OPEN FOIA Act of 2009".

(b) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

"(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

"(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

"(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.".

Protected National Security Documents Act of 2009.
5 USC 552 note.

SEC. 565. (a) SHORT TITLE.—This section may be cited as the "Protected National Security Documents Act of 2009".

(b) Notwithstanding any other provision of the law to the contrary, no protected document, as defined in subsection (c), shall be subject to disclosure under section 552 of title 5, United States Code or any proceeding under that section.

(c) DEFINITIONS.—In this section:

(1) PROTECTED DOCUMENT.—The term "protected document" means any record—

(A) for which the Secretary of Defense has issued a certification, as described in subsection (d), stating that disclosure of that record would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States; and

(B) that is a photograph that—

(i) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(ii) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States.

(2) PHOTOGRAPH.—The term "photograph" encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(d) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (c)(1), the Secretary of Defense shall issue a certification if the Secretary of Defense determines that disclosure of that

photograph would endanger citizens of the United States, members of the United States Armed Forces, or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification and a renewal of a certification issued pursuant to subsection (d)(3) shall expire 3 years after the date on which the certification or renewal, is issued by the Secretary of Defense.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(A) a renewal of a certification at any time; and

(B) more than 1 renewal of a certification.

(4) NOTICE TO CONGRESS.—The Secretary of Defense shall provide Congress a timely notice of the Secretary's issuance of a certification and of a renewal of a certification.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude the voluntary disclosure of a protected document.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any protected document. Applicability.

SEC. 566. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 567. (a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled "Risk Management Guide for Information Technology Systems"; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled "Recommended Security Controls for Federal Information Systems and Organizations,";

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the "Assistant Secretary").

(b) CERTIFICATION.—The Assistant Secretary shall require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards. Deadline.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent

with the minimum standards established by paragraph (a)(1–3).

SEC. 568. (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM AND OTHER IMMIGRATION PROGRAMS.—

(1) EXTENSION.—Subclauses (II) and (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking "September 30, 2009," each place such term appears and inserting "September 30, 2012,".

Deadline. Reports.

(2) STUDY AND PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by United States Citizenship and Immigration Services to improve the integrity of the program.

(3) PROGRESS REPORT.—Not later than 240 days after the submission of the report under paragraph (2), the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in implementing the plan described in clause (a)(2)(B) of this section.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "September 30, 2009" and inserting "September 30, 2012".

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "for at least 2 years at the time of the citizen's death".

8 USC 1151 note.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

Petition. Deadline.

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) SURVIVING RELATIVE CONSIDERATION FOR CERTAIN PETITIONS AND APPLICATIONS.—

"(1) IN GENERAL.—An alien described in paragraph (2) who resided in the United States at the time of the death of the qualifying relative and who continues to reside in the United States shall have such petition described in paragraph (2), or an application for adjustment of status to that of a person admitted for lawful permanent residence based upon the family relationship described in paragraph (2), and any related applications, adjudicated notwithstanding the death of the qualifying relative, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

"(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

"(A) the beneficiary of a pending or approved petition for classification as an immediate relative (as described in section 201(b)(2)(A)(i));

"(B) the beneficiary of a pending or approved petition for classification under section 203 (a) or (d);

"(C) a derivative beneficiary of a pending or approved petition for classification under section 203(b) (as described in section 203(d));

"(D) the beneficiary of a pending or approved refugee/asylee relative petition under section 207 or 208;

"(E) an alien admitted in 'T' nonimmigrant status as described in section 101(a)(15)(T)(ii) or in 'U' nonimmigrant status as described in section 101(a)(15)(U)(ii); or

"(F) an asylee (as described in section 208(b)(3)).".

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment. 8 USC 1154 note.

(e) CONFORMING AMENDMENT TO AFFIDAVIT OF SUPPORT REQUIREMENT.—Section 213A(f)(5) of the Immigration and Nationality Act (8 U.S.C. 1183a(5)) is amended by striking clauses (i) and (ii) and inserting:

"(i) the individual petitioning under section 204 of this Act for the classification of such alien died after the approval of such petition, and the Secretary of Homeland Security has determined for humanitarian

reasons that revocation of such petition under section 205 would be inappropriate; or

"(ii) the alien's petition is being adjudicated pursuant to section 204(l) (surviving relative consideration).".

Contracts.
Performance fees.

SEC. 569. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Contracts.

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

SEC. 571. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary between appropriations for the same purpose, notwithstanding section 503 of this Act.

Deadline.
Notification.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House and Representatives are notified of such transfer.

Earmarks.

SEC. 572. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–157) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 573. From unobligated balances for fiscal year 2009 made available for Federal Emergency Management Agency "Trucking Industry Security Grants", $5,572,000 are rescinded.

SEC. 574. From the unobligated balances of prior year appropriations made available for "Analysis and Operations", $2,358,000 are rescinded.

SEC. 575. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate "Infrastructure Protection and Information Security", $8,000,000 are rescinded.

SEC. 576. From the unobligated balances of prior year appropriations made available for Science and Technology "Research, Development, Acquisition, and Operations", $6,944,148 are rescinded.

SEC. 577. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office "Research, Development, and Operations", $8,000,000 are rescinded.

SEC. 578. From the unobligated balances of prior year appropriations made available for Transportation Security Administration "Research and Development", $4,000,000 are rescinded.

SEC. 579. From the unobligated balances of prior year appropriations made available for Coast Guard "Acquisition, Construction, and Improvements", $800,000 are rescinded: *Provided*, That these rescissions shall be taken from completed projects.

SEC. 580. Of the amounts available under the heading "Counterterrorism Fund", $5,600,000 are rescinded.

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2010".

Approved October 28, 2009.

LEGISLATIVE HISTORY—H.R. 2892 (S. 1298):

HOUSE REPORTS: Nos. 111–157 (Comm. on Appropriations) and 111–298 (Comm. of Conference).

SENATE REPORTS: No. 111–31 (Comm. on Appropriations) accompanying S. 1298.

CONGRESSIONAL RECORD, Vol. 155 (2009):

June 24, considered and passed House.

July 7–9, considered and passed Senate, amended.

Oct. 15, House agreed to conference report.

Oct. 20, Senate agreed to conference report.

Public Law 111–84
111th Congress

An Act

Oct. 28, 2009
[H.R. 2647]

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Year 2010.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2010".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into five divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding tables.

(5) Division E—Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. National Guard and Reserve equipment.
Sec. 106. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 107. Relation to funding table.

Subtitle B—Army Programs

Sec. 111. Procurement of Future Combat Systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

Sec. 121. Littoral Combat Ship program.
Sec. 122. Treatment of Littoral Combat Ship program as a major defense acquisition program.
Sec. 123. Report on strategic plan for homeporting the Littoral Combat Ship.

Sec. 124. Advance procurement funding.
Sec. 125. Procurement programs for future naval surface combatants.
Sec. 126. Ford-class aircraft carrier report.
Sec. 127. Report on a service life extension program for Oliver Hazard Perry class frigates.
Sec. 128. Conditional multiyear procurement authority for F/A–18E, F/A–18F, or EA–18G aircraft.

Subtitle D—Air Force Programs

Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.
Sec. 132. Revised availability of certain funds available for the F–22A fighter aircraft.
Sec. 133. Preservation and storage of unique tooling for F–22 fighter aircraft.
Sec. 134. AC–130 gunships.
Sec. 135. Report on E–8C Joint Surveillance and Target Attack Radar System reengining.
Sec. 136. Repeal of requirement to maintain certain retired C–130E aircraft.
Sec. 137. Limitation on retirement of C–5 aircraft.
Sec. 138. Reports on strategic airlift aircraft.
Sec. 139. Strategic airlift force structure.

Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor procurement.
Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.
Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Relation to funding table.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Extension and enhancement of Global Research Watch Program.
Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.
Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.
Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.
Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.
Sec. 216. Separate program elements required for research and development of individual body armor and associated components.
Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.
Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.
Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.
Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.
Sec. 222. Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets.

Subtitle C—Missile Defense Programs

Sec. 231. Sense of Congress on ballistic missile defense.
Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.
Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.
Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.

Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.
Sec. 237. Study on discrimination capabilities of ballistic missile defense system.
Sec. 238. Ascent phase missile defense strategy and plan.
Sec. 239. Extension of deadline for study on boost-phase missile defense.

Subtitle D—Reports

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.
Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.
Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.
Sec. 244. Annual Comptroller General report on the F–35 Lightning II aircraft acquisition program.
Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.
Sec. 247. Report on the development of command and control systems.
Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

Subtitle E—Other Matters

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.
Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.
Sec. 253. Extension of authority to award prizes for advanced technology achievements.
Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.
Sec. 255. Next generation bomber aircraft.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Relation to funding table.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Sec. 316. Procurement and use of munitions.
Sec. 317. Prohibition on disposing of waste in open-air burn pits.
Sec. 318. Military munitions response sites.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Policy regarding installation of major modifications and upgrades.
Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.

Sec. 328. Improvement of inventory management practices.
Sec. 329. Modification of date for submittal to Congress of annual report on funding for public and private performance of depot-level maintenance and repair workloads.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.
Sec. 335. Energy security on Department of Defense installations.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.
Sec. 342. Plan for managing vegetative encroachment at training ranges.
Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.
Sec. 344. Study on Army modularity.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Policy on ground combat and camouflage utility uniforms.
Sec. 353. Condition-based maintenance demonstration programs.
Sec. 354. Extension of arsenal support program initiative.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submittal of options for creation of Trainees, Transients, Holdees, and Students account for the Army National Guard.
Sec. 417. Report on requirements of the National Guard for non-dual status technicians.
Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 502. Modification of limitations on general and flag officers on active duty.
Sec. 503. Revisions to annual reporting requirement on joint officer management.
Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.
Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.
Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

Subtitle B—General Service Authorities

Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.

Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 513. Legal assistance for additional reserve component members.
Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.
Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

Subtitle C—Education and Training

Sec. 521. Detail of commissioned officers as students at schools of psychology.
Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
Sec. 525. Department of Defense undergraduate nurse training program.
Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 528. Athletic association for the Air Force Academy.
Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

Subtitle D—Defense Dependents' Education

Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 532. Impact aid for children with severe disabilities.
Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.
Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.
Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.
Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.
Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.

Sec. 552. Authorization and request for award of Distinguished-Service Cross to Jack T. Stewart for acts of valor during the Vietnam War.
Sec. 553. Authorization and request for award of Distinguished-Service Cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle G—Military Family Readiness Matters

Sec. 561. Establishment of online resources to provide information about benefits and services available to members of the Armed Forces and their families.
Sec. 562. Additional members on Department of Defense Military Family Readiness Council.
Sec. 563. Support for military families with special needs.
Sec. 564. Pilot program to secure internships for military spouses with Federal agencies.
Sec. 565. Family and medical leave for family of servicemembers.
Sec. 566. Deadline for report on sexual assault in the Armed Forces by Defense Task Force on Sexual Assault in the Military Services.
Sec. 567. Improved prevention and response to allegations of sexual assault involving members of the Armed Forces.
Sec. 568. Comptroller General report on progress made in implementing recommendations to reduce domestic violence in military families.
Sec. 569. Report on impact of domestic violence on military families.
Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
Sec. 573. Comptroller General report on child care assistance for members of the Armed Forces.

Subtitle H—Military Voting

Sec. 575. Short title.
Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
Sec. 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.
Sec. 578. Establishment of procedures for States to transmit blank absentee ballots by mail and electronically to absent uniformed services voters and overseas voters.
Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
Sec. 580. Procedures for collection and delivery of marked absentee ballots of absent overseas uniformed services voters.
Sec. 581. Federal write-in absentee ballot.
Sec. 582. Prohibiting refusal to accept voter registration and absentee ballot applications, marked absentee ballots, and Federal write-in absentee ballots for failure to meet certain requirements.
Sec. 583. Federal Voting Assistance Program Improvements.
Sec. 584. Development of standards for reporting and storing certain data.
Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
Sec. 586. Reporting requirements.
Sec. 587. Annual report on enforcement.
Sec. 588. Requirements payments.
Sec. 589. Technology pilot program.

Subtitle I—Other Matters

Sec. 591. Clarification of performance policies for military musical units and musicians.
Sec. 592. Navy grants for purposes of Naval Sea Cadet Corps.
Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.
Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.

Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.
Sec. 598. Reports on progress in completion of certain incident information management tools.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Increase in maximum monthly amount of supplemental subsistence allowance for low-income members with dependents.
Sec. 603. Special compensation for members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.
Sec. 604. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.
Sec. 605. Report on housing standards and housing surveys used to determine basic allowance for housing.
Sec. 606. Comptroller General comparative assessment of military and private-sector pay and benefits.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.
Sec. 619. Additional assignment pay or special duty pay authorized for members agreeing to serve in Afghanistan for extended periods.
Sec. 620. Temporary authority for monthly special pay for members of the Armed Forces subject to continuing active duty or service under stop-loss authorities.
Sec. 621. Army authority to provide additional recruitment incentives.
Sec. 622. Report on recruitment and retention of members of the Air Force in nuclear career fields.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Travel and transportation for survivors of deceased members of the uniformed services to attend memorial ceremonies.
Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members of the uniformed services for duration of inpatient treatment.
Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.
Sec. 634. Reimbursement of travel expenses of members of the Armed Forces on active duty and their dependents for travel for specialty care under exceptional circumstances.
Sec. 635. Report on adequacy of weight allowances for transportation of baggage and household effects for members of the uniformed services.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Transition assistance for reserve component members injured while on active duty.
Sec. 642. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 643. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.
Sec. 644. Report on re-determination process for permanently incapacitated dependents of retired and deceased members of the Armed Forces.

Sec. 645. Treatment as active service for retired pay purposes of service as member of Alaska Territorial Guard during World War II.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Limitation on Department of Defense entities offering personal information services to members and their dependents.
Sec. 652. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.
Sec. 662. Sense of Congress on airfares for members of the Armed Forces.
Sec. 663. Sense of Congress on establishment of flexible spending arrangements for the uniformed services.
Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 702. Health care for members of the reserve components.
Sec. 703. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
Sec. 704. Expansion of survivor eligibility under TRICARE dental program.
Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.
Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.
Sec. 708. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
Sec. 709. Temporary TRICARE inpatient fee modification.

Subtitle B—Health Care Administration

Sec. 711. Comprehensive policy on pain management by the military health care system.
Sec. 712. Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment.
Sec. 713. Cooperative health care agreements between military installations and non-military health care systems.
Sec. 714. Plan to increase the mental health capabilities of the Department of Defense.
Sec. 715. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.
Sec. 716. Limitation on obligation of funds under defense health program information technology programs.

Subtitle C—Other Matters

Sec. 721. Study and plan to improve military health care.
Sec. 722. Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces.
Sec. 723. Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces.
Sec. 724. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.
Sec. 725. Chiropractic clinical trials.
Sec. 726. Independent study on post-traumatic stress disorder efforts.
Sec. 727. Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.
Sec. 728. Report on stipends for members of reserve components for health care for certain dependents.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report.
Sec. 802. Assessment of improvements in service contracting.
Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.
Sec. 804. Implementation of new acquisition process for information technology systems.
Sec. 805. Life-cycle management and product support.
Sec. 806. Treatment of non-defense agency procurements under joint programs with intelligence community.
Sec. 807. Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

Sec. 811. Justification and approval of sole-source contracts.
Sec. 812. Revision of Defense Supplement relating to payment of costs prior to definitization.
Sec. 813. Revisions to definitions relating to contracts in Iraq and Afghanistan.
Sec. 814. Amendment to notification requirements for awards of single source task or delivery orders.
Sec. 815. Clarification of uniform suspension and debarment requirement.
Sec. 816. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 817. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.
Sec. 818. Small arms production industrial base matters.
Sec. 819. Contract authority for advanced component development or prototype units.
Sec. 820. Publication of notification of bundling of contracts of the Department of Defense.

Subtitle C—Contractor Matters

Sec. 821. Authority for Government support contractors to have access to technical data belonging to prime contractors.
Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 823. Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel.

Subtitle D—Acquisition Workforce Matters

Sec. 831. Enhancement of expedited hiring authority for defense acquisition workforce positions.
Sec. 832. Funding of Department of Defense Acquisition Workforce Development Fund.
Sec. 833. Review of post-employment restrictions applicable to the Department of Defense.
Sec. 834. Review of Federal acquisition workforce training and hiring.

Subtitle E—Other Matters

Sec. 841. Reports to Congress on full deployment decisions for major automated information system programs.
Sec. 842. Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal.
Sec. 843. Report on rare earth materials in the defense supply chain.
Sec. 844. Comptroller General report on structure and management of subcontractors under contracts for major weapon systems.
Sec. 845. Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts.
Sec. 846. Repeal of requirements relating to the military system essential item breakout list.
Sec. 847. Extension of SBIR and STTR programs of the Department of Defense.
Sec. 848. Extension of authority for small business innovation research Commercialization Pilot Program.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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10 USC 101 note.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

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Sec. 126. Ford-class aircraft carrier report.
Sec. 127. Report on a service life extension program for Oliver Hazard Perry class frigates.
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Sec. 131. Report on the procurement of 4.5 generation fighter aircraft.
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Sec. 136. Repeal of requirement to maintain certain retired C–130E aircraft.
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Sec. 138. Reports on strategic airlift aircraft.
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Subtitle E—Joint and Multiservice Matters

Sec. 141. Body armor procurement.
Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.
Sec. 143. Modification of nature of data link for use by tactical unmanned aerial vehicles.

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Army as follows:

(1) For aircraft, $5,110,352,000.

(2) For missiles, $1,368,109,000.

(3) For weapons and tracked combat vehicles, $2,439,052,000.

(4) For ammunition, $2,058,895,000.

(5) For other procurement, $9,450,863,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

(1) For aircraft, $18,842,112,000.

(2) For weapons, including missiles and torpedoes, $3,446,019,000.

(3) For shipbuilding and conversion, $13,776,867,000.

(4) For other procurement, $5,610,581,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,603,738,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of $814,015,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

(1) For aircraft, $11,224,371,000.

(2) For ammunition, $822,462,000.
(3) For missiles, $6,037,459,000.
(4) For other procurement, $17,133,668,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2010 for Defense-wide procurement in the amount of $4,090,816,000.

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $600,000,000.

SEC. 106. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $600,000,000.

SEC. 107. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by sections 101, 102, 103, 104, 105, and 106 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, and except as provided in subsection (b), the Secretary of Defense may not procure more than one Future Combat Systems spin out early-infantry brigade combat team equipment set (in this section referred to as a "brigade set") for low-rate initial production.

(b) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the limitation in subsection (a) if—

(1) the Under Secretary submits to Congress written certification that—

(A) the Future Combat Systems spin out early-infantry brigade combat team program (in this section referred to as the "program") requires low-rate initial production in excess of 10 percent of the total number of articles to be produced;

(B) the Director of Defense Research and Engineering has completed a technology readiness assessment of the program;

(C) the Director of Cost Assessment and Program Evaluation has completed an independent cost estimate of the program;

(D) the Under Secretary has approved an acquisition strategy and acquisition program baseline for the program; and

(E) all of the systems constituting the brigade set have been tested in their intended production configuration; and

(2) a period of 30 days has elapsed after the date on which the certification under paragraph (1) is received.

(c) EXCEPTION FOR MEETING OPERATIONAL NEED STATEMENT REQUIREMENTS.—The limitation on low-rate initial production in subsection (a) does not apply to the procurement of individual components of a brigade set if the procurement of such components is specifically intended to address an operational need statement requirement (as described in Army Regulation 71–9 or a successor regulation).

Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Navy may procure up to ten Littoral Combat Ships and 15 Littoral Combat Ship ship control and weapon systems by entering into a contract using competitive procedures. Such procurement may also include—

(A) materiel and equipment in economic order quantities when cost savings are achievable; and

(B) cost reduction initiatives.

(2) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at time of termination.

(b) TECHNICAL DATA PACKAGE.—

(1) REQUIREMENT.—As part of the solicitation for proposals for a procurement authorized by subsection (a), the Secretary shall require that an offeror submit a proposal that provides for conveying a complete technical data package as part of a proposal for a Littoral Combat Ship.

(2) RIGHTS OF THE UNITED STATES.—The Secretary shall ensure that the Government's rights in technical data for a Littoral Combat Ship are sufficient to permit the Government to—

(A) conduct a competition for a second shipyard, as soon as practicable; and

(B) transition the Littoral Combat Ship combat systems to Government-furnished equipment to achieve open architecture and foster competition to modernize future systems.

(c) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided in subsection (d), and excluding amounts described in paragraph (2), beginning in fiscal year 2011, the total amount obligated or expended for

the procurement of a Littoral Combat Ship awarded to a contractor selected as part of a procurement authorized by subsection (a) may not exceed $480,000,000 per vessel.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Elements designated by the Secretary of the Navy as a mission package.

(B) Plans.

(C) Technical data packages.

(D) Class design services.

(E) Post-delivery, outfitting, and program support costs.

(d) WAIVER AND ADJUSTMENT OF LIMITATION AMOUNT.—

(1) WAIVER.—The Secretary of the Navy may waive the limitation in subsection (c)(1) with respect to a vessel if—

(A) the Secretary provides supporting data and certifies in writing to the congressional defense committees that—

(i) the total amount obligated or expended for procurement of the vessel–

(I) is in the best interest of the United States; and

(II) is affordable, within the context of the annual naval vessel construction plan required by section 231 of title 10, United States Code; and

(ii) the total amount obligated or expended for procurement of at least one other vessel authorized by subsection (a) has been or is expected to be less than $480,000,000; and

(B) a period of not less than 30 days has expired following the date on which such certification and data are submitted to the congressional defense committees.

(2) ADJUSTMENT.—The Secretary of the Navy may adjust the amount set forth in subsection (c)(1) for Littoral Combat Ship vessels referred to in that subsection by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2009.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2009.

(C) The amounts of increases or decreases in costs of the vessel that are attributable to insertion of new technology into that vessel, as compared to the technology built into the first or second vessels of the Littoral Combat Ship class of vessels, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology—

(i) is expected to decrease the life-cycle cost of the vessel; or

(ii) is required to meet an emerging threat that poses grave harm to national security.

(D) The amounts of increases or decreases in costs required to correct deficiencies that may affect the safety of the vessel and personnel or otherwise preclude the vessel from safe operations and crew certifications.

(e) ANNUAL REPORTS.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary of the Navy shall submit to

the congressional defense committees a report on Littoral Combat Ship vessels. Each such report shall include the following:

(1) The current (as of the date of the report) and projected total basic construction costs, Government-furnished equipment costs, and other program costs associated with each of the Littoral Combat Ships under construction.

(2) Written notice of any adjustment in the amount set forth in subsection (c)(1) made during the preceding fiscal year that the Secretary adjusted under the authority provided in subsection (d)(2).

(3) A summary of investment made by the Government for cost-reduction initiatives and the projected savings or cost avoidance based on those investments.

(4) A summary of investment made by the construction yard to improve efficiency and optimization of construction along with the projected savings or cost avoidance based on those investments.

(5) Information, current as of the date of the report, regarding—

(A) the content of any element of the Littoral Combat Ship class of vessels that is designated as a mission package;

(B) the estimated cost of any such element; and

(C) the total number of such elements anticipated.

(f) DEFINITIONS.—In this section:

(1) The term "mission package" means the interchangeable systems that deploy with a Littoral Combat Ship vessel.

(2) The term "technical data package" means a compilation of detailed engineering plans and specifications for construction of the vessels.

(3) The term "total amount obligated or expended for procurement", with respect to a Littoral Combat Ship, means the sum of the costs of basic construction and Government-furnished equipment for the ship.

(g) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended by section 125 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 29) and section 122 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4376), is repealed.

SEC. 122. TREATMENT OF LITTORAL COMBAT SHIP PROGRAM AS A MAJOR DEFENSE ACQUISITION PROGRAM.

Effective as of the date of the enactment of this Act, the program for the Littoral Combat Ship shall be treated as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code. Effective date.

SEC. 123. REPORT ON STRATEGIC PLAN FOR HOMEPORTING THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the strategic plan of the Navy for homeporting the Littoral Combat Ship on the east coast and west coast of the United States.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of how the homeporting plan would support the requirements of the commanders of the combatant commands, by geographic area of responsibility, for the capabilities delivered by Littoral Combat Ships, including the notional transit times to the various geographic areas of responsibility.

(2) An assessment of the effect that each type of Littoral Combat Ship would have on each port in which such ship could be homeported, including an identification of the infrastructure required to support each such ship with respect to—

(A) the availability of pier space with supporting ship services infrastructure, taking into account the largest fleet size envisioned by the long–term plan for the construction of naval vessels submitted for fiscal year 2011;

(B) the logistical and maintenance support services required in any port chosen for the Littoral Combat Ships; and

(C) any investment in naval station infrastructure required for homeporting Littoral Combat Ships (including a plan for such investment).

(3) With respect to the projected force structure size of the Navy in fiscal year 2020, a graphical depiction of the total planned ships berthing in the pier areas of any naval facility chosen to homeport Littoral Combat Ships, including the identification of the ships berthing plan for the maximum number of ships expected in-port at any one time.

SEC. 124. ADVANCE PROCUREMENT FUNDING.

10 USC 7291 note.

(a) ADVANCE PROCUREMENT.—With respect to a naval vessel for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

(1) Components, parts, or materiel.

(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

(b) AIRCRAFT CARRIER DESIGNATED CVN–79.—With respect to components of the aircraft carrier designated CVN–79 for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract for the advance construction of such components if the Secretary determines that cost savings, construction efficiencies, or workforce stability may be achieved for such aircraft carrier through the use of such contract.

(c) CONDITION OF OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.

Deadlines. 10 USC 7291 note.

SEC. 125. PROCUREMENT PROGRAMS FOR FUTURE NAVAL SURFACE COMBATANTS.

(a) LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING PROGRAMS.—The Secretary of the Navy may not obligate or expend funds for the

construction of, or advanced procurement of materials for, a surface combatant to be constructed after fiscal year 2011 until the Secretary has submitted to Congress each of the following:

(1) An acquisition strategy for such surface combatants that has been approved by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Certification that the Joint Requirements Oversight Council—

(A) has been briefed on the acquisition strategy to procure such surface combatants; and

(B) has concurred that such strategy is the best preferred approach to deliver required capabilities to address future threats, as reflected in the latest assessment by the defense intelligence community.

(3) A verification by, and conclusions of, an independent review panel that, in evaluating the program or programs concerned, the Secretary of the Navy considered each of the following:

(A) Modeling and simulation, including war gaming conclusions regarding combat effectiveness for the selected ship platforms as compared to other reasonable alternative approaches.

(B) Assessments of platform operational availability.

(C) Life cycle costs, including vessel manning levels, to accomplish missions.

(D) The differences in cost and schedule arising from the need to accommodate new sensors and weapons in surface combatants to be constructed after fiscal year 2011 to counter the future threats referred to in paragraph (2), when compared with the cost and schedule arising from the need to accommodate sensors and weapons on surface combatants as contemplated by the 2009 shipbuilding plan for the vessels concerned.

(4) The conclusions of a joint review by the Secretary of the Navy and the Director of the Missile Defense Agency setting forth additional requirements for investment in Aegis ballistic missile defense beyond the number of DDG–51 and CG–47 vessels planned to be equipped for this mission area in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) FUTURE SURFACE COMBATANT ACQUISITION STRATEGY.—Not later than the date upon which the President submits to Congress the budget for fiscal year 2012 (as so submitted), the Secretary of the Navy shall submit to the congressional defense committees an update to the open architecture report to Congress that reflects the Navy's combat systems acquisition plans for the surface combatants to be procured in fiscal year 2012 and fiscal years thereafter. Reports.

(c) NAVAL SURFACE FIRE SUPPORT.—Not later than 120 days after the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees an update to the March 2006 Report to Congress on Naval Surface Fire Support. The update shall identify how the Department of Defense intends to address any shortfalls between required naval surface fire support capability and the plan of the Navy to provide that capability. The update shall include addenda by the Chief of Naval Operations Reports.

and Commandant of the Marine Corps, as was the case in the 2006 report.

(d) TECHNOLOGY ROADMAP FOR FUTURE SURFACE COMBATANTS AND FLEET MODERNIZATION.—

Plans.

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Navy shall develop a plan to incorporate into surface combatants constructed after 2011, and into fleet modernization programs, the technologies developed for the DDG–1000 destroyer and the DDG–51 and CG–47 Aegis ships, including technologies and systems designed to achieve significant manpower savings.

(2) SCOPE OF PLAN.—The plan required by paragraph (1) shall include sufficient detail for systems and subsystems to ensure that the plan—

(A) avoids redundant development for common functions;

(B) reflects implementation of Navy plans for achieving an open architecture for all naval surface combat systems; and

(C) fosters competition.

(e) DEFINITIONS.—In this section:

(1) The term "2009 shipbuilding plan" means the 30-year shipbuilding plan submitted to Congress pursuant to section 231, title 10, United States Code, together with the budget of the President for fiscal year 2009 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(2) The term "surface combatant" means a cruiser, a destroyer, or any naval vessel, excluding Littoral Combat Ships, under a program currently designated as a future surface combatant program.

SEC. 126. FORD-CLASS AIRCRAFT CARRIER REPORT.

Not later than February 1, 2010, the Secretary of the Navy shall submit to the congressional defense committees a report on the effects of using a five-year interval for the construction of Ford-class aircraft carriers. The report shall include, at a minimum, an assessment of the effects of such five-year interval on the following:

(1) With respect to the supplier base—

(A) the viability of the base, including suppliers exiting the market or other potential reductions in competition; and

(B) cost increases to the Ford-class aircraft carrier program.

(2) Training of individuals in trades related to ship construction.

(3) Loss of expertise associated with ship construction.

(4) The costs of—

(A) any additional technical support or production planning associated with the start of construction;

(B) material and labor;

(C) overhead; and

(D) other ship construction programs, including the costs of existing and future contracts.

SEC. 127. REPORT ON A SERVICE LIFE EXTENSION PROGRAM FOR OLIVER HAZARD PERRY CLASS FRIGATES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report setting forth the following:

(1) A detailed analysis of a service life extension program for the Oliver Hazard Perry class frigates, including—

(A) the cost of the program;

(B) a notional schedule for the program; and

(C) the shipyards available to carry out the work under the program.

(2) The strategic plan of the Navy for—

(A) the manner in which the Littoral Combat Ship will fulfill the roles and missions currently performed by the Oliver Hazard Perry class frigates as such frigates are decommissioned; and

(B) the year-by-year planned commissioning of Littoral Combat Ships and planned decommissioning of Oliver Hazard Perry class frigates through the projected service life of the Oliver Hazard Perry class frigates.

(3) An analysis of the necessary procurement rates of Littoral Combat Ships if the extension of the service life of the Oliver Hazard Perry class frigates alleviates capability gaps caused by a delay in the procurement rates of Littoral Combat Ships.

(4) A description of the manner in which the Navy has met the requirements of the United States Southern Command over time, including the assets and vessels the Navy has deployed for military-to-military engagements, UNITAS exercises, and counterdrug operations in support of the Commander of the United States Southern Command during the five-year period ending on the date of the report.

SEC. 128. CONDITIONAL MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, OR EA–18G AIRCRAFT.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract for the procurement of F/A–18E, F/A–18F, or EA–18G aircraft.

(2) SUBMISSION OF WRITTEN CERTIFICATION BY SECRETARY OF DEFENSE.—For purposes of paragraph (1), the term "March 1 of the year in which the Secretary requests legislative authority to enter into such contract" in section 2306b(i)(1) of such title shall be deemed to be a reference to March 1, 2010.

(b) CONTRACT REQUIREMENT.—A multiyear contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose.

(c) REPORT OF FINDINGS.—In addition to any reports or certifications required by section 2306b of title 10, United States Code, not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on how the findings and conclusions of the quadrennial defense review under section 118 of such title and the 30-year aviation plan under section 231a of such title have informed the acquisition strategy of the

Secretary with regard to the F/A–18E, F/A–18F, and EA–18G aircraft programs of record.

(d) SUNSET.—

(1) TERMINATION DATE.—Except as provided in paragraph (2), the authority to enter into a multiyear contract under subsection (a) shall terminate on May 1, 2010.

Notification.

(2) EXTENSION.—The Secretary of the Navy may enter into a multiyear contract under subsection (a) until September 30, 2010, if the Secretary notifies the congressional defense committees in writing—

(A) that the administrative processes or other contracting activities necessary for executing this authority cannot be completed before May 1, 2010; and

(B) of the date, on or before September 30, 2010, on which the Secretary plans to enter into such multiyear contract.

Subtitle D—Air Force Programs

SEC. 131. REPORT ON THE PROCUREMENT OF 4.5 GENERATION FIGHTER AIRCRAFT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the procurement of 4.5 generation fighter aircraft. The report shall include the following:

(1) The number of 4.5 generation fighter aircraft needed to be procured during fiscal years 2011 through 2025 to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.

(2) The estimated procurement costs for those aircraft if procured through annual procurement contracts.

(3) The estimated procurement costs for those aircraft if procured through multiyear procurement contracts.

(4) The estimated savings that could be derived from the procurement of those aircraft through a multiyear procurement contract, and whether the Secretary determines the amount of those savings to be substantial.

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) A discussion regarding the availability and feasibility of procuring F–35 aircraft to proportionally and concurrently recapitalize the Air National Guard during fiscal years 2015 through fiscal year 2025.

(b) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term "4.5 generation fighter aircraft" means current fighter aircraft, including the F–15, F–16, and F–18, that—

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

(2) have the ability to deploy current and reasonably foreseeable advanced armaments.

SEC. 132. REVISED AVAILABILITY OF CERTAIN FUNDS AVAILABLE FOR THE F–22A FIGHTER AIRCRAFT.

(a) REPEAL OF AUTHORITY ON AVAILABILITY OF FISCAL YEAR 2009 FUNDS.—Section 134 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4378) is repealed.

(b) AVAILABILITY OF ADVANCE PROCUREMENT FUNDS FOR OTHER F–22A AIRCRAFT MODERNIZATION PRIORITIES.—Subject to the provisions of appropriations Acts and applicable requirements relating to the transfer of funds, the Secretary of the Air Force may transfer amounts authorized to be appropriated for fiscal year 2009 by section 103(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4373) for aircraft procurement for the Air Force and available for advance procurement for the F–22A fighter aircraft within that subaccount or to other subaccounts for aircraft procurement for the Air Force for purposes of providing funds for other modernization priorities with respect to the F–22A fighter aircraft.

SEC. 133. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

(a) PLAN.—The Secretary of the Air Force shall develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F–22 fighter aircraft. The plan shall—

(1) ensure that the Secretary preserves and stores required tooling in a manner that—

(A) allows the production of such hardware and end items to be restarted after a period of idleness; and

(B) provides for the long-term sustainment and repair of such hardware and end items;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and

(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) RESTRICTION ON THE USE OF FUNDS.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for aircraft procurement, Air Force, for F–22 fighter aircraft may be obligated or expended for activities related to disposing of F–22 production tooling until a period of 45 days has elapsed after the date on which the Secretary submits to Congress a report describing the plan required by subsection (a).

Deadline. Reports.

SEC. 134. AC–130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC–130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at

a rate per year that is similar to the average rate per year of the five years preceding the date of the report.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC–130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC–130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC–130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC–130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC–130 gunships and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) ANALYSIS OF ALTERNATIVES.—The Secretary of the Air Force, in consultation with the Commander of the United States Special Operations Command, shall conduct an analysis of alternatives for any gunship modernization requirements identified by the 2009 quadrennial defense review under section 118 of title 10, United States Code. The results of the analysis of alternatives shall be provided to the congressional defense committees not later than 18 months after the completion of the 2009 quadrennial defense review.

Deadline.

SEC. 135. REPORT ON E–8C JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM RE-ENGINING.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on replacing the engines of E-8C Joint Surveillance and Target Attack Radar System aircraft (in this section referred to as "Joint STARS aircraft"). The report shall include the following:

(1) An assessment of funding alternatives and options for accelerating funding for the fielding of Joint STARS aircraft with replaced engines.

(2) An analysis of the tradeoffs involved in the decision to replace the engines of Joint STARS aircraft or not to replace those engines, including the potential cost savings from replacing those engines and the operational impacts of not replacing those engines.

(3) An identification of the optimum path forward for replacing the engines of Joint STARS aircraft and modernizing the Joint STARS fleet.

(b) LIMITATION ON CERTAIN ACTIONS.—The Secretary of the Air Force may not take any action that would adversely impact the pace of the execution of the program to replace the engines of Joint STARS aircraft before submitting the report required by subsection (a).

SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN RETIRED C–130E AIRCRAFT.

Section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 31) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (b), by striking "subsection (d)" and inserting "subsection (c)".

SEC. 137. LIMITATION ON RETIREMENT OF C–5 AIRCRAFT.

(a) LIMITATION.—The Secretary of the Air Force may not proceed with a decision to retire C–5A aircraft from the active inventory of the Air Force in any number that would reduce the total number of such aircraft in the active inventory below 111 until—

(1) the Air Force has modified a C–5A aircraft to the configuration referred to as the Reliability Enhancement and Reengining Program (RERP) configuration, as planned under the C–5 System Development and Demonstration program as of May 1, 2003; and

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) conducts an operational evaluation of that aircraft, as so modified; and

(B) provides to the Secretary of Defense and the congressional defense committees an operational assessment. Assessment.

(b) OPERATIONAL EVALUATION.—An operational evaluation for purposes of paragraph (2)(A) of subsection (a) is an evaluation, conducted during operational testing and evaluation of the aircraft, as so modified, of the performance of the aircraft with respect to reliability, maintainability, and availability and with respect to critical operational issues.

(c) OPERATIONAL ASSESSMENT.—An operational assessment for purposes of paragraph (2)(B) of subsection (a) is an operational assessment of the program to modify C–5A aircraft to the configuration referred to in subsection (a)(1) regarding both overall suitability and deficiencies of the program to improve performance of the C–5A aircraft relative to requirements and specifications for reliability, maintainability, and availability of that aircraft as in effect on May 1, 2003.

(d) ADDITIONAL LIMITATIONS ON RETIREMENT OF AIRCRAFT.— Deadlines.
The Secretary of the Air Force may not retire C–5 aircraft from the active inventory as of the date of the enactment of this Act until the later of the following:

(1) The date that is 90 days after the date on which the Director of Operational Test and Evaluation submits the report referred to in subsection (a)(2)(B).

(2) The date that is 90 days after the date on which the Secretary submits the report required under subsection (e).

(3) The date that is 30 days after the date on which the Secretary certifies to the congressional defense committees that— Certification.

(A) the retirement of such aircraft will not increase the operational risk of meeting the National Defense Strategy; and

(B) the retirement of such aircraft will not reduce the total strategic airlift force structure below 316 strategic airlift aircraft.

(e) REPORT ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force shall submit to the congressional defense committees a report setting forth the following:

(1) The rationale for the retirement of existing C–5 aircraft and a cost-benefit analysis of alternative strategic airlift force structures, including the force structure that would result from the retirement of such aircraft.

(2) An updated assessment to the assessment of the Under Secretary for Acquisition, Technology, and Logistics certified on February 14, 2008, concerning the costs and benefits of applying the Reliability Enhancement and Re-engining Program (RERP) modification to the entire the C–5A aircraft fleet.

(3) An assessment of the implications for the Air Force, the Air National Guard, and the Air Force Reserve of operating a mix of C–5A aircraft and C–5M aircraft.

(4) An assessment of the costs and benefits of increasing the number of C–5 aircraft in Back-up Aircraft Inventory (BAI) status as a hedge against future requirements of such aircraft.

(5) An assessment of the costs, benefits, and implications of transferring C–5 aircraft to United States flag carriers operating in the Civil Reserve Air Fleet (CRAF) program or to coalition partners in lieu of the retirement of such aircraft.

(6) Such other matters relating to the retirement of C–5 aircraft as the Secretary considers appropriate.

SEC. 138. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 90 days before the date on which a C–5 aircraft is retired, the Secretary of the Air Force, in consultation with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of title 10, United States Code). Each report shall include the following:

(1) A list of each aircraft in the inventory of strategic airlift aircraft, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(2) A list of each strategic airlift aircraft proposed for retirement, including for each such aircraft—

(A) the type;

(B) the variant; and

(C) the military installation where such aircraft is based.

(3) A list of each unit affected by a proposed retirement listed under paragraph (2) and how such unit is affected.

(4) For each military installation listed under paragraph (2)(C), changes, if any, to the mission of the installation as a result of a proposed retirement.

(5) Any anticipated reductions in manpower as a result of a proposed retirement listed under paragraph (2).

SEC. 139. STRATEGIC AIRLIFT FORCE STRUCTURE.

Subsection (g)(1) of section 8062 of title 10, United States Code, is amended—

(1) by striking "2008" and inserting "2009"; and

(2) by striking "299" and inserting "316".

Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

(a) PROCUREMENT.—The Secretary of Defense shall ensure that body armor is procured using funds authorized to be appropriated by this title.

(b) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each military department procurement account, a separate, dedicated procurement line item is designated for body armor. 10 USC 221 note.

SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL VEHICLES.

None of the amounts authorized to be appropriated for procurement may be obligated or expended for an unmanned cargo-carrying-capable aerial vehicle until a period of 15 days has elapsed after the date on which the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition, Technology, and Logistics certify to the congressional defense committees that the Joint Requirements Oversight Council has approved a joint and common requirement for an unmanned cargo-carrying-capable aerial vehicle type. Deadline. Certification.

SEC. 143. MODIFICATION OF NATURE OF DATA LINK FOR USE BY TACTICAL UNMANNED AERIAL VEHICLES.

Section 141(a)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164) is amended by striking ", until such time as the Tactical Common Data Link standard is replaced by an updated standard for use by those vehicles" and inserting "or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Relation to funding table.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Extension and enhancement of Global Research Watch Program.
Sec. 212. Permanent authority for the Joint Defense Manufacturing Technology Panel.
Sec. 213. Elimination of report requirements regarding Defense Science and Technology Program.
Sec. 214. Authorization for the Secretary of the Navy to purchase infrastructure and Government purpose rights license associated with the Navy-Marine Corps intranet.

Sec. 215. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.
Sec. 216. Separate program elements required for research and development of individual body armor and associated components.
Sec. 217. Separate procurement and research, development, test, and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 218. Restriction on obligation of funds for Army tactical ground network program pending receipt of report.
Sec. 219. Programs for ground combat vehicle and self-propelled howitzer capabilities for the Army.
Sec. 220. Guidance on budget justification materials describing funding requested for operation, sustainment, modernization, and personnel of major ranges and test facilities.
Sec. 221. Assessment of technological maturity and integration risk of Army modernization programs.
Sec. 222. Assessment of activities for technology modernization of the combat vehicle and armored tactical wheeled vehicle fleets.

Subtitle C—Missile Defense Programs

Sec. 231. Sense of Congress on ballistic missile defense.
Sec. 232. Assessment and plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense System.
Sec. 233. Continued production of Ground-based Interceptor missile and operation of Missile Field 1 at Fort Greely, Alaska.
Sec. 234. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 235. Authorization of funds for development and deployment of alternative missile defense systems in Europe.
Sec. 236. Comprehensive plan for test and evaluation of the ballistic missile defense system.
Sec. 237. Study on discrimination capabilities of ballistic missile defense system.
Sec. 238. Ascent phase missile defense strategy and plan.
Sec. 239. Extension of deadline for study on boost-phase missile defense.

Subtitle D—Reports

Sec. 241. Repeal of requirement for biennial joint warfighting science and technology plan.
Sec. 242. Modification of reporting requirement for defense nanotechnology research and development program.
Sec. 243. Comptroller General assessment of coordination of energy storage device requirements, purchases, and investments.
Sec. 244. Annual Comptroller General report on the F–35 Lightning II aircraft acquisition program.
Sec. 245. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.
Sec. 246. Report on future research and development of man-portable and vehicle-mounted guided missile systems.
Sec. 247. Report on the development of command and control systems.
Sec. 248. Evaluation of Extended Range Modular Sniper Rifle Systems.

Subtitle E—Other Matters

Sec. 251. Enhancement of duties of Director of Department of Defense Test Resource Management Center with respect to the Major Range and Test Facility Base.
Sec. 252. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.
Sec. 253. Extension of authority to award prizes for advanced technology achievements.
Sec. 254. Authority for National Aeronautics and Space Administration federally funded research and development centers to participate in merit-based technology research and development programs.
Sec. 255. Next generation bomber aircraft.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,638,534,000.

(2) For the Navy, $19,607,161,000.

(3) For the Air Force, $28,401,642,000.

(4) For Defense-wide activities, $20,604,271,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by section 201 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. EXTENSION AND ENHANCEMENT OF GLOBAL RESEARCH WATCH PROGRAM.

(a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR MILITARY DEPARTMENTS PENDING PROVISION OF ASSISTANCE UNDER PROGRAM.—Subsection (d) of section 2365 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) Funds available to a military department for a fiscal year for monitoring or analyzing the research activities and capabilities of foreign nations may not be obligated or expended until the Director certifies to the Under Secretary of Defense for Acquisition, Technology, and Logistics that the Secretary of such military department has provided the assistance required under paragraph (2). Certification.

"(B) The limitation in subparagraph (A) shall not be construed to alter or effect the availability to a military department of funds for intelligence activities.".

(b) FOUR-YEAR EXTENSION OF PROGRAM.—Subsection (f) of such section is amended by striking "September 30, 2011" and inserting "September 30, 2015".

SEC. 212. PERMANENT AUTHORITY FOR THE JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.

Section 2521 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) JOINT DEFENSE MANUFACTURING TECHNOLOGY PANEL.—(1) There is in the Department of Defense the Joint Defense Manufacturing Technology Panel.

"(2)(A) The Chair of the Joint Defense Manufacturing Technology Panel shall be the head of the Panel. The Chair shall be appointed, on a rotating basis, from among the appropriate

personnel of the military departments and Defense Agencies with manufacturing technology programs.

"(B) The Panel shall be composed of at least one individual from among appropriate personnel of each military department and Defense Agency with manufacturing technology programs. The Panel may include as ex-officio members such individuals from other government organizations, academia, and industry as the Chair considers appropriate.

"(3) The purposes of the Panel shall be as follows:

"(A) To identify and integrate requirements for the program.

"(B) To conduct joint planning for the program.

"(C) To develop joint strategies for the program.

"(4) In carrying out the purposes specified in paragraph (3), the Panel shall perform the functions as follows:

"(A) Conduct comprehensive reviews and assessments of defense-related manufacturing issues being addressed by the manufacturing technology programs and related activities of the Department of Defense.

"(B) Execute strategic planning to identify joint planning opportunities for increased cooperation in the development and implementation of technological products and the leveraging of funding for such purposes with the private sector and other government agencies.

"(C) Ensure the integration and coordination of requirements and programs under the program with the Office of the Secretary of Defense and other national-level initiatives, including the establishment of information exchange processes with other government agencies, private industry, academia, and professional associations.

"(D) Conduct such other functions as the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify.

"(5) The Panel shall report to and receive direction from the Director of Defense Research and Engineering on manufacturing technology issues of multi-service concern and application.

"(6) The administrative expenses of the Panel shall be borne by each military department and Defense Agency with manufacturing technology programs in such manner as the Panel shall provide.".

SEC. 213. ELIMINATION OF REPORT REQUIREMENTS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

Repeal.

Section 212 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is repealed.

SEC. 214. AUTHORIZATION FOR THE SECRETARY OF THE NAVY TO PURCHASE INFRASTRUCTURE AND GOVERNMENT PURPOSE RIGHTS LICENSE ASSOCIATED WITH THE NAVY-MARINE CORPS INTRANET.

(a) PURCHASES AUTHORIZED.—The Secretary of the Navy may enter into one or more contracts for the purchase of infrastructure and Government purpose rights for any or all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, if the Secretary determines that such a purchase would be in the best interest of the Department of the Navy.

(b) CONTRACT REQUIREMENTS.—Under a contract entered into under this section, the Secretary may purchase any discrete component or item of technical data, computer software, or computer software documentation of the Navy-Marine Corps Intranet and may obligate the Government only to amounts provided in advance in appropriations Acts specifically for the purpose of the contract. This section shall not apply to any purchases using funds available to the Department of the Navy for any fiscal year that begins before October 1, 2010.

(c) LIMITATION.—A contract entered into under this section may not, in any way, commit the Secretary or the Government to purchase any additional components or other items of technical data, computer software, or computer software documentation in subsequent years.

(d) LIMITATION ON LIABILITY.—A contract entered into under this section shall limit the amount of Government liability under the contract to the amount of appropriations available for such purpose at the time the Secretary enters into the contract or on the date an option is exercised.

(e) PURCHASE BEFORE END OF CONTRACT PERIOD.—Nothing in this section and nothing in any contract entered into under this section shall preclude the Secretary from purchasing the infrastructure and Government purpose rights for all technical data, computer software, and computer software documentation used or created under the Navy-Marine Corps Intranet multiyear contract, as in effect on the date of the enactment of this Act, prior to the end of the contract period, for whatever reason the Secretary determine is appropriate.

SEC. 215. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

None of the funds authorized to be appropriated by this or any other Act for fiscal year 2010 may be obligated or expended for the Joint Multi-Mission Submersible program to proceed beyond Milestone B approval (as that term is defined in section 2366(e)(7) of title 10, United States Code) until the Secretary of Defense, in consultation with the Director of National Intelligence—

Assessment.

(1) completes an assessment on the feasibility of a cost-sharing agreement between the Department of Defense and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), for the Joint Multi-Mission Submersible program;

(2) submits to the congressional defense committees and the intelligence committees (as that term is defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) the assessment referred to in paragraph (1); and

Certification.

(3) certifies to the congressional defense committees and the intelligence committees that any agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.

SEC. 216. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

10 USC 221 note.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the

budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each research, development, test, and evaluation account of each military department a separate, dedicated program element is assigned to the research and development of individual body armor and associated components.

10 USC 221 note.

SEC. 217. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST, AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F-35B AND F-35C JOINT STRIKE FIGHTER AIRCRAFT.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program element is assigned to each of the F-35B aircraft and the F-35C aircraft, to the extent that such accounts include funding for each such aircraft.

SEC. 218. RESTRICTION ON OBLIGATION OF FUNDS FOR ARMY TACTICAL GROUND NETWORK PROGRAM PENDING RECEIPT OF REPORT.

(a) LIMITATION ON OBLIGATION OF RESEARCH AND DEVELOPMENT FUNDING.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for research and development for the Army, for the program elements specified in subsection (c), not more than 50 percent may be obligated or expended until 30 days after the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to Congress a report on the acquisition strategy, requirements, and cost estimates for the Army tactical ground network program.

(b) ARMY TACTICAL GROUND NETWORK PROGRAM DEFINED.—For the purposes of subsection (a), the term "Army tactical ground network program" means the new tactical ground network major defense acquisition program derived from the Future Combat Systems Brigade Combat Team program network, and directed to be initiated by the memorandum entitled "Future Combat Systems Brigade Combat Team Acquisition Decision Memorandum", which was signed by the Under Secretary of Defense for Acquisition, Technology, and Logistics on June 23, 2009.

(c) ARMY TACTICAL GROUND NETWORK PROGRAM ELEMENTS SPECIFIED.—The program elements specified in this subsection are the following:

(1) Future Combat Systems of Systems Engineering and Program Management.

(2) Future Combat Systems Sustainment and Training Research and Development.

(3) Any other program element specified by the Secretary of Defense to fund the Army tactical ground network program.

SEC. 219. PROGRAMS FOR GROUND COMBAT VEHICLE AND SELF-PROPELLED HOWITZER CAPABILITIES FOR THE ARMY.

(a) PROGRAMS REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall carry out a separate program to achieve each of the following:

(A) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation ground combat vehicle for the Army.

(B) The development, test, and fielding of an operationally effective, suitable, survivable, and affordable next generation self-propelled howitzer capability for the Army.

(2) COMPLIANCE WITH CERTAIN ACQUISITION REQUIREMENTS.—Each program under paragraph (1) shall comply with the requirements of the Weapons Systems Acquisition Reform Act of 2009, and the amendments made by that Act.

(b) STRATEGY AND PLAN FOR ACQUISITION.—

(1) IN GENERAL.—Not later than March 31, 2010, the Secretary shall submit to the congressional defense committees a report setting forth a strategy and plan for the acquisition of weapon systems under the programs required by subsection (a). Each strategy and plan shall include measurable goals and objectives for the acquisition of such weapon systems, and shall identify all proposed major development, testing, procurement, and fielding events toward the achievement of such goals and objectives. Deadline. Reports.

(2) ELEMENTS.—In developing each strategy and plan under paragraph (1), the Secretary shall consider the following:

(A) A single vehicle or family of vehicles utilizing a common chassis and automotive components.

(B) The incorporation of weapon, vehicle, communications, network, and system of systems common operating environment technologies developed under the Future Combat Systems program.

(c) ANNUAL REPORTS.—

(1) REPORTS REQUIRED.—The Secretary shall submit to the congressional defense committees, at the same time the President submits to Congress the budget for each of fiscal years 2011 through 2015 (as submitted pursuant to section 1105(a) of title 31, United States Code), a report on the investments proposed to be made under such budget with respect to each program required by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth, for the fiscal year covered by the budget with which such report is submitted—

(A) the manner in which amounts requested in such budget would be available for each program required by subsection (a); and

(B) an assessment of the extent to which utilizing such amount in such manner would improve ground combat capabilities for the Army.

SEC. 220. GUIDANCE ON BUDGET JUSTIFICATION MATERIALS DESCRIBING FUNDING REQUESTED FOR OPERATION, SUSTAINMENT, MODERNIZATION, AND PERSONNEL OF MAJOR RANGES AND TEST FACILITIES. 10 USC 221 note.

(a) GUIDANCE ON BUDGET JUSTIFICATION MATERIALS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller) and the Director of the Department of Defense Test Resource Management Center, shall issue guidance clarifying and standardizing the information required in budget justification materials describing amounts to be requested in the budget of the President for a fiscal year (as submitted to Congress pursuant

to section 1105(a) of title 31, United States Code) for funding for each facility and resource of the Major Range and Test Facility Base in connection with each of the following:

(1) Operation.
(2) Sustainment.
(3) Investment and modernization.
(4) Government personnel.
(5) Contractor personnel.

(b) APPLICABILITY.—The guidance issued under subsection (a) shall apply with respect to budgets of the President for fiscal years after fiscal year 2010.

(c) MAJOR RANGE AND TEST FACILITY BASE DEFINED.—In this section, the term "Major Range and Test Facility Base" has the meaning given that term in section 196(h) of title 10, United States Code.

SEC. 221. ASSESSMENT OF TECHNOLOGICAL MATURITY AND INTEGRATION RISK OF ARMY MODERNIZATION PROGRAMS.

(a) ASSESSMENT REQUIRED.—The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, review and assess the technological maturity and integration risk of critical technologies (as jointly identified by the Director and the Secretary of the Army for purposes of this section) of Army modernization programs and appropriate associated systems and programs, including the programs as follows:

(1) Ground Combat Vehicle.
(2) Future Combat Systems network hardware and software.
(3) Warfighter Information Network–Tactical, Increment 3.
(4) Appropriate portions of the Joint Tactical Radio System, including Ground Mobile Radios, Handheld, Manpack, Small Form Fit Radios, and Network Enterprise Domain.
(5) Non-Line of Sight Launch System.
(6) Small Unmanned Ground Vehicle.
(7) Class I Unmanned Aerial Vehicle.
(8) Class IV Unmanned Aerial Vehicle.
(9) Multifunction Utility/Logistics Equipment Vehicle.
(10) Tactical Unattended Ground Sensors.
(11) Urban Unattended Ground Sensors.
(12) Any other programs jointly identified by the Director and the Secretary for purposes of this section.

(b) REPORT.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the technological maturity and integration risk of critical technologies of Army modernization programs and associated systems and programs covered by the review and assessment required under subsection (a), as determined pursuant to that assessment.

SEC. 222. ASSESSMENT OF ACTIVITIES FOR TECHNOLOGY MODERNIZATION OF THE COMBAT VEHICLE AND ARMORED TACTICAL WHEELED VEHICLE FLEETS.

(a) INDEPENDENT ASSESSMENT OF STRATEGY REQUIRED.—

Deadline.
Contracts.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an appropriate entity independent

of the United States Government to conduct an independent assessment of current, anticipated, and potential research, development, test, and evaluation activities for or applicable to the modernization of the combat vehicle fleet and armored tactical wheeled vehicle fleet of the Department of Defense.

(2) ACCESS TO INFORMATION AND RESOURCES.—The Secretary shall provide the entity with which the Secretary enters into a contract under paragraph (1) with access to such information and resources as are appropriate for the entity to conduct the assessment required by that paragraph.

(b) REPORTS.—

(1) IN GENERAL.—The contract required by subsection (a) shall provide that the entity with which the Secretary enters into a contract under that subsection shall submit to the Secretary and the congressional defense committees—

(A) an interim report on the assessment required by that subsection by not later than July 31, 2010; and

(B) a final report on such assessment by not later than December 31, 2010.

(2) ELEMENTS.—Each of the reports required by paragraph (1) shall include the following:

(A) A detailed discussion of the requirements and capability needs identified or proposed for current and prospective combat vehicles and armored tactical wheeled vehicles.

(B) An identification of capability gaps for combat vehicles and armored tactical wheeled vehicles based on lessons learned from recent conflicts and an assessment of emerging threats.

(C) An identification of the critical technology elements or integration risks associated with particular categories of combat vehicles and armored tactical wheeled vehicles, and with particular missions of such vehicles.

(D) Recommendations with respect to actions that could be taken to develop and deploy, during the ten-year period beginning on the date of the submittal of the report, critical technology capabilities to address the capability gaps identified pursuant to subparagraph (B), including an identification of high priority science and technology, research and engineering, and prototyping opportunities.

(E) Such other matters as the Secretary considers appropriate.

Subtitle C—Missile Defense Programs

SEC. 231. SENSE OF CONGRESS ON BALLISTIC MISSILE DEFENSE.

It is the sense of Congress that—

(1) the United States should develop, test, field, and maintain operationally-effective and cost-effective ballistic missile defense systems that are capable of defending the United States, its forward-deployed forces, allies, and other friendly nations from the threat of ballistic missile attacks from nations such as North Korea and Iran;

(2) the missile defense force structure and inventory levels of such missile defense systems should be determined based on an assessment of ballistic missile threats and a determination by senior military leaders, combatant commanders, and

defense officials of the requirements and capabilities needed to address those threats; and

(3) the test and evaluation program for such missile defense systems should be operationally realistic and provide a high level of confidence in the capability of such systems (including their continuing effectiveness over the course of their service lives), and adequate resources should be available for that test and evaluation program (including interceptor missiles and targets for flight tests).

SEC. 232. ASSESSMENT AND PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should ensure the reliability, availability, maintainability, and supportability of the Ground-based Midcourse Defense element of the Ballistic Missile Defense system throughout the service life of such element.

(b) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—As part of the quadrennial defense review, the Nuclear Posture Review, and the Ballistic Missile Defense Review, the Secretary of Defense shall conduct an assessment of the following:

(A) Ground-based Midcourse Defense element of the Ballistic Missile Defense system.

(B) Future options for the Ground-based Midcourse Defense element.

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The ballistic missile threat against which the Ground-based Midcourse Defense element is intended to defend.

(B) The military requirements for Ground-based Midcourse Defense capabilities against such missile threat.

(C) The capabilities of the Ground-based Midcourse Defense element as of the date of the assessment.

(D) The planned capabilities of the Ground-based Midcourse Defense element, if different from the capabilities under subparagraph (C).

(E) The force structure and inventory levels necessary for the Ground-based Midcourse Defense element to achieve the planned capabilities of that element, including an analysis of the costs and the potential advantages and disadvantages of deploying 44 operational Ground-based Interceptor missiles.

(F) The infrastructure necessary to achieve such capabilities, including the number and location of operational silos.

(G) The number of Ground-based Interceptor missiles necessary for operational assets, test assets (including developmental and operational test assets and aging and surveillance test assets), and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the results of the assessment required

by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(c) PLAN REQUIRED.—

(1) IN GENERAL.—In addition to the assessment required by subsection (b), the Secretary shall establish a plan for the Ground-based Midcourse Defense element of the Ballistic Missile Defense system. The plan shall cover the period of the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following elements:

(A) The schedule for achieving the planned capability of the Ground-based Midcourse Defense element, including the completion of operational silos, the delivery of operational Ground-Based Interceptors, and the deployment of such interceptors in those silos.

(B) The plan for funding the development, production, deployment, testing, improvement, and sustainment of the Ground-based Midcourse Defense element.

(C) The plan to maintain the operational effectiveness of the Ground-based Midcourse Defense element over the course of its service life, including any modernization or capability enhancement efforts, and any sustainment efforts.

(D) The plan for flight testing the Ground-based Midcourse Defense element, including aging and surveillance tests to demonstrate the continuing effectiveness of the system over the course of its service life.

(E) The plan for production of Ground-Based Interceptor missiles necessary for operational assets, developmental and operational test assets, aging and surveillance test assets, and spare missiles.

(3) REPORT.—At or about the same time the budget of the President for fiscal year 2011 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees a report setting forth the plan required by paragraph (1). The report shall be in unclassified form, but may include a classified annex.

(d) CONSTRUCTION.—Nothing in this section shall be construed as altering or revising the continued production of all Ground-Based Interceptor missiles on contract as of June 23, 2009.

(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

(1) review the assessment required by subsection (b) and the plan required by subsection (c); and

(2) not later than 120 days after receiving the assessment and the plan, provide to the congressional defense committees the results of the review. Deadline.

SEC. 233. CONTINUED PRODUCTION OF GROUND-BASED INTERCEPTOR MISSILE AND OPERATION OF MISSILE FIELD 1 AT FORT GREELY, ALASKA.

(a) LIMITATION ON BREAK IN PRODUCTION.—The Secretary of Defense shall ensure that the Director of the Missile Defense Agency

does not allow a break in production of the Ground-based Interceptor missile until the Secretary has—

Review.
Determination.

(1) completed the Ballistic Missile Defense Review;

(2) made a determination with respect to the number of Ground-based Interceptor missiles that will be necessary to support the service life of the Ground-based Midcourse Defense element of the Ballistic Missile Defense System; and

Reports.

(3) submitted to the congressional defense committees a report containing such determination.

(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT GREELY, ALASKA.—

(1) LIMITATION ON DECOMMISSIONING OF MISSILE FIELD 1.—The Secretary of Defense shall ensure that Missile Field 1 at Fort Greely, Alaska, is not completely decommissioned until six silos are operationally available in Missile Field 2 at Fort Greely.

Deadline.

(2) LIMITATION WITH RESPECT TO DISPOSITION OF SILOS AT MISSILE FIELD 2.—The Secretary of Defense shall ensure that no irreversible decision is made with respect to the number of silos at Missile Field 2 at Fort Greely, Alaska, until the date that is 60 days after the date on which the reports required by subsections (b)(3) and (c)(3) of section 232 are submitted to the congressional defense committees.

10 USC 2431 note.

SEC. 234. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

Reports.
Certification.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter may be obligated or expended for the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to the congressional defense committees a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an operationally effective manner and that such missile defense system has the ability to accomplish the mission.

SEC. 235. AUTHORIZATION OF FUNDS FOR DEVELOPMENT AND DEPLOYMENT OF ALTERNATIVE MISSILE DEFENSE SYSTEMS IN EUROPE.

(a) AUTHORIZATION OF FUNDS FOR ALTERNATIVE EUROPEAN MISSILE DEFENSE SYSTEMS.—Of the funds authorized to be appropriated or otherwise made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $309,000,000 shall be available for research, development, test, and evaluation, procurement, or deployment of alternative missile defense systems or their subsystems designed to protect Europe, and the United States in the case of long-range missile threats, from the threats posed by current and future Iranian ballistic missiles of all ranges, if the Secretary of Defense submits to the congressional defense committees a report certifying that such systems are expected to be—

(1) consistent with the direction from the North Atlantic Council to address ballistic missile threats to Europe and the

United States in a prioritized manner that includes consideration of the imminence of the threat and the level of acceptable risk;

(2) operationally-effective and cost-effective in providing protection for Europe, and the United States in the case of long-range missile threats, against current and future Iranian ballistic missile threats; and

(3) interoperable, to the extent practical, with other components of missile defense and complementary to the missile defense strategy of the North Atlantic Treaty Organization.

(b) CONSTRUCTION.—Except as provided in subsection (a), nothing in this section shall be construed as limiting or preventing the Secretary of Defense from pursuing the development or deployment of operationally-effective and cost-effective ballistic missile defense systems in Europe.

(c) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct an independent assessment evaluating the operational-effectiveness and cost-effectiveness of the alternative missile defense architecture announced by the President on September 17, 2009. Deadline. Contracts.

(2) REPORT.—Not later than June 1, 2010, the Secretary shall submit to the congressional defense committees a report on the independent assessment conducted under paragraph (1).

SEC. 236. COMPREHENSIVE PLAN FOR TEST AND EVALUATION OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish a comprehensive plan for the developmental and operational testing and evaluation of the ballistic missile defense system and its various elements.

(2) PERIOD OF PLAN.—The plan shall cover the period covered by the future-years defense program that is submitted to Congress under section 221 of title 10, United States Code, at or about the same time as the submittal to Congress of the budget of the President for fiscal year 2011.

(3) INPUT.—In establishing the plan, the Secretary shall receive input on matters covered by the plan from the following:

(A) The Director of the Missile Defense Agency.

(B) The Director of Operational Test and Evaluation.

(C) The operational test components of the military departments.

(b) ELEMENTS.—The plan required by subsection (a) shall include, with respect to developmental and operational testing of the ballistic missile defense system, the following:

(1) Test and evaluation objectives.

(2) Test and evaluation criteria and metrics.

(3) Test and evaluation procedures and methodology.

(4) Data requirements.

(5) System and element configuration under test.

(6) Approaches to verification, validation, and accreditation of models and simulations.

(7) The relative role of models and simulations, ground tests, and flight tests in achieving the objectives of the plan.

(8) Test infrastructure and resources, including test range limitations and potential range enhancements.

(9) Test readiness review approaches and methodology.

(10) Testing for system and element integration and interoperability.

(11) Means for achieving operational realism and means of demonstrating operational effectiveness, suitability, and survivability.

(12) Detailed descriptions of planned tests.

(13) A description of the resources required to implement the plan.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2010, the Secretary shall submit to the congressional defense committees a report setting forth and describing the plan required by subsection (a) and each of the elements required in the plan under subsection (b).

(2) ADDITIONAL INFORMATION ON GROUND-BASED MIDCOURSE DEFENSE.—The report required by this subsection shall, in addition to the matters specified in paragraph (1), include a detailed description of the test and evaluation activities pertaining to the Ground-based Midcourse Defense element of the ballistic missile defense system as follows:

(A) Plans for salvo testing.

(B) Plans for multiple simultaneous engagement testing.

(C) Plans for intercept testing using the Cobra Dane radar as the engagement sensor.

(D) Plans to test and demonstrate the ability of the system to accomplish its mission over the planned term of its operational service life (also known as "sustainment testing").

(3) FORM.—The report required by this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 237. STUDY ON DISCRIMINATION CAPABILITIES OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) STUDY.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the discrimination capabilities and limitations of the ballistic missile defense system of the United States, including such discrimination capabilities that exist or are planned as of the date of the study.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing the study.

(c) FORM.—The report under subsection (b) may be submitted in classified form, but shall contain an unclassified summary.

SEC. 238. ASCENT PHASE MISSILE DEFENSE STRATEGY AND PLAN.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing a strategy and plan for ascent phase missile defense.

(b) MATTERS INCLUDED.—The report required by subsection (a) shall include each of the following:

(1) A description of the programs and activities, as of the date of the submission of the report, contained in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

(2) A description of the capabilities that are needed to accomplish the intercept of ballistic missiles in their ascent phase, including—

(A) the key technologies and associated technology readiness levels, plans for maturing such technologies, and any technology demonstrations for such capabilities;

(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;

(C) the criteria to be used to assess the technical progress, suitability, and effectiveness of such capabilities;

(D) a comprehensive plan for development of and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;

(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of the benefits and limitations associated with ascent phase missile defense; and

(G) any other information the Secretary determines necessary.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 239. EXTENSION OF DEADLINE FOR STUDY ON BOOST-PHASE MISSILE DEFENSE.

Section 232(c)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4392) is amended by striking "October 31, 2010" and inserting "March 1, 2011".

Subtitle D—Reports

SEC. 241. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.

SEC. 242. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

"(e) REPORTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.".

SEC. 243. COMPTROLLER GENERAL ASSESSMENT OF COORDINATION OF ENERGY STORAGE DEVICE REQUIREMENTS, PURCHASES, AND INVESTMENTS.

(a) ASSESSMENT REQUIRED.—The Comptroller General shall conduct an assessment of the degree to which requirements, technology goals, and research and procurement investments in energy storage technologies are coordinated within and among the military departments, appropriate Defense Agencies, and other elements of the Department of Defense. In carrying out such assessment, the Comptroller General shall—

(1) assess the expenses incurred by the Department of Defense in the research, development, testing, evaluation, and procurement of energy storage devices;

(2) compare quantities of types of devices in use or under development that rely on commercial energy storage technologies and that use military-unique, proprietary, or specialty devices;

(3) assess the process by which a determination is made by an acquisition official of the Department of Defense to pursue a commercially available or custom-made energy storage device;

(4) assess the process used to develop requirements for the development and procurement of energy storage devices;

(5) assess the coordination of the activities of the Department of Defense and the Department of Energy with respect to the research, development, procurement, and use of energy storage devices;

(6) assess the coordination of Department of Defense-wide activities in energy storage device research, development, procurement, and use;

(7) assess the process used to standardize the form, fit, and function of energy storage devices, and make recommendations with respect to how the Department should improve that process; and

(8) assess whether there are commercial advances in portable power technology, including hybrid systems, fuel cells, and electrochemical capacitors, or other relevant technologies, that could be better leveraged by the Department.

(b) REPORT.—Not later than December 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) COORDINATION.—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.

SEC. 244. ANNUAL COMPTROLLER GENERAL REPORT ON THE F–35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) ANNUAL GAO REVIEW.—The Comptroller General shall conduct an annual review of the F–35 Lightning II aircraft acquisition

program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

(b) MATTERS TO BE INCLUDED.—Each report on the F–35 program under subsection (a) shall include each of the following:

(1) The extent to which the acquisition program is meeting development and procurement cost, schedule, and performance goals.

(2) The progress and results of developmental and operational testing and plans for correcting deficiencies in aircraft performance, operational effectiveness, and suitability.

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.

SEC. 245. REPORT ON INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.

Of the amounts authorized to be appropriated in this Act for program element 11815F for advanced strategic programs, not more than 50 percent of such amounts may be obligated or expended until the date that is 30 days after the date on which the Under Secretary of Defense for Intelligence submits the report required under section 923(d)(1) of the National Defense Authorization Act for 2004 (Public Law 108–136; 117 Stat. 1576), including the elements of the report described in subparagraphs (D), (E), and (F) of such section 923(d)(1).

SEC. 246. REPORT ON FUTURE RESEARCH AND DEVELOPMENT OF MAN-PORTABLE AND VEHICLE-MOUNTED GUIDED MISSILE SYSTEMS.

(a) REPORT.—Not later than February 15, 2010, the Secretary of the Army shall submit to Congress a report on future research and development of man-portable and vehicle-mounted guided missile systems to replace the current Javelin and TOW systems. Such report shall include—

(1) an examination of current requirements for anti-armor missile systems;

(2) an analysis of battlefield uses other than anti-armor;

(3) an analysis of changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than anti-armor;

(4) an analysis of the current family of Javelin and TOW warheads and a specific description of how they address threats other than armor;

(5) an examination of the need for changes to current or development of additional warheads or a family of warheads to address threats other than armor;

(6) a description of any missile system design changes required to integrate current missile systems with current manned ground systems;

(7) a detailed and current analysis of the costs associated with the development of next-generation Javelin and TOW systems and additional warheads or family of warheads to address threats other than armor, integration costs for current vehicles, integration costs for future vehicles and possible efficiencies of developing and procuring these systems at low rate and full rate based on current system production; and

(8) an analysis of the ability of the industrial base to support development and production of current and future Javelin and TOW systems.

(b) RESTRICTION ON USE OF FUNDS.—Of the amounts authorized to be appropriated under this Act for research, test, development, and evaluation for the Army, for missile and rocket advanced technology (program element 0603313A), not more than 70 percent may be obligated or expended until the Secretary of the Army submits the report required by subsection (a).

SEC. 247. REPORT ON THE DEVELOPMENT OF COMMAND AND CONTROL SYSTEMS.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report detailing the plans for the consolidation of the Net-Enabled Command Capability system (hereinafter in this section referred to as the "NECC system") with the Global Command and Control System family of systems (hereinafter in this section referred to as the "GCCS family of systems").

(b) ELEMENTS.—The report required by subsection (a) shall include each of the following:

(1) A description of the level of investment needed to develop, sustain, and modernize the GCCS family of systems in order to meet military requirements.

(2) A description of the actions needed to convert the GCCS family of systems to a services-oriented architecture, including a timeline and milestones.

(3) An identification of the components, including modules and other technologies, developed under the NECC systems that can be implemented in the GCCS family of systems.

(4) An identification of gaps in required capabilities not resident in the GCCS family of systems or provided by the NECC system.

(5) An identification of any science and technology efforts or developing commercial capabilities that might address capability gaps identified pursuant to paragraph (4).

(6) A description of the developmental and operational test plans for the GCCS family of systems, and resources programmed to support such plans.

(7) A description of the GCCS family of systems management and governance plan structure, including—

(A) organizations involved in program planning and execution;

(B) the delegation of authorities for programmatic and technical issues in the development of the GCCS family of systems, including architecture design and control, and funding; and

(C) the role of the command and control capabilities portfolio manager and the Office of Secretary of Defense oversight agencies.

(8) Such other elements as the Secretary of Defense considers appropriate.

(c) COORDINATION.—The report required by subsection (a) shall be developed jointly by the Vice-Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Networks and Information

Integration, the commander of the United States Joint Forces Command, the Director of Operational Test and Evaluation, and the Director of the Defense Information Systems Agency.

(d) INTERIM REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees an interim report on the activities carried out to prepare the report required by subsection (a) and the preliminary findings and recommendations of the Secretary with respect to the plans for the consolidation of the NECC system with the GCCS family of systems based on such activities.

(e) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 248. EVALUATION OF EXTENDED RANGE MODULAR SNIPER RIFLE SYSTEMS.

(a) IN GENERAL.—Not later than March 31, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall conduct a comparative evaluation of extended range modular sniper rifle systems, including .300 Winchester Magnum, .338 Lapua Magnum, and other calibers. The evaluation shall identify and demonstrate an integrated suite of technologies with capabilities that include—

(1) extending the effective range of snipers;

(2) meeting service or unit requirements or operational need statements; or

(3) closing documented capability gaps.

(b) REPORT.—Not later than April 30, 2010, the Assistant Secretary of the Army for Acquisition, Logistics, and Technology shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the evaluation required by subsection (a), including—

(1) detailed ballistics and system performance data; and

(2) an assessment of the operational capabilities of extended range modular sniper rifle systems to meet service or unit requirements or operational need statements or close documented capabilities gaps.

Subtitle E—Other Matters

SEC. 251. ENHANCEMENT OF DUTIES OF DIRECTOR OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER WITH RESPECT TO THE MAJOR RANGE AND TEST FACILITY BASE.

(a) AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFICANT CHANGES.—Section 196(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) by inserting "(1)" before "The Director";

(4) by redesignating subparagraphs (B), (C), and (D), as so redesignated, as subparagraphs (C), (D), and (E), respectively; and

(5) by inserting after subparagraph (A), as so redesignated, the following new subparagraph (B):

"(B) To review proposed significant changes to the test and evaluation facilities and resources of the Major Range and Test Facility Base before they are implemented by the Secretaries of the military departments or the heads of the Defense Agencies with test and evaluation responsibilities and advise the Secretary of Defense and the Under Secretary of Acquisition, Technology, and Logistics of the impact of such changes on the adequacy of such test and evaluation facilities and resources to meet the test and evaluation requirements of the Department.".

(b) ACCESS TO RECORDS AND DATA.—Such section is further amended by adding at the end the following new paragraph:

"(2) The Director shall have access to such records and data of the Department of Defense (including the appropriate records and data of each military department and Defense Agency) that are necessary in order to carry out the duties of the Director under this section.".

SEC. 252. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.

(a) PROGRAM ESTABLISHED.—Chapter 139 of title 10, United States Code, is amended by inserting after section 2361 the following new section:

"§ 2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education

"(a) PROGRAM ESTABLISHED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation activities.

"(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance defense-related research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—

"(1) enhance the research and educational capabilities of such institutions in areas of importance to national defense, as determined by the Secretary;

"(2) encourage the participation of such institutions in the research, development, testing, and evaluation programs and activities of the Department of Defense;

"(3) increase the number of graduates from such institutions engaged in disciplines important to the national security functions of the Department of Defense, as determined by the Secretary; and

"(4) encourage research and educational collaborations between such institutions and other institutions of higher education, Government defense organizations, and the defense industry.

"(c) ASSISTANCE PROVIDED.—Under the program established by subsection (a), the Secretary of Defense may provide covered educational institutions with funding or technical assistance, including any of the following:

"(1) Support for research, development, testing, evaluation, or educational enhancements in areas important to national defense through the competitive awarding of grants, cooperative agreements, contracts, scholarships, fellowships, or the acquisition of research equipment or instrumentation.

"(2) Support to assist in the attraction and retention of faculty in scientific disciplines important to the national security functions of the Department of Defense.

"(3) Establishing partnerships between such institutions and defense laboratories, Government defense organizations, the defense industry, and other institutions of higher education in research, development, testing, and evaluation in areas important to the national security functions of the Department of Defense.

"(4) Other such non-monetary assistance as the Secretary finds appropriate to enhance defense-related research, development, testing, and evaluation activities at such institutions.

"(d) PRIORITY FOR FUNDING.—The Secretary of Defense may establish procedures under which the Secretary may give priority in providing funding under this section to institutions that have not otherwise received a significant amount of funding from the Department of Defense for research, development, testing, and evaluation programs supporting the national security functions of the Department.

"(e) DEFINITION OF COVERED EDUCATIONAL INSTITUTION.—In this section the term 'covered educational institution' means—

"(1) an institution of higher education eligible for assistance under title III or IV of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.); or

"(2) an accredited postsecondary minority institution.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2361 the following new item:

"2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education.".

SEC. 253. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.

Subsection (f) of section 2374a of title 10, United States Code, is amended by striking "September 30, 2010" and inserting "September 30, 2013".

SEC. 254. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

15 USC 3715 note.

Section 217(f)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2695), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), is amended—

(1) in subparagraph (A) by inserting ", of the National Aeronautics and Space Administration," after "the Department of Defense"; and

(2) by adding at the end the following new subparagraph (C):

"(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program.".

SEC. 255. NEXT GENERATION BOMBER AIRCRAFT.

(a) FINDINGS.—Congress makes the following findings:

(1) Long-range strike is a critical mission in which the United States needs to retain a credible and dominant capability.

(2) Long range, penetrating strike systems provide—

(A) a hedge against being unable to obtain access to forward bases for political reasons;

(B) a capacity to respond quickly to contingencies;

(C) the ability to base outside the reach of emerging adversary anti-access and area-denial capabilities; and

(D) the ability to impose disproportionate defensive costs on prospective adversaries of the United States.

(3) The 2006 quadrennial defense review found that there was a requirement for a next generation bomber aircraft and directed the United States Air Force to "develop a new land-based, penetrating long range strike capability to be fielded by 2018".

(4) On April 6, 2009, Secretary of Defense Robert Gates announced that the United States "will not pursue a development program for a follow-on Air Force bomber until we have a better understanding of the need, the requirement and the technology".

(5) On May 7, 2009, President Barack Obama announced the termination of the next generation bomber aircraft program in the document of the Office of Management and Budget entitled "Terminations, Reductions, and Savings", stating that "there is no urgent need to begin an expensive development program for a new bomber" and that "the future bomber fleet may not be affordable over the next six years".

(6) The United States will need a new long-range strike capability because the conflicts of the future will likely feature heavily defended airspace, due in large part to the proliferation of relatively inexpensive, but sophisticated and deadly, air defense systems.

(7) General Michael Maples, the Director of the Defense Intelligence Agency, noted during a March 10, 2009, hearing of the Committee on Armed Services of the Senate on worldwide threats that "Russia, quite frankly, is the developer of most of those [advanced air defense] systems and is exporting those systems both to China and to other countries in the world".

(8) The Final Report of the Congressional Commission on the Strategic Posture of the United States, submitted to Congress on May 6, 2009, states that "[t]he bomber force is valuable

particularly for extending deterrence in time of crisis, as their deployment is visible and signals U.S. commitment. Bombers also impose a significant cost burden on potential adversaries in terms of the need to invest in advanced air defenses".

(9) The commanders of the United States Pacific Command, the United States Strategic Command, and the United States Joint Forces Command have each testified before the Committee on Armed Services of the Senate in support of the capability that the next generation bomber aircraft would provide.

(10) On June 17, 2009, General James Cartwright, Vice-Chairman of the Joint Chiefs of Staff and chair of the Joint Requirements Oversight Council, stated during a hearing before the Committee on Armed Services of the Senate that "the nation needs a new bomber".

(11) Nearly half of the United States bomber aircraft inventory (47 percent) pre-dates the Cuban Missile Crisis.

(12) The only air-breathing strike platforms the United States possesses today with reach and survivability to have a chance of successfully executing missions more than 1,000 nautical miles into enemy territory from the last air-to-air refueling are 16 combat ready B-2 bomber aircraft.

(13) The B-2 bomber aircraft was designed in the 1980s and achieved initial operational capability over a decade ago.

(14) The crash of an operational B-2 bomber aircraft during takeoff at Guam in early 2008 indicates that attrition can and does occur even in peacetime.

(15) The primary mission requirement of the next generation bomber aircraft is the ability to strike targets anywhere on the globe with whatever weapons the contingency requires.

(16) The requisite aerodynamic, structural, and low-observable technologies to develop the next generation bomber aircraft already exist in fifth-generation fighter aircraft.

(b) POLICY ON CONTINUED DEVELOPMENT OF NEXT GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.—It is the policy of the United States to support a development program for next generation bomber aircraft technologies.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Relation to funding table.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into interagency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.
Sec. 316. Procurement and use of munitions.
Sec. 317. Prohibition on disposing of waste in open-air burn pits.

Sec. 318. Military munitions response sites.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
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Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 326. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 327. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.
Sec. 328. Improvement of inventory management practices.
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Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.
Sec. 332. Extension and expansion of reporting requirements regarding Department of Defense energy efficiency programs.
Sec. 333. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 334. Report on use of renewable fuels to meet energy requirements of Department of Defense.
Sec. 335. Energy security on Department of Defense installations.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.
Sec. 342. Plan for managing vegetative encroachment at training ranges.
Sec. 343. Comptroller General report on the sustainment strategy for the AV-8B Harrier aircraft.
Sec. 344. Study on Army modularity.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Policy on ground combat and camouflage utility uniforms.
Sec. 353. Condition-based maintenance demonstration programs.
Sec. 354. Extension of arsenal support program initiative.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,263,332,000.
(2) For the Navy, $35,041,274,000.
(3) For the Marine Corps, $5,543,223,000.
(4) For the Air Force, $34,527,149,000.
(5) For Defense-wide activities, $28,327,396,000.
(6) For the Army Reserve, $2,620,196,000.
(7) For the Naval Reserve, $1,278,501,000.
(8) For the Marine Corps Reserve, $228,925,000.
(9) For the Air Force Reserve, $3,079,228,000.
(10) For the Army National Guard, $6,262,184,000.

(11) For the Air National Guard, $5,885,761,000.

(12) For the United States Court of Appeals for the Armed Forces, $13,932,000.

(13) For the Acquisition Development Workforce Fund, $100,000,000.

(14) For Environmental Restoration, Army, $415,864,000.

(15) For Environmental Restoration, Navy, $285,869,000.

(16) For Environmental Restoration, Air Force, $494,276,000.

(17) For Environmental Restoration, Defense-wide, $11,000,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $267,700,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $109,869,000.

(20) For Cooperative Threat Reduction programs, $424,093,000.

SEC. 302. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by section 301 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4301.

Subtitle B—Environmental Provisions

SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

Section 2694c of title 10, United States Code, is amended—

(1) in subsection (a), by striking "to carry out this section";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) SOURCE OF FUNDS.—Amounts available from any of the following shall be available for activities under this section:

"(1) Operation and maintenance.

"(2) Military construction.

"(3) Research, development, test, and evaluation.

"(4) The Support for United States Relocation to Guam Account established under section 2824 of the Military Construction Act for Fiscal Year 2009 (division B of Public Law 110-417; 122 Stat. 4730; 10 U.S.C. 2687 note).".

SEC. 312. REAUTHORIZATION OF TITLE I OF SIKES ACT.

(a) REAUTHORIZATION.—Section 108 of the Sikes Act (16 U.S.C. 670f) is amended by striking "fiscal years 2004 through 2008" each place it appears and inserting "fiscal years 2009 through 2014".

(b) CLARIFICATION OF AUTHORIZATIONS.—Such section is further amended—

(1) in subsection (b), by striking "There are authorized" and inserting "Of the amounts authorized to be appropriated to the Department of Defense, there are authorized"; and

(2) in subsection (c), by striking "There are authorized" and inserting "Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized".

SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) AUTHORITY.—Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a)—

(A) by inserting after "and individuals" the following: ", and into interagency agreements with the heads of other Federal departments and agencies,"; and

(B) in paragraph (2), by inserting "or interagency agreement" after "cooperative agreement";

(2) in subsection (b), by inserting "or interagency agreement" after "cooperative agreement"; and

(3) in subsection (c), by inserting "and interagency agreements" after "Cooperative agreements".

(b) CLERICAL AMENDMENTS.—The heading for such section is amended by inserting "**AND INTERAGENCY**" after "**COOPERATIVE**".

SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS IN GUAM.

Section 101(g)(1) of the Sikes Act (16 U.S.C. 670a(g)(1)) is amended by striking "fiscal years 2004 through 2008" and inserting "fiscal years 2009 through 2014".

SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) AUTHORITY TO REIMBURSE.—

(1) TRANSFER AMOUNT.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Former Nansemond Ordnance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(18) of this Act for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

(c) USE OF FUNDS.—The Environmental Protection Agency shall use the amount transferred under subsection (a) to pay costs incurred by the agency at the Former Nansemond Ordnance Depot Site.

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

(1) in making decisions with respect to the procurement of munitions, develop methods to account for the full life-cycle costs of munitions, including the effects of failure rates on the cost of disposal; Methods.

(2) undertake a review of live-fire practices for the purpose of reducing unexploded ordnance and munitions-constituent contamination without impeding military readiness; and Review.

(3) not later than 180 days after the date of the enactment of this Act, submit to Congress a report on the methods developed pursuant to this section and the progress of the live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination. Deadlines. Reports.

SEC. 317. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS. 10 USC 2701 note.

(a) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations prohibiting the disposal of covered waste in open-air burn pits during contingency operations except in circumstances in which the Secretary determines that no alternative disposal method is feasible. Such regulations shall apply to contingency operations that are ongoing as of the date of the enactment of this Act, including Operation Iraqi Freedom and Operation Enduring Freedom, and to contingency operations that begin after the date of the enactment of this Act. Deadline. Determination. Applicability.

(2) NOTIFICATION.—In determining that no alternative disposal method is feasible for an open-air burn pit pursuant to regulations prescribed under paragraph (1), the Secretary shall—

(A) not later than 30 days after such determination is made, submit to the Committees on Armed Services of the Senate and House of Representatives notice of such determination, including the circumstances, reasoning, and methodology that led to such determination; and Deadline.

(B) after notice is given under subparagraph (A), for each subsequent 180-day-period during which covered waste is disposed of in the open-air burn pit covered by such notice, submit to the Committees on Armed Services of the Senate and House of Representatives the justifications of the Secretary for continuing to operate such open-air burn pit. Time periods. Submission.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of open-air burn pits by the United States Armed Forces. Such report shall include—

(1) an explanation of the situations and circumstances under which open-air burn pits are used to dispose of waste during military exercises and operations worldwide;

(2) a detailed description of the types of waste authorized to be burned in open-air burn pits;

(3) a plan through which the Secretary intends to develop and implement alternatives to the use of open-air burn pits;

(4) a copy of the regulations required to be prescribed by subsection (a);

(5) the health and environmental compliance standards the Secretary has established for military and contractor operations in Iraq and Afghanistan with regard to solid waste disposal, including an assessment of whether those standards are being met;

(6) a description of the environmental, health, and operational impacts of open-pit burning of plastics and the feasibility of including plastics in the regulations prescribed pursuant to subsection (a); and

(7) an assessment of the ability of existing medical surveillance programs to identify and track exposures to toxic substances that result from open-air burn pits, including recommendations for such changes to such programs as would be required to more accurately identify and track such exposures.

(c) DEFINITIONS.—In this section:

(1) The term "contingency operation" has the meaning given that term by section 101(a)(13) of title 10, United States Code.

(2) The term "covered waste" includes—

(A) hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5));

(B) medical waste; and

(C) other waste as designated by the Secretary.

SEC. 318. MILITARY MUNITIONS RESPONSE SITES.

(a) INFORMATION SHARING.—Section 2710(a)(2)(B) of title 10, United States Code, is amended by inserting ", including the county, where applicable," after "political subdivisions of the State".

(b) MILITARY MUNITIONS RESPONSE PROGRAM AND INSTALLATION RESTORATION PROGRAM.—As part of the annual budget submission of the Secretary of Defense to Congress, the Secretary shall include the funding levels requested for the Military Munitions Response Program and the Installation Restoration Program.

Subtitle C—Workplace and Depot Issues

SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) REQUIREMENT.—Paragraph (1) of section 2461(a) of title 10, United States Code, is amended—

(1) by striking "A function" and inserting "No function";

(2) by striking "10 or more"; and

(3) by striking "may not be converted" and inserting "may be converted".

10 USC 2461 note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) TIME LIMITATION.—Section 2461(a) of title 10, United States Code, as amended by section 321, is further amended by adding at the end the following new paragraph:

"(5)(A) Except as provided in subparagraph (B), the duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 24 months, commencing on the date on which the preliminary planning for the public-private competition begins and ending on the date on which a performance decision is rendered with respect to the function.

"(B)(i) The Secretary of Defense may specify an alternative period of time for a public-private competition, which may not exceed 33 months, if the Secretary—

"(I) determines that the competition is of such complexity that it cannot be completed within 24 months; and Determination.

"(II) submits to Congress, as part of the formal congressional notification of a public-private competition pursuant to subsection (c), written notification that explains the basis of such determination. Notification.

"(ii) The notification under clause (i)(II) shall also address each of the following:

"(I) Any efforts of the Secretary to break up the study geographically or functionally.

"(II) The Secretary's justification for undertaking a public-private competition instead of using internal reengineering alternatives.

"(III) The cost savings that the Secretary expects to achieve as a result of the public-private competition.

"(iii) If the Secretary specifies an alternative time period under this subparagraph, the alternative time period shall be binding on the Department in the same manner and to the same extent as the limitation provided in subparagraph (A).

"(C) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of the filing of a protest before the Government Accountability Office or a complaint in the United States Court of Federal Claims up until the day the decision or recommendation of either authority becomes final. In the case of a protest before the Government Accountability Office, the recommendation becomes final after the period of time for filing a request for reconsideration, or if a request for reconsideration is filed, on the day the Government Accountability Office issues a decision on the reconsideration.

"(D) If a protest with respect to a public-private competition before the Government Accountability Office or the United States Court of Federal Claims is sustained, and the recommendation is final as described in subparagraph (C), and if such protest and recommendation result in an unforeseen delay in implementing a final performance decision, the Secretary of Defense may terminate the public-private competition or extend the period of time specified for the public-private competition under subparagraph (A) or subparagraph (B). If the Secretary decides not to terminate a competition, the Secretary shall submit to Congress written notice Notice.

of such decision. Any such notification shall include a justification for the Secretary's decision and a new time limitation for the competition, which shall not exceed 12 months from the final decision and shall be binding on the Department.

"(E) For the purposes of this paragraph, preliminary planning with respect to a public-private competition, begins on the date on which the Department of Defense obligates funds for the acquisition of contract support, or formally assigns Department of Defense personnel, to carry out any of the following activities:

"(i) Determining the scope of the competition.

"(ii) Conducting research to determine the appropriate grouping of functions for the competition.

"(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

"(iv) Determining the baseline cost of any function for which the competition is conducted.

Notice. Public information. Web posting.

"(F) To effectively establish the date that is the first day of preliminary planning for a public-private competition, the head of a military department shall submit to Congress written notice of such date and shall provide public notice by announcing such date on an appropriate Internet website. Such date is the first day of preliminary planning for a public-private competition for the purpose of computing the duration of the public private competition for purposes of this section.

Deadline. Reports.

"(G) The Secretary of Defense shall submit to the congressional defense committees an annual report on the use, during the year covered by the report, of alternative time periods for public-private competitions under this section, and the explanations of the Secretary for such alternative time periods."

10 USC 2461 note.

(b) EFFECTIVE DATE.—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is initiated on or after the date of the enactment of this Act.

Deadlines. Reports.

(c) COMPTROLLER GENERAL REVIEWS.—Not later than two years after the date of the enactment of this Act, and three years thereafter, the Comptroller General shall submit to the congressional defense committees a report on the use by the Secretary of Defense of the alternative time period authority under section 2461(a)(5)(B) of title 10, United States Code, and the appropriateness and thoroughness of the explanations of the Secretary for such use.

SEC. 323. POLICY REGARDING INSTALLATION OF MAJOR MODIFICATIONS AND UPGRADES.

It is the Sense of Congress that no changes should be made to—

(1) the policy of the Department of Defense that in the annual allocation of depot-level maintenance and repair required under section 2466 of title 10, United States Code, the installation of major modifications and upgrades are considered to be part of the definition of depot-level maintenance; and

(2) the interpretation and application of that policy as of the date of the enactment of this Act.

SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

(a) CLARIFICATION OF AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS.—The second sentence of section 4544(a) of title 10, United States Code, as added by section 328(a)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66), is amended by inserting after "not more than eight contracts or cooperative agreements" the following: "in addition to the contracts and cooperative agreements in place as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181)".

(b) ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67) is amended— 10 USC 4544 note.

(1) by striking "a report assessing the advisability" and inserting the following: "a report—

"(A) assessing the advisability"; and

(2) by striking "pursuant to such authority." and inserting the following: "pursuant to such authority;

"(B) assessing the benefit to the Federal Government of using such authority;

"(C) assessing the impact of the use of such authority on the availability of facilities needed by the Army and on the private sector; and

"(D) describing the steps taken to comply with the requirements under section 4544(g) of title 10, United States Code.".

SEC. 325. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION.—During the period beginning on the date of the enactment of this Act and ending on the date that is 30 days after the date on which the Secretary of Defense submits to the congressional defense committees the certification required under subsection (d), no study or competition regarding a public-private competition for the conversion to performance by a contractor for any function performed by Department of Defense civilian employees may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76. Time period.

(b) REVIEW AND REPORT TO CONGRESS.—During fiscal year 2010, the Secretary of Defense, acting through the Under Secretary of Defense for Personnel Readiness, in consultation with the Under Secretary for Acquisition, Technology, and Logistics and the Comptroller of the Department of Defense, shall undertake a comprehensive review of the policies of the Department of Defense with respect to the conduct of public-private competitions. The Secretary shall submit to the congressional defense committees a report on such review not earlier than June 15, 2010. The review, at a minimum, shall address—

(1) the status of the compliance of the Department with the requirement of 2461(a)(1) of title 10, United States Code, as amended by section 321 of this Act;

(2) actions taken by the Secretary to address issues raised in the report of the Department of Defense Inspector General numbered D-2009-034 and dated December 15, 2008;

(3) the reliability of systems in effect as of the date of the enactment of this Act to provide comprehensive and reliable data to track and assess the cost and quality of the performance of functions that have been subjected to a public-private competition;

(4) the appropriateness of the cost differential in effect as of the date of the enactment of this Act for determining the quantifiable costs and the current overhead rates applied with respect to such functions; and

(5) the adequacy of the policies of the Department of Defense in implementing the requirements of section 2461(a)(4) of title 10, United States Code.

Deadline. Assessment. Reports.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the report required under subsection (b) is submitted to the congressional defense committees, the Comptroller General shall conduct an assessment of the review required under paragraph (b) and shall submit to the congressional defense committees a report on the findings of such assessment and any conclusions or recommendations of the Comptroller General based on such assessment.

Federal Register, publication.

(d) CERTIFICATION REQUIRED.—The Secretary of Defense shall publish in the Federal Register and submit to the congressional defense committees certification that—

(1) the review required by subsection (b) has been completed, and that the 90-day period during which the assessment of the Comptroller General is to be completed under subsection (c) has expired;

(2) the Secretary of Defense has completed and submitted to the congressional defense committees a complete inventory of contracts for services for or on behalf of the Department in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code;

(3) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory has initiated the review and planning activities of subsection (e) of such section; and

(4) the Secretary of Defense has submitted budget information on contract services in compliance with the requirements of section 236 of title 10, United States Code.

31 USC 501 note.

SEC. 326. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for debriefings of Federal employee representatives designated pursuant to 3551(2)(B) of title 31, United States Code, to the same extent and under the same circumstances as any offeror, in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as

in effect on the date of the enactment of this Act) of the Federal Acquisition Regulation.

SEC. 327. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(E) Conversion of a function that is being performed by Federal employees to private sector performance.".

(b) ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

"(i) any official who is responsible for submitting the agency tender in such competition; and".

(c) DECISIONS ON PROTESTS.—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A–76 or any successor circular;"; and

(3) in subparagraph (G), as redesignated by paragraph (1), by striking ", and (E)" and inserting ", (E), and (F)".

(d) APPLICABILITY.—The amendments made by this section shall apply— 31 USC 3551 note.

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A–76, or any successor circular; and

(2) to a decision made after the date of the enactment of this Act to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76.

SEC. 328. IMPROVEMENT OF INVENTORY MANAGEMENT PRACTICES. 10 USC 2458 note.

(a) INVENTORY MANAGEMENT PRACTICES IMPROVEMENT PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for improving the inventory management systems of the military departments and the Defense Logistics Agency with the objective of reducing the acquisition and storage of secondary inventory that is excess to requirements. Deadline.

(b) ELEMENTS.—The plan under subsection (a) shall include the following:

(1) A plan for a comprehensive review of demand-forecasting procedures to identify and correct any systematic weaknesses in such procedures, including the development of metrics to identify bias toward over-forecasting and adjust forecasting methods accordingly.

(2) A plan to accelerate the efforts of the Department of Defense to achieve total asset visibility, including efforts

to link wholesale and retail inventory levels through multi-echelon modeling.

(3) A plan to reduce the average level of on-order secondary inventory that is excess to requirements, including a requirement for the systemic review of such inventory for possible contract termination.

(4) A plan for the review and validation of methods used by the military departments and the Defense Logistics Agency to establish economic retention requirements.

(5) A plan for an independent review of methods used by the military departments and the Defense Logistics Agency to establish contingency retention requirements.

(6) A plan to identify items stored in secondary inventory that require substantial amounts of storage space and shift such items, where practicable, to direct vendor delivery.

(7) A plan for a comprehensive assessment of inventory items on hand that have no recurring demands, including the development of—

(A) metrics to track years of no demand for items in stock; and

(B) procedures for ensuring the systemic review of such items for potential reutilization or disposal.

(8) A plan to more aggressively pursue disposal reviews and actions on stocks identified for potential reutilization or disposal.

(c) GAO REPORTS.—

(1) ASSESSMENT OF PLAN.—Not later than 60 days after the date on which the plan required by subsection (a) is submitted as specified in that subsection, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than 18 months after the date on which the plan required by subsection (a) is submitted, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the plan has been effectively implemented by each military department and by the Defense Logistics Agency.

(d) INVENTORY THAT IS EXCESS TO REQUIREMENTS DEFINED.—In this section, the term "inventory that is excess to requirements" means inventory that—

(1) is excess to the approved acquisition objective concerned; and

(2) is not needed for the purposes of economic retention or contingency retention.

SEC. 329. MODIFICATION OF DATE FOR SUBMITTAL TO CONGRESS OF ANNUAL REPORT ON FUNDING FOR PUBLIC AND PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

Section 2466(d)(1) of title 10, United States Code, is amended by striking "April 1 of each year" and inserting "90 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31".

Subtitle D—Energy Security

SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, $5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 332. EXTENSION AND EXPANSION OF REPORTING REQUIREMENTS REGARDING DEPARTMENT OF DEFENSE ENERGY EFFICIENCY PROGRAMS.

(a) NEW REPORTING REQUIREMENTS.—Section 2925(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting after "(Public Law 109-58)," the following: "section 2911(e) of this title, section 533 of the National Energy Conservation Policy Act (42 U.S.C. 8259b),";

(2) by redesignating paragraphs (2) through (6) as paragraphs (4) through (8), respectively;

(3) by inserting after paragraph (1) the following new paragraphs (2) and (3):

"(2) A table detailing funding, by account, for all energy projects funded through appropriations.

"(3) A table listing all energy projects financed through third party financing mechanisms (including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, and other contractual mechanisms), the duration of each such mechanism, an estimate of the financial obligation incurred through the duration of each such mechanism, and the estimated payback period for each such mechanism."; and

(4) by adding at the end the following new paragraphs:

"(9) A description of steps taken to determine best practices for measuring energy consumption in Department of Defense facilities and installations, in order to use the data for better energy management.

"(10) A description of any other issues and strategies the Secretary determines relevant to a comprehensive and renewable energy policy.".

(b) ADDITIONAL MATERIAL REQUIRED FOR FIRST EXPANDED REPORT.—The first report submitted by the Secretary of Defense under section 2925(a) of title 10, United States Code, as amended by subsection (a), after the date of the enactment of this Act shall include, in addition to the matters required under such section, as so amended, the following:

Determination.

(1) A determination of whether the tools that exist as of the date of the enactment of this Act, including the Energy Conservation Investment Program and the Energy Savings Performance Contracts Program, are sufficient to support renewable energy projects to achieve the Department's installation energy goals, or if new funding mechanisms would be beneficial.

(2) A determination of the cost and feasibility of a policy that would require new power generation projects established on installations to be able to switch to provide power for military operations in the event of a commercial grid outage.

(3) An assessment of the extent to which State and regional laws and regulations and market structures provide opportunities or obstacles to establish renewable energy projects on military installations.

(4) A determination of the cost and feasibility of developing or acquiring equipment or systems that would result in maximized use of renewable energy sources at contingency locations.

(5) An assessment of the feasibility of meeting the Department's renewable energy goals with on-base renewable energy production rather than with renewable energy credits.

(6) An analysis of the percentage of new construction projects subject to the Department's current building construction sustainable design standards (Leadership in Energy and Environmental Design standards) that include a renewable energy component, and a determination as to whether the criteria of the Department's design standards, as in effect on the date of the enactment of this Act, are consistent with the overall goals, including renewable energy goals, of the Secretary.

(7) The feasibility and cost of developing net-zero energy installations and a detailed assessment, by installation, of power production (including renewable energy) measured against energy consumption.

(8) A determination of whether a dedicated funding mechanism for renewable energy projects for stand-alone facilities, including National Guard and Reserve centers, would encourage greater use of renewable energy sources both at existing facilities and in new construction.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits the supplemental report required under subsection (b), the Comptroller General shall review the supplemental report and submit to Congress a report on such review. The Comptroller General may conduct such independent analysis of any issues covered by such supplemental report, as necessary in furtherance of the requirements of this section.

SEC. 333. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:

(1) The recommendation that each of the combatant commanders establish requirements for managing fuel demand at forward-deployed locations within their respective areas of responsibility.

(2) The recommendation that the head of each military department develop guidance to implement such requirements.

(3) The recommendation that the Chairman of the Joint Chiefs of Staff require that fuel demand considerations be incorporated into the Joint Staff's initiative to develop joint standards of life support at forward-deployed locations.

SEC. 334. REPORT ON USE OF RENEWABLE FUELS TO MEET ENERGY REQUIREMENTS OF DEPARTMENT OF DEFENSE.

Not later than February 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use and potential use of renewable fuels in meeting the energy requirements of the Department of Defense. Such report shall include each of the following:

(1) An assessment of the use of renewable fuels, including domestically produced algae-based, biodiesel, and biomass-derived fuels, as alternative fuels in aviation, maritime, and ground transportation fleets (including tactical vehicles and applications). Such assessment shall include technical, logistical, and policy considerations.

(2) An assessment of whether it would be beneficial to establish a renewable fuel commodity class that is distinct from petroleum-based products.

SEC. 335. ENERGY SECURITY ON DEPARTMENT OF DEFENSE INSTALLATIONS.

10 USC 2911 note.

(a) PLAN FOR ENERGY SECURITY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan for identifying and addressing areas in which the electricity needed to carry out critical military missions on Department of Defense installations is vulnerable to disruption.

Deadline.

(2) ELEMENTS.—The plan developed under paragraph (1) shall include, at a minimum, the following:

(A) An identification of the areas of vulnerability as described in paragraph (1), and an identification of priorities in addressing such areas of vulnerability.

(B) A schedule for the actions to be taken by the Department to address such areas of vulnerability.

(C) A strategy for working with other public or private sector entities to address such areas of vulnerability that are beyond the control of the Department.

(D) An estimate of and consideration for the costs to the Department associated with implementation of the strategy.

(b) WORK WITH NON-DEPARTMENT OF DEFENSE ENTITIES.—The Secretary of Defense shall work with other Federal entities, and with State and local government entities, to develop any regulations or other mechanisms needed to require or encourage actions to address areas of vulnerability identified pursuant to the plan developed under subsection (a) that are beyond the control of the Department of Defense.

Subtitle E—Reports

SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.

Section 358 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter for each of the following five years, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report required under section 2583(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

"(1) The number of military working dogs procured, by source, by each military department or Defense Agency.

"(2) The cost of procuring military working dogs incurred by each military department or Defense Agency.

"(3) An explanation for any significant difference in the cost of procuring military working dogs from different sources.".

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Reports.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following:

(1) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

(2) An identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

(3) A plan to address training constraints caused by vegetation and overgrowth.

SEC. 343. COMPTROLLER GENERAL REPORT ON THE SUSTAINMENT STRATEGY FOR THE AV-8B HARRIER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the sustainment strategy for the AV-8B Harrier aircraft.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, each of the following:

(1) An assessment of the AV-8B Integrated Maintenance Concept, including the acquisition strategy developed to conduct planned maintenance interval events.

(2) An evaluation of the process and criteria established to determine the assignment of non-core workload.

(3) An examination of the role of the single process owner in distribution of non-core workload, standardization of workload processes, facilitation of public-private partnering, implementation of lessons learned, and execution of contracting authority.

(4) An evaluation of the execution of responsibilities by the single process owner to reduce planned maintenance interval turn-around time, to reduce cost, to improve material availability, and to ensure necessary logistics and engineering functions are in place to meet objective goals.

SEC. 344. STUDY ON ARMY MODULARITY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center for the conduct of a study on the current and planned modularity structures of the Army to determine each of the following: Contracts.

(A) The operational capability of the Army to execute the core mission of the Army to contribute land power to joint operations.

(B) The ability to manage the flexibility and versatility of Army forces across the range of military operations.

(C) The tactical, operational, and strategic risk associated with the heavy, medium, and light modular combat brigades and functional support and sustainment brigades.

(D) The required and planned end strength for the Army.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The historical experience of the Army with separate brigade structures.

(B) The original Army analysis or other relevant analyses, including explicit or implicit assumptions, upon which the modular brigade combat team, functional support and sustainment brigades, and higher headquarters' designs were based.

(C) Subsequent analysis that confirmed or modified the original designs.

(D) Lessons learned from Operation Iraqi Freedom and Operation Enduring Freedom, including an identification and analysis of how modular brigades or formations were task organized and employed that may have differed from the original modular concept and how that confirmed or modified the original designs.

(E) Improvements the Army has made or is implementing in brigade and headquarters designs.

(F) The deployability, employability, and sustainability of modular formations compared to the corresponding pre-modular designs of such formations.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) the separate and independent comments of the Secretary of the Army on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

Subtitle F—Other Matters

SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARGOES.

(a) IN GENERAL.—Section 2642(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

Time period.

"(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on the national security objectives or the national security interests contained within the United States commercial air industry.".

(b) ANNUAL REPORT.—Not later than March 1 of each year for which the paragraph (3) of section 2642(a) of title 10, United States Code, as added by subsection (a), is in effect, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report describing, in detail, the Secretary's use of the authority under that paragraph, including—

(1) how the authority was used;

(2) the frequency with which the authority was used;

(3) the Secretary's rationale for the use of the authority; and

(4) for which agencies the authority was used.

10 USC 771 note prec.

SEC. 352. POLICY ON GROUND COMBAT AND CAMOUFLAGE UTILITY UNIFORMS.

(a) ESTABLISHMENT OF POLICY.—It is the policy of the United States that the design and fielding of all future ground combat and camouflage utility uniforms of the Armed Forces may uniquely reflect the identity of the individual military services, as long as such ground combat and camouflage utility uniforms, to the maximum extent practicable—

(1) provide members of every military service an equivalent level of performance, functionality, and protection commensurate with their respective assigned combat missions;

(2) minimize risk to the individual soldier, sailor, airman, or marine operating in the joint battlespace; and

(3) provide interoperability with other components of individual war fighter systems, including body armor and other individual protective systems.

(b) COMPTROLLER GENERAL ASSESSMENT.—The Comptroller General shall conduct an assessment of the ground combat uniforms and camouflage utility uniforms currently in use in the Department of Defense. The assessment shall examine, at a minimum, each of the following:

(1) The overall performance of each uniform in various anticipated combat environments and theaters of operations.

(2) Whether the uniform design of each uniform conforms adequately and is interoperable with currently issued personal protective gear and body armor.

(3) Costs associated with the design, development, production, procurement, and fielding of existing service-specific ground combat and camouflage utility uniforms.

(4) Challenges and risks associated with fielding members of the Armed Forces into combat theaters in unique or service-specific ground combat or camouflage utility uniforms, including the tactical risk to the individuals serving in individual augmentee, in-lieu of force, or joint duty assignments of use of different ground combat uniforms in a combat environment.

(5) Implications of the use of patents and other proprietary measures that may preclude sharing of technology, advanced uniform design, camouflage techniques, and fire retardence.

(6) Logistical requirements to field and support forces in varying combat or utility uniforms.

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees the results of the assessment conducted under subsection (b).

(d) REQUIREMENT FOR JOINT CRITERIA.—In support of the policy established in subsection (a), the Secretaries of the military departments, consistent with the authority set out in subtitles B, C, and D of title 10, United States Code, shall establish joint criteria for future ground combat uniforms by not later than 270 days after the Comptroller General submits the report required under subsection (c). The joint criteria shall take into account the findings and recommendations of such report and ensure that new technologies, advanced materials, and other advances in ground combat uniform design may be shared between the military services and are not precluded from being adapted for use by any military service due to military service-unique proprietary arrangements. Deadline.

SEC. 353. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) TACTICAL WHEELED VEHICLES PROGRAM.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on selected vehicle systems that include on-board diagnostic systems suitable to such a demonstration program.

(b) SURFACE COMBATANT SHIP PROGRAM.—The Secretary of the Navy may conduct a 12-month demonstration program on selected systems or components of surface combatant ships that include

integral diagnostic systems suitable to such a demonstration program.

(c) ISSUES TO BE ADDRESSED.—The demonstration programs described in subsections (a) and (b) shall address, with respect to each vehicle, system, or component for which the program is conducted—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

(3) the projected return on investment analysis for a 10-year period.

(d) OPEN ARCHITECTURE.—The design, system integration, and operations of the demonstration programs described in subsections (a) and (b) shall be conducted with an open architecture designed to—

(1) facilitate interface with industry standard computer languages, common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

(2) promote competition and ensure the best overall value to the Department of Defense.

(e) REPORT.—Not later than October 1, 2010, the Secretary of the Army and the Secretary of the Navy shall jointly submit to the congressional defense committees a report containing the assessments of each of the Secretaries with respect to whether the respective military department could reduce maintenance costs and improve operational readiness by implementing condition-based maintenance for the current and future tactical wheeled vehicle fleets and Navy surface combatants.

SEC. 354. EXTENSION OF ARSENAL SUPPORT PROGRAM INITIATIVE.

Section 343 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551 note), as amended by section 341 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 69), is further amended—

(1) in subsection (a), by striking "2010" and inserting "2011"; and

(2) in subsection (g)(1), by striking "2010" and inserting "2011".

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active-duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submittal of options for creation of Trainees, Transients, Holdees, and Students account for the Army National Guard.
Sec. 417. Report on requirements of the National Guard for non-dual status technicians.

Sec. 418. Expansion of authority of Secretaries of the military departments to increase certain end strengths to include Selected Reserve end strengths.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2010, as follows:

(1) The Army, 562,400.
(2) The Navy, 328,800.
(3) The Marine Corps, 202,100.
(4) The Air Force, 331,700.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 547,400.
"(2) For the Navy, 328,800.
"(3) For the Marine Corps, 202,100.
"(4) For the Air Force, 331,700.".

SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2011 AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTHS.—

(1) AUTHORITY.—For each of fiscal years 2011 and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which increases may be made in Army active-duty end strengths under paragraph (1) are—

(A) to support operational missions; and

(B) to achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(3) FISCAL-YEAR 2010 BASELINE.—In this subsection, the term "fiscal-year 2010 baseline", means the active-duty end strength authorized for the Army in section 401(1).

(4) ACTIVE-DUTY END STRENGTH.—In this subsection, the term "active-duty end strength" means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the President's authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority under subsection (a) is in addition to the authority to

vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—If the Secretary of Defense determines under subsection (a) that an increase in the Army active-duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active-duty end strength in excess of the fiscal year 2010 active-duty end strength authorized for the Army under section 401(1).

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2010, as follows:

(1) The Army National Guard of the United States, 358,200.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 65,500.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 106,700.
(6) The Air Force Reserve, 69,500.
(7) The Coast Guard Reserve, 10,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2010, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.
(2) The Army Reserve, 16,261.
(3) The Navy Reserve, 10,818.
(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 14,555.
(6) The Air Force Reserve, 2,896.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2010 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:
(1) For the Army Reserve, 8,395.
(2) For the Army National Guard of the United States, 27,210.
(3) For the Air Force Reserve, 10,417.
(4) For the Air National Guard of the United States, 22,313.

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—
(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:
(A) For the Army National Guard of the United States, 1,600.
(B) For the Air National Guard of the United States, 350.
(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.
(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.
(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2010, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:
(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

SEC. 416. SUBMITTAL OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS ACCOUNT FOR THE ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options, and including a recommendation, for the creation of a Trainees, Transients, Holdees, and Students Account within the Army National Guard.

(b) ELEMENTS.—The report required by subsection (a) shall address, at a minimum, the following:

(1) The timelines, cost, force structure changes, and end strength changes associated with each option specified in the report.

(2) The force structure and end strength changes and growth of the Army National Guard needed to support the account referred to in subsection (a).

(3) An assessment of how the creation of such an account may affect plans under the Grow the Force initiative.

(4) An assessment of the impact of such an account on readiness and training ratings for Army National Guard forces.

SEC. 417. REPORT ON REQUIREMENTS OF THE NATIONAL GUARD FOR NON-DUAL STATUS TECHNICIANS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth the following:

(1) A description of the types of duties performed for the National Guard by non-dual status technicians.

(2) A description of the current requirements of the National Guard for non-dual status technicians.

(3) A description of various means of addressing any shortfalls in meeting such requirements, including both temporary shortfalls and permanent shortfalls.

(4) A description of the demands of the National Guard for non-dual status technicians under the current operational tempo, and a description of the current and anticipated demands of the National Guard for non-dual status technicians as a result of the National Guard moving from a reserve force to an operational force.

(5) An assessment whether an increase in the limit on the number of non-dual status technicians for the National Guard is advisable.

(6) Such specific recommendations, including recommendations for legislative action, as the Secretary of Defense considers appropriate regarding future requirements and numbers of non-dual status technicians that are required to manage and support the National Guard.

(b) CONSIDERATIONS.—The report required by subsection (a) shall take into consideration the effects of the mobilization of large numbers of National Guard military technicians (dual status) on the readiness of National Guard units in critically important areas and on the capacity of the National Guard to continue performing home-based missions and responsibilities for the States.

SEC. 418. EXPANSION OF AUTHORITY OF SECRETARIES OF THE MILITARY DEPARTMENTS TO INCREASE CERTAIN END STRENGTHS TO INCLUDE SELECTED RESERVE END STRENGTHS.

Subsection (g) of section 115 of title 10, United States Code, is amended to read as follows:

"(g) AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

"(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

"(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

"(2) Any increase under paragraph (1)(A) of the end strength for an armed force for a fiscal year shall be counted as part of the increase for that armed force for that fiscal year authorized under subsection (f)(1). Any increase under paragraph (1)(B) of the end strength for the Selected Reserve of a reserve component of an armed force for a fiscal year shall be counted as part of the increase for that Selected Reserve for that fiscal year authorized under subsection (f)(3).".

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $136,016,281,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.

SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.

(a) REPEAL.—Section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4581) is repealed.

(b) EFFECT ON EARLIER TRANSFER.—The repeal of section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 by subsection (a) shall not affect the validity of the transfer of funds made pursuant to subsection (e) of such section before the date of the enactment of this Act.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Grade of Legal Counsel to the Chairman of the Joint Chiefs of Staff.
Sec. 502. Modification of limitations on general and flag officers on active duty.
Sec. 503. Revisions to annual reporting requirement on joint officer management.
Sec. 504. Extension of temporary increase in maximum number of days leave members may accumulate and carryover.

Sec. 505. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.
Sec. 506. Independent review of judge advocate requirements of the Department of the Navy.

Subtitle B—General Service Authorities

Sec. 511. Continuation on active duty of reserve component members during physical disability evaluation following mobilization and deployment.
Sec. 512. Medical examination required before administrative separation of members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury.
Sec. 513. Legal assistance for additional reserve component members.
Sec. 514. Limitation on scheduling of mobilization or pre-mobilization training for Reserve units when certain suspension of training is likely.
Sec. 515. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
Sec. 516. Report on presence in the Armed Forces of members associated or affiliated with groups engaged in prohibited activities.

Subtitle C—Education and Training

Sec. 521. Detail of commissioned officers as students at schools of psychology.
Sec. 522. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
Sec. 523. Expansion of criteria for appointment as member of the Board of Regents of the Uniformed Services University of the Health Sciences.
Sec. 524. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
Sec. 525. Department of Defense undergraduate nurse training program.
Sec. 526. Increase in number of private sector civilians authorized for admission to National Defense University.
Sec. 527. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
Sec. 528. Athletic association for the Air Force Academy.
Sec. 529. Language training centers for members of the Armed Forces and civilian employees of the Department of Defense.

Subtitle D—Defense Dependents' Education

Sec. 531. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 532. Impact aid for children with severe disabilities.
Sec. 533. Two-year extension of authority for assistance to local educational agencies with enrollment changes due to base closures, force structure changes, or force relocations.
Sec. 534. Authority to extend eligibility for enrollment in Department of Defense elementary and secondary schools to certain additional categories of dependents.
Sec. 535. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.
Sec. 536. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
Sec. 537. Study on options for educational opportunities for dependent children of members of the Armed Forces when public schools attended by such children are determined to need improvement.
Sec. 538. Comptroller General audit of assistance to local educational agencies for dependent children of members of the Armed Forces.
Sec. 539. Sense of Congress on the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

Sec. 541. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
Sec. 542. Policy and procedures on media access and attendance by family members at ceremonies for the dignified transfer of remains of members of the Armed Forces who die overseas.

Sec. 543. Report on expansion of authority of a member to designate persons to direct disposition of the remains of a deceased member.
Sec. 544. Sense of Congress on the recovery of the remains of members of the Armed Forces who were killed during World War II in the battle of Tarawa Atoll.

Subtitle F—Decorations and Awards

Sec. 551. Authorization and request for award of Medal of Honor to Anthony T. Kaho'ohanohano for acts of valor during the Korean War.
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Sec. 569. Report on impact of domestic violence on military families.
Sec. 570. Report on international intrafamilial abduction of children of members of the Armed Forces.
Sec. 571. Assessment of impact of deployment of members of the Armed Forces on their dependent children.
Sec. 572. Report on child custody litigation involving service of members of the Armed Forces.
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Subtitle H—Military Voting

Sec. 575. Short title.
Sec. 576. Clarification regarding delegation of State responsibilities to local jurisdictions.
Sec. 577. Establishment of procedures for absent uniformed services voters and overseas voters to request and for States to send voter registration applications and absentee ballot applications by mail and electronically.
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Sec. 579. Ensuring absent uniformed services voters and overseas voters have time to vote.
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Sec. 581. Federal write-in absentee ballot.
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Sec. 583. Federal Voting Assistance Program Improvements.
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Sec. 585. Repeal of provisions relating to use of single application for all subsequent elections.
Sec. 586. Reporting requirements.
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Subtitle I—Other Matters

Sec. 591. Clarification of performance policies for military musical units and musicians.
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Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 594. Expansion of Military Leadership Diversity Commission to include reserve component representatives.
Sec. 595. Expansion of suicide prevention and community healing and response training under the Yellow Ribbon Reintegration Program.
Sec. 596. Comprehensive plan on prevention, diagnosis, and treatment of substance use disorders and disposition of substance abuse offenders in the Armed Forces.
Sec. 597. Reports on Yellow Ribbon Reintegration Program and other reintegration programs.
Sec. 598. Reports on progress in completion of certain incident information management tools.

Subtitle A—Officer Personnel Policy

SEC. 501. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

(a) IN GENERAL.—Section 156(c) of title 10, United States Code, is amended by striking ", while so serving, hold the" and inserting "be appointed in the regular".

10 USC 156 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to individuals appointed as Legal Counsel to the Chairman of the Joint Chiefs of Staff on or after that date.

SEC. 502. MODIFICATION OF LIMITATIONS ON GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) REPORT ON STATUTES EXCLUDING CERTAIN OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES FROM LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report setting forth the following:

(1) An assessment of the provisions of title 10, United States Code, that exclude commissioned officers of the Armed Forces on active duty in general officer and flag officer grades from the limitations on the authorized strengths of general and flag officers, including—

(A) a list of each such provision; and

(B) for each such provision—

(i) a statement whether such provision is redundant or necessary in light of recent legislation on such provision or related provisions; and

(ii) an assessment of the impact of the repeal of such provision on the Department of Defense.

(2) A specific, comprehensive description of the legislative actions, including technical and conforming changes, necessary to conform sections 525, 526, and 528 of title 10, United States Code (and any other applicable provisions of such title), with the assessment required by paragraph (1) with a view towards increasing the transparency and comprehensiveness on the number of general and flag officers serving on active duty.

(3) An assessment of the following:

(A) Whether the authorized numbers of general and flag officers in an active status under section 12004(a) of title 10, United States Code, are adequate to provide

the reserve components with a sufficient number of general and flag officers in an active status in order to meet increased authorizations for active duty service.

(B) Whether such numbers of general and flag officers provide the general and flag officers of the reserve components with appropriate opportunities for joint responsibility and joint officer development while simultaneously meeting reserve active-status requirements

(C) Whether legislative action with respect to section 12004(a) of title 10, United States Code, is necessary to achieve the purposes specified in subparagraphs (A) and (B) and, if so, a specific, comprehensive description of such legislative actions.

(4) An assessment of the following:

(A) Whether the requirements for general and flag officer positions resulting from recommendations for statutory authority to specify the grade of the Chief of the Navy Dental Corps, the Chief and Deputy Chief of Chaplains in the Air Force, the Chief of the Army Medical Specialist Corps, and to establish the position of Vice Chief of the National Guard Bureau, are necessary in light of recent legislative modifications of applicable provisions of law.

(B) The impact on the Department of each provision.

(C) If supported, the necessary technical and conforming changes that may be necessary to conform sections 535, 526, 528, and 12004 of title 10, United States Code, to increase the transparency and comprehensiveness of the number of general and flag officers on active duty or in an active status.

(b) CLARIFICATION OF DISTRIBUTION LIMITS.—Section 525 of title 10, United States Code, is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(a) For purposes of the applicable limitation in section 526(a) of this title on general and flag officers on active duty, no appointment of an officer on the active duty list may be made as follows:

"(1) in the Army, if that appointment would result in more than—

"(A) 7 officers in the grade of general;

"(B) 45 officers in a grade above the grade of major general; or

"(C) 90 officers in the grade of major general;

"(2) in the Air Force, if that appointment would result in more than—

"(A) 9 officers in the grade of general;

"(B) 43 officers in a grade above the grade of major general; or

"(C) 73 officers in the grade of major general;

"(3) in the Navy, if that appointment would result in more than—

"(A) 6 officers in the grade of admiral;

"(B) 32 officers in a grade above the grade of rear admiral; or

"(C) 50 officers in the grade of rear admiral;

"(4) in the Marine Corps, if that appointment would result in more than—

"(A) 2 officers in the grade of general;

"(B) 15 officers in a grade above the grade of major general; or

"(C) 22 officers in the grade of major general.

"(b)(1) The limitations of subsection (a) do not include the following:

Time periods.

"(A) An officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment, except that the Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, but no more than 3 officers from each armed forces may be on active duty who are excluded under this subparagraph.

"(B) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title.

"(C) The number of officers required to serve in joint duty assignments as authorized by the Secretary of Defense under section 526(b) for each military service.

"(D) An officer while serving as Chief of the National Guard Bureau.

"(2) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under subsection (a). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under subsection (a). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under subsection (a).".

(c) CLARIFICATION ON OFFSETTING REDUCTIONS.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

"(A) may make appointments in the Army, Air Force, and Marine Corps in the grades of lieutenant general and general in excess of the applicable numbers determined under this section if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and"; and

(B) in subparagraph (B), by striking "subsection (b)(2)" and inserting "this section";

(2) in paragraph (3)(A), by striking "the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b)" and inserting "15"; and

(3) in paragraph (3)(B), by striking "the number equal to 15 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps" and inserting "5".

(d) OTHER DISTRIBUTION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (e), by striking "In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, the following officers shall not be counted:" in the matter preceding paragraph (1) and inserting "The following officers shall not be counted for purposes of this section:"; and

(2) by adding at the end the following new subsection:

"(g)(1) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days, but not to exceed three years, except that the number of officers from each reserve component who are covered by this subsection and is not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense

"(2) The exception in paragraph (1) does apply to the position of Chief of the National Guard Bureau. Applicability.

"(3) Not later than 30 days after authorizing a number of reserve component general or flag officers in excess of the number specified in paragraph (1), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such authorization, and shall include with such notice a statement of the reason for such authorization.". Deadline. Notification.

(e) CHANGE TO AUTHORIZED STRENGTHS.—Subsection (a) of section 526 of such title is amended—

(1) in paragraph (1), by striking "307" and inserting "230";

(2) in paragraph (2), by striking "216" and inserting "160";

(3) in paragraph (3), by striking "279" and inserting "208"; and

(4) in paragraph (4), by striking "81" and inserting "60".

(f) CHANGES TO LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking "Chairman of the Joint Chiefs of Staff" and inserting "Secretary of Defense";

(B) by striking "65" and inserting "324"; and

(C) by striking the second sentence and inserting the following new sentence: "The Secretary of Defense shall allocate those exclusions to the armed forces based on the number of general or flag officers required from each armed force for assignment to these designated positions.";

(2) by redesignating paragraph (2) as paragraph (5); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) Unless the Secretary of Defense determines that a lower number is in the best interest of the Department, the minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

"(A) For the Army, 85.

"(B) For the Navy, 61.

"(C) For the Air Force, 76.

"(D) For the Marine Corps, 21.

"(3) The number excluded under paragraph (1) and serving in positions designated under that paragraph—

"(A) in the grade of general or admiral may not exceed 20;

"(B) in a grade above the grade of major general or rear admiral may not exceed 68; and

"(C) in the grade of major general or rear admiral may not exceed 144.

Deadline. Notification.

"(4) Not later than 30 days after determining to raise or lower a number specified in paragraph (2), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of such determination.".

(g) OTHER AUTHORIZATION CLARIFICATIONS.—Such section is further amended—

(1) in subsection (d), by adding at the end the following new paragraph:

"(3) The limitations of this section do not apply to a reserve component general or flag officer who is on active duty for a period in excess of 365 days but not to exceed three years, except that the number of such officers from each reserve component who are covered by this paragraph and not serving in a position that is a joint duty assignment for purposes of chapter 38 of this title may not exceed 5 per component, unless authorized by the Secretary of Defense."; and

(2) by adding at the end the following new subsections:

"(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) and in section 525(a) of this title do not apply to a general or flag officer assigned to a temporary joint duty assignment designated by the Secretary of Defense.

"(2) A general or flag officer assigned to a temporary joint duty assignment as described in paragraph (1) may not be excluded under this subsection from the limitations in subsection (a) for a period of longer than one year.

Time periods.

"(h) EXCLUSION OF OFFICERS DEPARTING FROM JOINT DUTY ASSIGNMENTS.—The limitations in subsection (a) do not apply to an officer released from a joint duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers on active duty from each armed force may be covered by an extension under this sentence at the same time.".

(h) EXCLUSION OF RESERVE OFFICERS DEPARTING FROM JOINT OR OTHER ACTIVE DUTY ASSIGNMENTS.—Section 12004 of such title is amended by adding at the end the following new subsection:

"(f) The limitations in subsection (a) do not apply to an officer released from a joint duty assignment or other non-joint active duty assignment, but only during the 60-day period beginning on the date the officer departs the joint duty or other active duty assignment. The Secretary of Defense may authorize the Secretary of a military department to extend the 60-day period by an additional 120 days, except that not more than three officers in an active status from each reserve component may be covered by an extension under this sentence at the same time.".

(i) REPEAL OF LIMITATIONS ON GENERAL AND FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S OWN SERVICE.—

(1) REPEAL.—Section 721 of such title is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(j) REPEAL OF SUPERSEDED AUTHORITY.—Section 506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4434; 10 U.S.C. 525 note) is repealed.

SEC. 503. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

Section 667 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and their education and experience"; and

(B) by adding at the end the following new subparagraph:

"(C) A comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.";

(2) by striking paragraphs (3), (4), (6), and (12);

(3) by redesignating paragraph (5) as paragraph (3);

(4) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;

(5) by inserting after paragraph (8), as so redesignated, the following new paragraph:

"(9) With regard to the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

"(A) The Joint Forces Staff College.

"(B) The National Defense University.

"(C) Senior Service Schools."; and

(6) by redesignating paragraph (13) as paragraph (10).

SEC. 504. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking "December 31, 2010" and inserting "September 30, 2013".

SEC. 505. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA–21) OFFICER CANDIDATE PROGRAM.

Section 6328 of title 10, United States Code, is amended by adding the following new subsection:

"(c) TIME SPENT IN SEAMAN TO ADMIRAL PROGRAM.—The months of active service in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA–21) program of the Navy of officer candidates selected for the program on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for retirement, unless the officer becomes subject

to involuntary separation or retirement due to physical disability. Such active service shall be counted in computing the years of active service of the officer for all other purposes.".

SEC. 506. INDEPENDENT REVIEW OF JUDGE ADVOCATE REQUIREMENTS OF THE DEPARTMENT OF THE NAVY.

(a) INDEPENDENT PANEL FOR REVIEW.—

(1) ESTABLISHMENT.—There is hereby established an independent panel to review the judge advocate requirements of the Department of the Navy.

(2) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in law, military manpower policies, the missions of the Armed Forces, or the current responsibilities of judge advocates in ensuring competent legal representation and advice to commanders.

(3) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (2).

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 180 days after the date of the enactment of this Act.

(6) MEETINGS.—The panel shall meet at the call of the chair.

Deadline.

(7) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days after the date of the appointment of all the members of the panel.

(b) DUTIES.—

(1) IN GENERAL.—The panel established under subsection (a) shall carry out a study of the policies and management and organizational practices of the Navy and Marine Corps with respect to the responsibilities, assignment, and career development of judge advocates for purposes of determining the number of judge advocates required to fulfill the legal mission of the Department of the Navy.

(2) REVIEW.—In carrying out the study required by paragraph (1), the panel shall—

(A) review the emergent operational law requirements of the Navy and Marine Corps, including requirements for judge advocates on joint task forces, in support of rule of law objectives in Iraq and Afghanistan, and in operational units;

(B) review new requirements to support the Office of Military Commissions and to support the disability evaluation system for members of the Armed Forces;

(C) review the judge advocate requirements of the Department of the Navy for the military justice mission, including assignment policies, training and education, increasing complexity of court-martial litigation, and the performance of the Navy and Marine Corps in providing legally sufficient post-trial processing of cases in general courts-martial and special courts-martial;

(D) review the role of the Judge Advocate General of the Navy, as the senior uniformed legal officer of the Department of the Navy, to determine whether additional authority for the Judge Advocate General over manpower policies and assignments of judge advocates in the Navy and Marine Corps is warranted;

(E) review directives issued by the Navy and the Marine Corps pertaining to jointly-shared missions requiring legal support;

(F) review career patterns for Marine Corps judge advocates in order to identify and validate assignments to nonlegal billets required for professional development and promotion; and

(G) review, evaluate, and assess such other matters and materials as the panel considers appropriate for purposes of the study.

(3) UTILIZATION OF OTHER STUDIES.—In carrying out the study required by paragraph (1), the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies in future manpower requirements, including the two-part study by CNA Analysis and Solutions entitled "An Analysis of Navy JAG Corps Future Manpower Requirements".

(4) REPORT.—Not later than 120 days after its first meeting under subsection (a)(7), the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the study. The report shall include—

(A) the findings and conclusions of the panel as a result of the study; and

(B) any recommendations for legislative or administrative action that the panel considers appropriate in light of the study.

(c) POWERS OF PANEL.—

(1) HEARINGS.—The panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of the panel, any department or agency of the Federal Government may provide information that the panel considers necessary to carry out it duties under this section.

(d) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—(A) Members of the panel established under subsection (a) shall serve without pay by reason of their work on the panel.

(B) Section 1342 of title 31, United States Code, shall not apply to the acceptance of services of a member of the panel under this section.

(2) TRAVEL EXPENSES.—The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

Subtitle B—General Service Authorities

SEC. 511. CONTINUATION ON ACTIVE DUTY OF RESERVE COMPONENT MEMBERS DURING PHYSICAL DISABILITY EVALUATION FOLLOWING MOBILIZATION AND DEPLOYMENT.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of a military department shall ensure that each member of a reserve component under the jurisdiction of the Secretary who is determined, after a mobilization and deployment to an area in which imminent danger pay is authorized under section 310 of title 37, to require evaluation for a physical or mental disability which could result in separation or retirement for disability under this chapter or placement on the temporary disability retired list or inactive status list under this chapter is retained on active duty during the disability evaluation process until such time as such member is—

"(A) cleared by appropriate authorities for continuation on active duty; or

"(B) separated, retired, or placed on the temporary disability retired list or inactive status list.

"(2)(A) A member described in paragraph (1) may request termination of active duty under such paragraph at any time during the demobilization or disability evaluation process of such member.

"(B) Upon a request under subparagraph (A), a member described in paragraph (1) shall only be released from active duty after the member receives counseling about the consequences of termination of active duty.

"(C) Each release from active duty under subparagraph (B) shall be thoroughly documented.

Expiration date.

"(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.".

SEC. 512. MEDICAL EXAMINATION REQUIRED BEFORE ADMINISTRATIVE SEPARATION OF MEMBERS DIAGNOSED WITH OR REASONABLY ASSERTING POST-TRAUMATIC STRESS DISORDER OR TRAUMATIC BRAIN INJURY.

(a) MEDICAL EXAMINATION REQUIRED.—

(1) IN GENERAL.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following new section:

"§ 1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation

Regulations.

"(a) MEDICAL EXAMINATION REQUIRED.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary of a military department shall ensure that a member of the armed forces under the jurisdiction of the Secretary who has been deployed overseas in support of a contingency operation during the previous 24 months, and who is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or who otherwise reasonably alleges, based on the service of the member while deployed, the influence of

such a condition, receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

"(2) A member covered by paragraph (1) shall not be administratively separated under conditions other than honorable until the results of the medical examination have been reviewed by appropriate authorities responsible for evaluating, reviewing, and approving the separation case, as determined by the Secretary concerned.

"(3) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In cases involving traumatic brain injury, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate.

"(b) PURPOSE OF MEDICAL EXAMINATION.—The medical examination required by subsection (a) shall assess whether the effects of post-traumatic stress disorder or traumatic brain injury constitute matters in extenuation that relate to the basis for administrative separation under conditions other than honorable or the overall characterization of service of the member as other than honorable.

"(c) INAPPLICABILITY TO PROCEEDINGS UNDER UNIFORM CODE OF MILITARY JUSTICE.—The medical examination and procedures required by this section do not apply to courts-martial or other proceedings conducted pursuant to the Uniform Code of Military Justice.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following new item:

"1177. Members diagnosed with or reasonably asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before administrative separation.".

(b) REVIEW OF PREVIOUS DISCHARGES AND DISMISSALS.—Section 1553 of such title is amended by adding at the end the following new subsection:

"(d)(1) In the case of a former member of the armed forces who, while serving on active duty as a member of the armed forces, was deployed in support of a contingency operation and who, at any time after such deployment, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury as a consequence of that deployment, a board established under this section to review the former member's discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

"(2) In the case of a former member described in paragraph (1) or a former member whose application for relief is based in whole or in part on matters relating to post-traumatic stress disorder or traumatic brain injury as supporting rationale or as justification for priority consideration, the Secretary concerned shall expedite a final decision and shall accord such cases sufficient priority to achieve an expedited resolution. In determining the priority of cases, the Secretary concerned shall weigh the medical and humanitarian circumstances of all cases and accord higher priority to cases not involving post-traumatic stress disorder or traumatic brain injury only when the individual cases are considered more compelling.".

(c) REPORT REQUIRED.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the detailed procedures and policies used by the Secretaries of the military department to implement the amendments made by this section, including—

(1) the list of officials identified by the Secretaries as required to review physical examinations to determine the possible influence of post-traumatic stress disorder or traumatic brain injury on the behavior of members before their separation under other than honorable conditions;

(2) the procedures adopted by the Secretaries to ensure that appropriate physical examinations required by the amendments are conducted;

(3) the procedures adopted by the Secretaries to ensure that the medical reviews required by the amendments are conducted; and

(4) the procedures adopted by the Secretaries to ensure that requests for review of discharges based on matters related to post-traumatic stress disorder or traumatic brain injury are considered in a timely manner by boards that include appropriate medical personnel, as required by the amendments.

SEC. 513. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking "the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense," and inserting "the Secretary), for a period of time (prescribed by the Secretary)".

10 USC 10101 note.

SEC. 514. LIMITATION ON SCHEDULING OF MOBILIZATION OR PRE-MOBILIZATION TRAINING FOR RESERVE UNITS WHEN CERTAIN SUSPENSION OF TRAINING IS LIKELY.

(a) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of a military department shall avoid scheduling mobilization training or pre-mobilization training for a unit of a reserve component of the Armed Forces at a temporary duty location that is outside the normal commuting distance of the unit (as determined pursuant to the regulations prescribed by the Secretary of Defense under subsection (c)) if a suspension of training at such temporary duty location of at least five days is anticipated to occur during any portion of such mobilization or pre-mobilization training.

(2) WAIVER.—The Secretary of a military department may waive the applicability of the limitation in paragraph (1) to a unit of a reserve component if the Secretary determines that the waiver is in the national security interests of the United States.

Termination date.

(3) NOTICE TO CONGRESS.—Until December 31, 2014, the Secretary of the military department concerned shall submit written notice of each waiver issued under paragraph (2) to the congressional defense committees. Notice of such waiver shall be so submitted at the time of the issuance of such waiver.

Termination date.

(b) NOTICE OF OTHER SUSPENSIONS OF TRAINING.—Until December 31, 2014, in the event of a suspension of training (other than an anticipated suspension of training described in subsection

(a)(1)) of at least five days at a temporary duty location at which one or more units of the reserve components on active duty are engaged in mobilization training or pre-mobilization training, the Secretary of the military department having jurisdiction over such unit or units shall submit written notice of the suspension to the congressional defense committees. Notice of such suspension of training shall be so submitted at the time of such suspension of training.

(c) REGULATIONS.—The Secretaries of the military departments shall administer this section in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall apply uniformly among the military departments.

SEC. 515. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

Section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2215) is amended—

(1) in the second sentence, by striking "in training and unit settings" and inserting "during training and unit assignments"; and

(2) by adding at the end the following new sentence: "Data to make the comparison between the two groups shall be derived from existing sources, which may include performance ratings, separations, promotions, awards and decorations, and reenlistment statistics.".

SEC. 516. REPORT ON PRESENCE IN THE ARMED FORCES OF MEMBERS ASSOCIATED OR AFFILIATED WITH GROUPS ENGAGED IN PROHIBITED ACTIVITIES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Attorney General, submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the following:

(1) Any active participation by members of the Armed Forces in prohibited activities (as defined by subsection 3.5.8 of Department of Defense Directive 1325.6).

(2) The policies of the Department of Defense to prevent individuals who are active participants in such activities from enlisting in the Armed Forces.

Subtitle C—Education and Training

SEC. 521. DETAIL OF COMMISSIONED OFFICERS AS STUDENTS AT SCHOOLS OF PSYCHOLOGY.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2004a the following new section:

"§ 2004b. Detail of commissioned officers as students at schools of psychology

"(a) DETAIL AUTHORIZED.—The Secretary of each military department may detail commissioned officers of the armed forces as students at accredited schools of psychology located in the United States for a period of training leading to the degree of Doctor

of Philosophy in clinical psychology. No more than 25 officers from each military department may commence such training in any single fiscal year.

"(b) ELIGIBILITY FOR DETAIL.—To be eligible for detail under subsection (a), an officer must be a citizen of the United States and must—

"(1) have served on active duty for a period of not less than two years nor more than six years and be in the pay grade 0–3 or below as of the time the training is to begin; and

"(2) sign an agreement that unless sooner separated the officer will—

"(A) complete the educational course of psychological training;

"(B) accept transfer or detail as a commissioned officer within the military department concerned when the officer's training is completed; and

"(C) agree to serve, following completion of the officer's training, on active duty (or on active duty and in the Selected Reserve) for a period as specified pursuant to subsection (c).

"(c) SERVICE OBLIGATION.—(1) Except as provided in paragraph (2), the agreement of an officer under subsection (b) shall provide that the officer shall serve on active duty for two years for each year or part thereof of the officer's training under subsection (a).

"(2) The agreement of an officer may authorize the officer to serve a portion of the officer's service obligation on active duty and to complete the service obligation that remains upon separation from active duty in the Selected Reserve. Under any such agreement, an officer shall serve three years in the Selected Reserve for each year or part thereof of the officer's training under subsection (a) for any service obligation that was not completed before separation from active duty.

"(d) SELECTION OF OFFICERS FOR DETAIL.—Officers detailed for training under subsection (a) shall be selected on a competitive basis by the Secretary of the military department concerned.

"(e) RELATION OF SERVICE OBLIGATIONS TO OTHER SERVICE OBLIGATIONS.—Any service obligation incurred by an officer under an agreement entered into under subsection (b) shall be in addition to any service obligation incurred by the officer under any other provision of law or agreement.

"(f) EXPENSES.—Expenses incident to the detail of officers under this section shall be paid from any funds appropriated for the military department concerned.

"(g) FAILURE TO COMPLETE PROGRAM.—(1) An officer who is dropped from a program of psychological training to which detailed under subsection (a) for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed on the officer under regulations issued by the Secretary of Defense for purposes of this section.

"(2) In no case shall an officer be required to serve on active duty under paragraph (1) for any period in excess of one year for each year or part thereof the officer participated in the program.

"(h) LIMITATION ON DETAILS.—No agreement detailing an officer of the armed forces to an accredited school of psychology may

be entered into during any period in which the President is authorized by law to induct persons into the armed forces involuntarily. Nothing in this subsection shall affect any agreement entered into during any period when the President is not authorized by law to so induct persons into the armed forces.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2004a the following new item:

"2004b. Detail of commissioned officers as students at schools of psychology.".

SEC. 522. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS' TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.

Section 2107a(h) of title 10, United States Code, is amended—

(1) by striking "17 cadets" and inserting "22 cadets";

(2) by striking "17 members" and inserting "22 members"; and

(3) by striking "17 such members" and inserting "22 such members".

SEC. 523. EXPANSION OF CRITERIA FOR APPOINTMENT AS MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2113a(b)(1) of title 10, United States Code, is amended by striking "health and health education" and inserting "health care, higher education administration, or public policy".

SEC. 524. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

(a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "in the various health professions" and inserting "(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces"; and

(3) by adding at the end the following new paragraph:

"(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

"(A) Social work.

"(B) Clinical psychology.

"(C) Psychiatry.

"(D) Other disciplines that contribute to mental health care programs in that military department.".

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of such title is amended—

(1) by striking "The number" and inserting "(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number";

(2) by striking "6,000" and inserting "6,300"; and

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

"(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.".

SEC. 525. DEPARTMENT OF DEFENSE UNDERGRADUATE NURSE TRAINING PROGRAM.

(a) REVISION OF CURRENT SCHOOL OF NURSING AUTHORIZATIONS.—

(1) REPEAL OF ESTABLISHMENT WITHIN UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Section 2117 of title 10, United States Code, is repealed.

(2) ESTABLISHMENT AS DEPARTMENT OF DEFENSE SCHOOL.—Chapter 108 of such title is amended by adding at the end the following new section:

"§ 2169. School of Nursing: establishment

"(a) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a School of Nursing.

"(b) DEGREE GRANTING AUTHORITY.—The School of Nursing may include a program that awards a bachelor of science in nursing.

"(c) PHASED DEVELOPMENT.—The Secretary of Defense may develop the School of Nursing in phases as determined appropriate by the Secretary.".

(3) CLERICAL AMENDMENTS.—

(A) CHAPTER 104.—The table of sections at the beginning of chapter 104 of such title is amended by striking the item relating to section 2117.

(B) CHAPTER 108.—The table of sections at the beginning of chapter 108 of such title is amended by adding at the end the following new item:

"2169. School of Nursing: establishment.".

(b) AUTHORITY TO ESTABLISH UNDERGRADUATE NURSE TRAINING PROGRAM.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2016. Undergraduate nurse training program: establishment through agreement with academic institution

"(a) ESTABLISHMENT AUTHORIZED.—(1) To increase the number of nurses in the armed forces, the Secretary of Defense may enter into an agreement with one or more academic institutions to establish and operate an undergraduate program (in this section referred to as a 'undergraduate nurse training program') under which participants will earn a nursing degree and serve as a member of the armed forces.

"(2) The Secretary of Defense may authorize the participation of members of the other uniformed services in the undergraduate nurse training program if the Secretary of Defense and the Secretary of Health and Human Services jointly determine the participation of such members in the program will facilitate an increase in the number of nurses in the other uniformed services.

"(b) GRADUATION RATES.—An undergraduate nurse training program shall have the capacity to graduate 25 students with

a bachelor of science degree in the first class of the program, 50 in the second class, and 100 annually thereafter.

"(c) ELEMENTS.—An undergraduate nurse training program shall have the following elements:

"(1) It shall involve an academic partnership with one or more academic institutions with existing accredited schools of nursing.

"(2) It shall recruit as participants qualified individuals with at least two years of appropriate academic preparation, as determined by the Secretary of Defense.

"(d) LOCATION OF PROGRAMS.—An academic institution selected to operate an undergraduate nurse training program shall establish the program at or near a military installation. A military installation at or near which an undergraduate nurse training program is established must—

"(1) be one of the ten largest military installations in the United States, in terms of the number of active duty personnel assigned to the installation and family members residing on or in the vicinity of the installations; and

"(2) have a military treatment facility with inpatient capability designated as a medical center located on the installation or within 10 miles of the installation.

"(e) LIMITATION ON FACULTY.—An agreement entered into under subsection (a) shall not require members of the armed forces who are nurses to serve as faculty members for an undergraduate nurse training program.

"(f) MILITARY SERVICE COMMITMENT.—The Secretary of Defense shall encourage members of the armed forces to apply to participate in an undergraduate nurse training program. Graduates of the program shall incur a military service obligation in a regular or reserve component, as determined by the Secretary.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2016. Undergraduate nurse training program: establishment through agreement with academic institution.".

Deadline.
10 USC 2016 note.

(c) UNDERGRADUATE NURSE TRAINING PROGRAM PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to establish an undergraduate nurse training program in the Department of Defense in accordance with the authority provided by section 2169 of title 10, United States Code, as added by subsection (a), section 2016 of such title, as added by subsection (b), or any other authority available to the Secretary.

(d) PILOT PROGRAM.—

(1) PILOT PROGRAM REQUIRED.—The plan required by subsection (c) shall provide for the establishment of a pilot program to increase the number of nurses serving in the Armed Forces.

(2) IMPLEMENTATION AND DURATION.—The pilot program shall begin not later than July 1, 2011, and be of not less than five years in duration.

(3) GRADUATION RATES.—The pilot program shall achieve graduation rates at least equal to the rates required for the undergraduate nurse training program authorized by section

2016 of title 10, United States Code, as added by subsection (b).

(4) IMPLEMENTATION REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the pilot program, including a description of the program selected to be undertaken, the program's goals, and any additional legal authorities that may be needed to undertake the program.

(5) PROGRESS REPORTS.—Not later than 90 days after the end of each academic year of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed into the Armed Forces through the program and the number of students accepted for the upcoming academic year.

(6) FINAL REPORT.—Not later than one year before the end of the pilot program, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report specifying the number of nurses accessed through the program, evaluating the overall effectiveness of the program, and containing the Secretary's recommendations regarding whether the program should be extended.

(e) EFFECT ON OTHER NURSING PROGRAMS.—Notwithstanding the development of undergraduate nurse training programs under the amendments made by this section and subsection (d), the Secretary of Defense shall ensure that graduate degree programs in nursing, including advanced practice nursing, continue.

(f) EFFECT ON OTHER RECRUITMENT EFFORTS.—Nothing in this section shall be construed as limiting or terminating any current or future program of the Department of Defense related to the recruitment, accession, training, or retention of nurses.

SEC. 526. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking "10 full-time student positions" and inserting "20 full-time student positions".

SEC. 527. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking "One cadet" and inserting "Two cadets".

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking "One" and inserting "Two".

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking "One cadet" and inserting "Two cadets".

10 USC 4342 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.

SEC. 528. ATHLETIC ASSOCIATION FOR THE AIR FORCE ACADEMY.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9362. Support of athletic programs

"(a) CORPORATION FOR SUPPORT AUTHORIZED.—(1) The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation (in this section referred to as the 'corporation') to support the athletic programs of the Academy. All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

"(2) The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

"(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

"(1) as a nonprofit corporation under section 501 (c)(3) of the Internal Revenue Code of 1986;

"(2) in accordance with this section; and

"(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

"(c) CORPORATE BOARD OF DIRECTORS.—(1) The members of the board of directors of the corporation shall serve without compensation as members of the board, except for reasonable travel and other related expenses for attendance at meetings of the board.

"(2) The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors of the corporation, but such personnel shall not hold more than one-third of the directorships.

"(d) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

"(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in Academy or corporate events related to the athletic programs of the Academy.

"(f) LEASES.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the athletic programs of the Academy. Funds received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

"(g) COOPERATIVE AGREEMENTS.—The Secretary of the Air Force may enter into cooperative agreements (as described in section 6305 of title 31) with the corporation for purposes related to the athletic programs of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 903 of such title is amended by adding at the end the following new item:

"9362. Support of athletic programs.".

10 USC 2001 note prec.

SEC. 529. LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to establish language training centers at accredited universities, senior military colleges, or other similar institutions of higher education for purposes of accelerating the development of foundational expertise in critical and strategic languages and regional area studies (as defined by the Secretary of Defense for purposes of this section) for members of the Armed Forces, including members of the reserve components and candidates of the Reserve Officers' Training Corps programs, and civilian employees of the Department of Defense.

(b) ELEMENTS.—Each language training center established under the program authorized by subsection (a) shall include the following:

(1) Programs to provide that members of the Armed Forces or civilian employees of the Department of Defense who graduate from the institution of higher education concerned include members or employees, as the case may be, who are skilled in the languages and area studies covered by the program from beginning through advanced skill levels.

(2) Programs of language proficiency training for such members and civilian employees at the institution of higher education concerned in critical and strategic languages tailored to meet operational readiness requirements.

(3) Alternative language training delivery systems and modalities to meet language and regional area study requirements for such members and employees whether prior to deployment, during deployment, or post-deployment.

(4) Programs on critical and strategic languages under the program that can be incorporated into Reserve Officers' Training Corps programs to facilitate the development of language skills in such languages among future officers of the Armed Forces.

(5) Training and education programs to expand the pool of qualified instructors and educators on critical and strategic languages and regional area studies under the program for the Armed Forces.

(6) Programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(c) PARTNERSHIPS WITH OTHER SCHOOLS.—Any language training center established under the program authorized by subsection (a) may enter into a partnership with one or more local educational agencies to facilitate the development of skills in critical and strategic languages under the program among students attending the elementary and secondary schools of such agencies who may pursue a military career.

(d) COORDINATION.—The Secretary of Defense shall ensure that the language training centers established under the program authorized by subsection (a) are aligned with those of the National Security Education Program, the Defense Language Institute, and other appropriate Department of Defense programs to facilitate and encourage the recruitment of native and heritage speakers of critical and strategic languages under the program into the Armed Forces and the civilian workforce of the Department of Defense and to support the Civilian Linguist Reserve Corps.

(e) REPORT.—Not later than one year after the date of the establishment of the program authorized by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on the program. The report shall include the following:

(1) A description of each language training center established under the program.

(2) An assessment of the cost-effectiveness of the program in providing foundational expertise in critical and strategic languages and regional area studies in support of the Defense Language Transformation Roadmap.

(3) An assessment of the progress made by each language training center in providing capabilities in critical and strategic languages under the program to members of the Armed Forces and Department of Defense employees.

(4) A recommendation whether the program should be continued and, if so, recommendations as to any modifications of the program that the Secretary considers appropriate.

Subtitle D—Defense Dependents' Education

SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $14,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572, as amended by section 533 of this Act.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2010 by section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.

Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by striking "September 30, 2010" and inserting "September 30, 2012".

SEC. 534. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

"(2) An individual referred to in paragraph (1) is any of the following:

"(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

"(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.".

SEC. 535. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS' EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT ENROLLMENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents' Education Act of 1978 (20 U.S.C. 923a) is amended by striking ", and only through the 2010-2011 school year".

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: "The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.".

SEC. 536. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

Section 8003(a)(2)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(2)(C)(i)) is amended by striking "6,500" and inserting "5,000".

SEC. 537. STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES WHEN PUBLIC SCHOOLS ATTENDED BY SUCH CHILDREN ARE DETERMINED TO NEED IMPROVEMENT.

(a) STUDY ON OPTIONS FOR EDUCATIONAL OPPORTUNITIES.—

(1) STUDY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of Education, conduct a study on options for educational opportunities that are, or may be, available for dependent children of members of the Armed Forces who do not attend Department of Defense dependents' schools when the public elementary and secondary schools attended by such children are determined to be in need of improvement pursuant to section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)).

(2) OPTIONS.—The options to be considered under the study required by paragraph (1) may include the following:

(A) Education programs offered through the Internet, including programs that are provided by the Department of Defense through the Internet.

(B) Charter schools.

(C) Such other public school options as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate for purposes of the study.

(3) ELEMENTS.—The study required by paragraph (1) shall address the following matters:

(A) The challenges faced by parents of military families in securing quality elementary and secondary education for their children when the public elementary and secondary schools attended by their children are identified as being in need of improvement.

(B) The extent to which perceptions of differing degrees of quality in public elementary and secondary schools in different regions of the United States affect plans of military families to relocate, including relocation pursuant to a permanent change of duty station.

(C) The various reasons why military families seek educational opportunities for their children other than those available through local public elementary and secondary schools.

(D) The current level of student achievement in public elementary and secondary schools in school districts which have a high percentage of students who are children of military families.

(E) The educational needs of children of military families who are required by location to attend public elementary and secondary schools identified as being in need of improvement.

(F) The value and impact of other alternative educational programs for military families.

(G) The extent to which the options referred to in paragraph (2) would provide a meaningful option for education for military children when the public elementary and secondary schools attended by such children are determined to be in need of improvement.

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

(I) Such other matters as the Secretary of Defense and Secretary of Education consider appropriate for purposes of the study.

(b) REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Education and Labor of the House of Representatives a report on the study required by subsection (a). The report shall include the following:

(1) A description of the results of the study.

(2) Such recommendations for legislative or administrative action as the Secretary of Defense, in consultation with the Secretary of Education, considers appropriate in light of the results of the study.

SEC. 538. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) ASSISTANCE SPECIFIED.—The assistance specified in this subsection is the following:

(1) Assistance provided under the following:

(A) Section 551 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4468).

(B) Section 571 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 119).

(C) Section 572 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2225).

(D) Section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2226; 20 U.S.C. 7703b note).

(E) Section 575 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2227; 10 U.S.C. 1788 note).

(F) Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(G) Section 574 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3273).

(H) Section 558 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1916).

(I) Section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (118 Stat. 1917).

(J) Section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1474).

(K) Clauses (i) and (ii) of section 8003(b)(2)(H) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(H)).

(L) Section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2514).

(M) Section 344 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (116 Stat. 2515).

(N) Section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1063).

(O) Section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–76).

(P) Section 364 of the National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–78)

(2) Payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654A–77; 20 U.S.C. 7703a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SEC. 539. SENSE OF CONGRESS ON THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

It is the sense of Congress to—

(1) express strong support and commendation for all the States that have successfully enacted the Interstate Compact on Educational Opportunity for Military Children;

(2) express its strong support and encourage all remaining States to enact the Interstate Compact on Educational Opportunity for Military Children;

(3) recognize the importance of the components of the Interstate Compact on Educational Opportunity for Military Children, including—

(A) the transfer of educational records to expedite the proper enrollment and placement of students;

(B) the ability of students to continue their enrollment at a grade level in the receiving State commensurate with their grade level from the sending State;

(C) priority for attendance to children of members of the Armed Forces assuming the school district accepts transfer students;

(D) the ability of students to continue their course placement, including but not limited to Honors, International Baccalaureate, Advanced Placement, vocational, technical, and career pathways courses;

(E) the recalculation of grades to consider the weights offered by a receiving school for the same performance in the same course when a student transfers from one grading system to another system (for example, number-based system to letter-based system);

(F) the waiver of specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or the provision of an alternative means of acquiring required coursework so that graduation may occur on time; and

(G) the recognition of an appointed guardian as a custodial parent while the child's parent or parents are deployed; and

(4) express strong support for States to develop a State Council to provide for the coordination among their agencies of government, local education agencies, and military installations concerning the participation of a State in the Interstate Compact on Educational Opportunity for Military Children.

Subtitle E—Missing or Deceased Persons

SEC. 541. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—Section 1509 of title 10, United States Code, is amended to read as follows:

"§ 1509. Program to resolve preenactment missing person cases

"(a) PROGRAM REQUIRED; COVERED CONFLICTS.—The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

"(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the armed forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 1501 note).

"(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.

"(3) The Korean War during the period beginning on June 27, 1950, and ending on January 31, 1955.

"(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.

"(5) The Persian Gulf War during the period beginning on August 2, 1990, and ending on February 28, 1991.

"(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

"(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

"(2) For purposes of paragraph (1), the term 'POW/MIA accounting community' means:

"(A) The Defense Prisoner of War/Missing Personnel Office (DPMO).

"(B) The Joint POW/MIA Accounting Command (JPAC).

"(C) The Armed Forces DNA Identification Laboratory (AFDIL).

"(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

"(E) The casualty and mortuary affairs offices of the military departments.

"(F) Any other element of the Department of Defense whose mission (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action, prisoners of war, or unaccounted for.

"(c) TREATMENT AS MISSING PERSONS.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

"(d) ESTABLISHMENT OF PERSONNEL FILES.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary— Records.

"(A) possesses any information relevant to the status of the person; or

"(B) receives any new information regarding the missing person as provided in subsection (e).

"(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

"(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

"(e) REVIEW OF STATUS REQUIREMENTS.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

"(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

"(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this title, relating to addition

of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

"(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (c).

"(3) For purposes of this subsection, new information is information that is credible and that—

"(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

"(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

"(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the commanders of the combatant commands.

"(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new item:

"1509. Program to resolve preenactment missing person cases.".

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking "section 1509(b) of this title who is required by section 1509(a)(1) of this title" and inserting "subsection (a) of section 1509 of this title who is required by subsection (b) of such section".

10 USC 1509 note.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, shall provide such funds, personnel, and resources as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and commanders of the combatant commands to account for missing persons so that, beginning with fiscal year 2015, the POW/MIA accounting community has sufficient

resources to ensure that at least 200 missing persons are accounted for under the program annually.

(3) DEFINITIONS.—In this subsection:

(A) The term "accounted for" has the meaning given such term in section 1513(3)(B) of title 10, United States Code.

(B) The term "POW/MIA accounting community" has the meaning given such term in section 1509(b)(2) of such title.

SEC. 542. POLICY AND PROCEDURES ON MEDIA ACCESS AND ATTENDANCE BY FAMILY MEMBERS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.

10 USC 1482 note.

(a) DEPARTMENT OF DEFENSE POLICY AND PROCEDURES ON MEDIA ACCESS AT CEREMONIES FOR DIGNIFIED TRANSFER OF REMAINS OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—

Deadline.

(1) POLICY REQUIRED.—Not later than April 1, 2010, the Secretary of Defense shall prescribe a policy guaranteeing media access at ceremonies for the dignified transfer of remains of members of the Armed Forces who die while located or serving overseas (in this section referred to as "military decedents") when approved by the primary next of kin of such military decedents.

(2) PROCEDURES.—The policy developed under paragraph (1) shall include procedures to be followed by the military departments in conducting appropriate ceremonies for the dignified transfer of remains of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(3) ELEMENTS.—The policy developed under paragraph (1) shall include, but not be limited to, the following:

(A) Provision for access by media representatives to transfers described in paragraph (1) if approved in advance by the primary next of kin of the military decedent or their designee.

(B) Procedures for designating with certainty who is authorized to make the decision to approve media access at transfer ceremonies described in that paragraph under reasonable, foreseeable circumstances.

(C) Conditions for coverage that media representatives must comply with during such transfer ceremonies, and procedures for ensuring agreement in advance by media representatives with the conditions for coverage prescribed by military authorities.

(D) Procedures for the waiver by the primary next of kin or other designees of Departmental polices relating to delays in release of casualty information to the media and general public, when such waiver is required.

(b) TRANSPORTATION TO TRANSFER CEREMONIES.—

(1) PROVISION OF TRANSPORTATION REQUIRED.—Section 411f of title 37, United States Code, is amended—

(A) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) TRANSPORTATION TO TRANSFER CEREMONIES OF MEMBERS OF THE ARMED FORCES WHO DIE OVERSEAS.—(1) The Secretary of the military department concerned may provide round trip transportation to ceremonies for the transfer of a member of the armed forces who dies while located or serving overseas to the following:

"(A) The primary next of kin of the member.

"(B) Two family members (other than primary next of kin) of the member.

"(C) One or more additional family members of the member, at the discretion of the Secretary.

"(2)(A) For purposes of this subsection, the primary next of kin of a member of the armed forces shall be the eligible relatives of the member specified in subparagraphs (A) through (D) of subsection (c)(1).

"(B) The Secretaries of the military departments shall prescribe in regulations the family members of a member of the armed forces who shall constitute family members for purposes of subparagraphs (B) and (C) of paragraph (1). The Secretary of Defense shall ensure that such regulations are uniform across the military departments.

"(3) Transportation shall be provided under this subsection by means of Invitational Travel Authorizations.

"(4) The Secretary of a military department may, upon the request of the primary next of kin covered by paragraph (1)(A) and at the discretion of the Secretary, provide for the accompaniment of such next of kin in travel under this subsection by a casualty assistance officer or family liaison officer of the military department who shall act as an escort in such accompaniment.".

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 411f. Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies".

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 411f and inserting the following new item:

"411f. Travel and transportation allowances: transportation for survivors of deceased member to attend member's burial ceremonies; transportation for survivors of member dying overseas to attend transfer ceremonies.".

37 USC 411f note.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 543. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a

report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased to include persons who are not family members of members of the Armed Forces.

SEC. 544. SENSE OF CONGRESS ON THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the members of the Armed Forces who fought on Tarawa Atoll;

(3) acknowledges the dedicated research and efforts by persons to identify, locate, and advocate for the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to review this research and, as appropriate, pursue new efforts to conduct field studies, new research, and undertake all feasible efforts to recover, identify, and return remains of members of the Armed Forces from Tarawa.

Subtitle F—Decorations and Awards

SEC. 551. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KAHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Kaho'ohanohano for the acts of valor during the Korean War described in subsection (b). President.

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Kaho'ohanohano of Company H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the Distinguished-Service Cross.

SEC. 552. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Captain

Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.

SEC. 553. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO WILLIAM T. MILES, JR., FOR ACTS OF VALOR DURING THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the Distinguished-Service Cross under section 3742 of such title to former Sergeant First Class William T. Miles, Jr., of the United States Army for the acts of valor during the Korean War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Sergeant First Class William T. Miles, Jr,. as a member of United States Special Forces from June 18, 1951, to July 6, 1951, during the Korean War, when he fought a delaying action against enemy forces in order to allow other members of his squad to escape an ambush.

Subtitle G—Military Family Readiness Matters

10 USC 1781 note.

SEC. 561. ESTABLISHMENT OF ONLINE RESOURCES TO PROVIDE INFORMATION ABOUT BENEFITS AND SERVICES AVAILABLE TO MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

(a) INTERNET OUTREACH WEBSITE.—

(1) ESTABLISHMENT.—The Secretary of Defense shall establish an Internet website or other online resources for the purpose of providing comprehensive information to members of the Armed Forces and their families about the benefits and services described in subsection (b) that are available to members of the Armed Forces and their families.

(2) CONTACT INFORMATION.—The online resources shall provide contact information, both telephone and e-mail, that a member of the Armed Forces or dependent of the member can use to get specific information about benefits and services that may be available for the member or dependent.

(b) COVERED BENEFITS AND SERVICES.—The information provided through the online resources established pursuant to subsection (a) shall include information regarding the following benefits and services that may be available to a member of the Armed Forces and dependents of the member:

(1) Financial compensation, including financial counseling.

(2) Health care and life insurance programs.

(3) Death benefits.

(4) Entitlements and survivor benefits for dependents, including offsets in the receipt of such benefits under the Survivor Benefit Plan and in connection with the receipt of dependency and indemnity compensation.

(5) Educational assistance benefits, including limitations on and the transferability of such assistance.

(6) Housing assistance benefits, including counseling.

(7) Relocation planning and preparation.

(8) Maintaining military records.

(9) Legal assistance.

(10) Quality of life programs.

(11) Family and community programs.

(12) Employment assistance upon separation or retirement of a member or for the spouse of the member.

(13) Reserve component service for members completing service in a regular component.

(14) Disability benefits, including offsets in connection with the receipt of such benefits.

(15) Benefits and services provided under laws administered by the Secretary of Veterans Affairs.

(16) Such other benefits and services as the Secretary of Defense considers appropriate.

(c) DISSEMINATION OF INFORMATION ON AVAILABILITY ON ONLINE RESOURCES.—The Secretaries of the military departments shall use public service announcements, publications, and such other announcements through the general media as the Secretaries consider appropriate to inform members of the Armed Forces and their families and the general public about the information available through the online resources established pursuant to subsection (a).

(d) IMPLEMENTATION REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the quality and scope of the online resources established pursuant to subsection (a) to provide information about benefits and services for members of the Armed Forces and their families.

SEC. 562. ADDITIONAL MEMBERS ON DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) RESERVE COMPONENT REPRESENTATION.—Paragraph (1) of section 1781a(b) of title 10, United States Code, is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) In addition to the representatives appointed under subparagraph (B)—

"(i) one representative from the Army National Guard or Air National Guard, who shall be appointed by the Secretary of Defense; and

"(ii) one representative from the Army Reserve, Navy Reserve, Marine Corps Reserve, or Air Force Reserve, who shall be appointed by the Secretary of Defense."; and

(3) in subparagraph (E), as redesignated by paragraph (1), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(b) TERM; ROTATION AMONG RESERVE COMPONENTS.—Paragraph (2) of such section is amended—

(1) by striking "paragraph (1)(C)" and inserting "subparagraphs (C) and (D) of paragraph (1)"; and

(2) by adding at the end the following new sentences: "Representation on the Council required by clause (i) of paragraph (1)(C) shall rotate between the Army National Guard and Air National Guard. Representation required by clause (ii) of such paragraph shall rotate among the reserve components specified in such clause.".

SEC. 563. SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) OFFICE OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.—

(1) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by inserting after section 1781b the following new section:

"§ 1781c. Office of Community Support for Military Families With Special Needs

"(a) ESTABLISHMENT.—There is in the Office of the Under Secretary of Defense for Personnel and Readiness the Office of Community Support for Military Families With Special Needs (in this section referred to as the 'Office').

"(b) PURPOSE.—The purpose of the Office is to enhance and improve Department of Defense support around the world for military families with special needs (whether medical or educational needs) through the development of appropriate policies, enhancement and dissemination of appropriate information throughout the Department of Defense, support for such families in obtaining referrals for services and in obtaining service, and oversight of the activities of the military departments in support of such families.

"(c) DIRECTOR.—(1) The head of the Office shall be the Director of the Office of Community Support for Military Families With Special Needs, who shall be appointed by the Secretary of Defense from among civilian employees of the Department of Defense who are members of the Senior Executive Service or members of the armed forces in a general or flag grade.

"(2) The Director shall be subject to the supervision, direction, and control of the Under Secretary of Defense for Personnel and Readiness in the discharge of the responsibilities of the Office, and shall report directly to the Under Secretary regarding the discharge of such responsibilities.

"(d) RESPONSIBILITIES.—The Office shall have the responsibilities as follows:

"(1) To develop and implement a comprehensive policy on support for military families with special needs as required by subsection (e).

"(2) To establish and oversee the programs required by subsection (f).

"(3) To identify gaps in services available through the Department of Defense for military families with special needs.

"(4) To develop plans to address gaps identified under paragraph (3) through appropriate mechanisms, such as enhancing resources and training and ensuring the provision of special assistance to military families with special needs and military parents of individuals with special needs

(including through the provision of training and seminars to members of the armed forces).

"(5) To monitor the programs of the military departments for the assignment of members of the armed forces who are members of military families with special needs, and the programs for the support of such military families, and to advise the Secretary of Defense on the adequacy of such programs in conjunction with the preparation of future-years defense programs and other budgeting and planning activities of the Department of Defense.

"(6) To monitor the availability and accessibility of programs provided by other Federal, State, local, and non-governmental agencies to military families with special needs.

"(7) To carry out such other matters with respect to the programs and activities of the Department of Defense regarding military families with special needs as the Under Secretary of Defense for Personnel and Readiness shall specify.

"(e) POLICY.—(1) The Office shall develop, and update from time to time, a uniform policy for the Department of Defense regarding military families with special needs. The policy shall apply with respect to members of the armed forces without regard to their location, whether within or outside the continental United States.

"(2) The policy developed under this subsection shall include elements regarding the following:

"(A) The assignment of members of the armed forces who are members of military families with special needs.

"(B) Support for military families with special needs.

"(3) In addressing the assignment of members of the armed forces under paragraph (2)(A), the policy developed under this subsection shall, in a manner consistent with the needs of the armed forces and responsive to the career development of members of the armed forces on active duty, provide for such members each of the following:

"(A) Assignment to locations where care and support for family members with special needs are available.

"(B) Stabilization of assignment for a minimum of 4 years.

"(4) In addressing support for military families under paragraph (2)(B), the policy developed under this subsection shall provide the following:

"(A) Procedures to identify members of the armed forces who are members of military families with special needs.

"(B) Mechanisms to ensure timely and accurate evaluations of members of such families who have special needs.

"(C) Procedures to facilitate the enrollment of such members of the armed forces and their families in programs of the military department for the support of military families with special needs.

"(D) Procedures to ensure the coordination of Department of Defense health care programs and support programs for military families with special needs, and the coordination of such programs with other Federal, State, local, and non-governmental health care programs and support programs intended to serve such families.

"(E) Requirements for resources (including staffing) to ensure the availability through the Department of Defense

of appropriate numbers of case managers to provide individualized support for military families with special needs.

"(F) Requirements regarding the development and continuous updating of an individualized services plan (medical and educational) for each military family with special needs.

"(G) Requirements for record keeping, reporting, and continuous monitoring of available resources and family needs under individualized services support plans for military families with special needs, including the establishment and maintenance of a central or various regional databases for such purposes.

"(f) PROGRAMS.—(1) The Office shall establish, maintain, and oversee a program to provide information and referral services on special needs matters to military families with special needs on a continuous basis regardless of the location of the member's assignment. The program shall provide for timely access by members of such military families to individual case managers and counselors on matters relating to special needs.

"(2) The Office shall establish, maintain, and oversee a program of outreach on special needs matters for military families with special needs. The program shall—

"(A) assist military families in identifying whether or not they have a member with special needs; and

"(B) provide military families with special needs with information on the services, support, and assistance available through the Department of Defense regarding such members with special needs, including information on enrollment in programs of the military departments for such services, support, and assistance.

"(3)(A) The Office shall provide support to the Secretary of each military department in the establishment and sustainment by such Secretary of a program for the support of military families with special needs under the jurisdiction of such Secretary. Each program shall be consistent with the policy developed by the Office under subsection (e).

"(B) Each program under this paragraph shall provide for appropriate numbers of case managers for the development and oversight of individualized services plans for educational and medical support for military families with special needs.

"(C) Services under a program under this paragraph may be provided by contract or other arrangements with non-Department of Defense entities qualified to provide such services.

"(g) RESOURCES.—The Secretary of Defense shall assign to the Office such resources, including personnel, as the Secretary considers necessary for the discharge of the responsibilities of the Office, including a sufficient number of members of the armed forces to ensure appropriate representation by the military departments in the personnel of the Office.

"(h) REPORTS.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the activities of the Office.

"(2) Each report under this subsection shall include the following:

"(A) A description of any gaps in services available through the Department of Defense for military families with special needs that were identified under subsection (d)(3).

"(B) A description of the actions being taken, or planned, to address such gaps, including any plans developed under subsection (d)(4).

"(C) Such recommendations for legislative action as the Secretary considers appropriate to provide for the continuous improvement of support and services for military families with special needs.

"(i) MILITARY FAMILY WITH SPECIAL NEEDS.—For purposes of this section, a military family with special needs is any military family with one or more members who has a medical or educational special need (as defined by the Secretary in regulations for purposes of this section), including a condition covered by the Extended Health Care Option Program under section 1079f of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 88 of such title is amended by inserting after the item relating to section 1781b the following new item:

"1781c. Office of Community Support for Military Families With Special Needs.".

(3) REPEAL OF SUPERSEDED AUTHORITY.—Section 587 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 133; 10 U.S.C. 1781 note) is repealed.

(b) FOUNDATION FOR SUPPORT OF MILITARY FAMILIES WITH SPECIAL NEEDS.— 10 USC 1781c note.

(1) ESTABLISHMENT AUTHORIZED.—The Secretary of Defense may establish a foundation for the provision of assistance to the Department of Defense in providing support to military families with special needs.

(2) PURPOSES.—The purposes of the foundation shall be to assist the Department of Defense as follows:

(A) In conducting outreach to identify military families with special needs.

(B) In developing programs to support and provide services to military families with special needs.

(C) In developing educational curricula for the training of professional and paraprofessional personnel providing support and services on special needs to military families with special needs.

(D) In conducting research on the following:

(i) The unique factors associated with a military career (including deployments of members of the Armed Forces) and their effects on families and individuals with special needs.

(ii) Evidence-based therapeutic and medical services for members of military families with special needs, including research in conjunction with non-Department of Defense entities such as the National Institutes of Health.

(E) In providing vocational education and training for adolescent and adult members of military families with special needs.

(F) In carrying out other initiatives to contribute to improved support for military families with special needs.

(3) DEPARTMENT OF DEFENSE FUNDING.—The Secretary may provide the foundation such financial support as the Secretary considers appropriate, including the provision to the foundation of appropriated funds and non-appropriated funds available to the Department of Defense.

(4) ANNUAL REPORT.—The foundation shall submit to the Secretary, and to the congressional defense committees, each year a report on its activities under this subsection during the preceding year. Each report shall include, for the year covered by such report, the following:

(A) A description of the programs and activities of the foundation.

(B) The budget of the foundation, including the sources of any funds provided to the foundation.

(5) MILITARY FAMILY WITH SPECIAL NEEDS DEFINED.—In this subsection, the term "military family with special needs" has the meaning given such term in section 1781c(i) of title 10, United States Code (as added by subsection (a)).

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts authorized to be appropriated for the Department of Defense for fiscal year 2010 for support of military families with special needs, there is hereby authorized to be appropriated to the Department of Defense for fiscal year 2010 for military personnel, $50,000,000 for purposes of carrying out this section and the amendments made by this section. Of such amount, not less than $40,000,000 shall be allocated to the military departments for the execution of programs and activities in carrying out this section and the amendments made by this section in fiscal year 2010.

10 USC 1784 note.

SEC. 564. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) COST-REIMBURSEMENT AGREEMENTS WITH FEDERAL AGENCIES.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for authorized costs associated with the first year of employment of an eligible military spouse who is selected to participate in the internship program of the department or agency.

(b) ELIGIBLE MILITARY SPOUSES.—

(1) ELIGIBILITY.—Except as provided in paragraph (2), any person who is married to a member of the Armed Forces on active duty is eligible for selection to participate in an internship program under a reimbursement agreement entered into under subsection (a).

(2) EXCLUSIONS.—Reimbursement may not be provided with respect to the following persons:

(A) A person who is legally separated from a member of the Armed Forces under court order or statute of any State, the District of Columbia, or possession of the United States when the person begins the internship.

(B) A person who is also a member of the Armed Forces on active duty.

(C) A person who is a retired member of the Armed Forces.

(c) FUNDING SOURCE.—Amounts authorized to be appropriated for operation and maintenance, for Defense-wide activities, shall be available to carry out this section.

(d) DEFINITIONS.—In this section:

(1) The term "authorized costs" includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term "internship" means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the internship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 565. FAMILY AND MEDICAL LEAVE FOR FAMILY OF SERVICEMEMBERS.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITION OF COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(i) by striking paragraph (14) and inserting the following:

"(14) COVERED ACTIVE DUTY.—The term 'covered active duty' means—

"(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

"(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code."; and

(ii) by striking paragraph (15) and redesignating paragraphs (16) through (19) as paragraphs (15) through (18), respectively.

(B) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(i) in subsection (a)(1)(E)—

(I) by striking "active duty" each place it appears and inserting "covered active duty"; and

(II) by striking "in support of a contingency operation"; and

(ii) in subsection (e)(3)—

(I) in the paragraph heading, by striking "ACTIVE DUTY" and inserting "COVERED ACTIVE DUTY";

(II) by striking "active duty" each place it appears and inserting "covered active duty"; and

(III) by striking "in support of a contingency operation".

(C) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking "ACTIVE DUTY" each place it appears and inserting "COVERED ACTIVE DUTY".

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (15) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) (as redesignated by paragraph (1)(A)(ii)) is amended to read as follows:

"(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means—

"(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

"(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.".

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is further amended by striking paragraph (18) (as redesignated by paragraph (1)(A)(ii)) and inserting the following:

"(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness'—

"(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

"(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (15)(B), means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed

Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

"(19) VETERAN.—The term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.".

(4) TECHNICAL AMENDMENT.—Section 102(e)(2)(A) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(e)(2)(A)) is amended by striking "or parent" and inserting "parent, or covered servicemember".

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Secretary of Labor shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable. 29 USC 2611 note.

(b) LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) EXIGENCY LEAVE FOR SERVICEMEMBERS ON COVERED ACTIVE DUTY.—

(A) DEFINITION.—Section 6381(7) of title 5, United States Code, is amended to read as follows:

"(7) the term 'covered active duty' means—

"(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

"(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;".

(B) LEAVE.—Section 6382 of title 5, United States Code, is amended—

(i) in subsection (a)(1), by adding at the end the following:

"(E) Because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.";

(ii) in subsection (b)(1), by inserting after the second sentence the following: "Subject to subsection (e)(3) and section 6383(f), leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.";

(iii) in subsection (d), by striking "or (D)" and inserting "(D), or (E)"; and

(iv) in subsection (e), by adding at the end the following:

"(3) In any case in which the necessity for leave under subsection (a)(1)(E) is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.".

(C) CERTIFICATION.—Section 6383(f) of title 5, United States Code, is amended by striking "section 6382(a)(3)" and inserting "paragraph (1)(E) or (3) of section 6382(a)".

(2) DEFINITION OF COVERED SERVICEMEMBER.—Paragraph (8) of section 6381 of title 5, United States Code, is amended to read as follows:

"(8) the term 'covered servicemember' means—

"(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

"(B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy;".

(3) DEFINITIONS OF SERIOUS INJURY OR ILLNESS; VETERAN.—Section 6381 of title 5, United States Code, is further amended—

(A) in paragraph (10), by striking "and" at the end; and

(B) by striking paragraph (11) and inserting the following:

"(11) the term 'serious injury or illness'—

"(A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

"(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period described in paragraph (8)(B), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran; and

"(12) the term 'veteran' has the meaning given the term in section 101 of title 38, United States Code.".

(4) TECHNICAL AMENDMENT.—Section 6382(e)(2)(A) of title 5, United States Code, is amended by striking "or parent" and inserting "parent, or covered servicemember".

5 USC 6381 note.

(5) REGULATIONS.—In prescribing regulations to carry out the amendments made by this subsection, the Office of Personnel Management shall consult with the Secretary of Defense and the Secretary of Veterans Affairs, as applicable.

SEC. 566. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN THE ARMED FORCES BY DEFENSE TASK FORCE ON SEXUAL ASSAULT IN THE MILITARY SERVICES.

Section 576(e)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1924; 10 U.S.C. 4331 note) is amended by striking "one year after the initiation of its examination under subsection (b)" and inserting "December 1, 2009".

SEC. 567. IMPROVED PREVENTION AND RESPONSE TO ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) PREVENTION AND RESPONSE PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a revised plan for the implementation of policies aimed at preventing and responding effectively to sexual assaults involving members of the Armed Forces. The revised implementation plan shall include, at a minimum, the following elements: Deadline.

(1) New initiatives aimed at reducing the number of sexual assaults, including timelines for implementation of such initiatives.

(2) Requirements for monitoring and reporting on progress in implementation of such initiatives and methods to measure the effectiveness of plans that implement the policies of the Department of Defense regarding sexual assaults involving members of the Armed Forces.

(3) Training programs for judge advocates, criminal investigators, commanders, prospective commanding officers, senior enlisted members, and personnel with less than six months of active-duty service.

(4) Information about the status of implementation, funding requirements and budgetary implications, and overall utility of data reporting systems on incidents of sexual assault involving members of the Armed Forces.

(5) Actions taken to implement recommendations of the Defense Task Force on Sexual Assault in the Military Services established pursuant to section 576 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 4331 note).

(6) Information about the funding needed to fully implement initiatives aimed at preventing and responding to sexual assault involving members of the Armed Forces.

(b) SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS.—

(1) CAPABILITY TO CONDUCT TIMELY SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the protocols and capabilities of the Armed Forces to conduct timely and effective sexual assault medical forensic examinations in combat zones. The report shall include, at a minimum, the following: Deadline. Reports.

(A) The current availability of sexual assault medical forensic examination protocols, trained personnel, and requisite equipment in combat zones.

(B) An assessment of the barriers to providing timely sexual assault medical forensic examinations to victims of sexual assault at all echelons of care in combat zones.

(C) Recommendations regarding improved capability to conduct timely and effective sexual assault medical forensic examinations in combat zones.

Deadline. Reports.

(2) TRICARE COVERAGE FOR FORENSIC MEDICAL EXAMINATIONS FOLLOWING SEXUAL ASSAULTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2279).

10 USC 113 note.

(c) MILITARY PROTECTIVE ORDERS.—

(1) REQUIREMENT FOR DATA COLLECTION.—

(A) IN GENERAL.—Pursuant to regulations prescribed by the Secretary of Defense, information shall be collected on—

(i) whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault; and

(ii) whether military protective orders involving members of the Armed Forces were violated in the course of substantiated incidents of sexual assaults against members of the Armed Forces.

(B) SUBMISSION OF DATA.—The data required to be collected under this subsection shall be included in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

Deadline. Reports.

(2) INFORMATION TO MEMBERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report explaining the measures being taken to ensure that, when a military protective order has been issued, the member of the Armed Forces who is protected by the order is informed, in a timely manner, of the member's option to request transfer from the command to which the member is assigned.

(d) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a review of the capability of each of the Armed Forces to timely and effectively investigate and adjudicate allegations of sexual assault against members of the Armed Forces. The Comptroller General shall determine whether existing policies and implementation plans of the Department of Defense, and the resources devoted for this purpose, are adequate or negatively affect the ability of each of the Armed Forces to facilitate the prevention, investigation, and adjudication of such allegations under the Uniform Code of Military Justice.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall refer to and incorporate the recommendations of the Defense Task Force on Sexual Assault in the Military

Services regarding investigation and adjudication of sexual assault, and include a review of the following:

(A) The procedures required by each of the Armed Forces for responding to allegations of sexual assault (including guidance to commanding officers, standard operating and reporting procedures, and related matters), and the personnel (including judge advocates) and budgetary resources available to each of the Armed Forces to respond to allegations of sexual assault.

(B) The scope and effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(C) The capability to investigate and adjudicate sexual assault cases in combat zones.

(D) An assessment whether the existing policies of the Department of Defense aimed at preventing and responding to incidents of sexual assault are adequate.

SEC. 568. COMPTROLLER GENERAL REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) ASSESSMENT.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled "Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed" (GAO–06–540). Review.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).

SEC. 569. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

SEC. 570. REPORT ON INTERNATIONAL INTRAFAMILIAL ABDUCTION OF CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total number of children abducted from and returned to members of the Armed Forces in international intrafamilial abductions during the years 2007 through 2009, as such number was included in the numbers and elements of the annual Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction with respect to such years.

(b) ELEMENTS.—The report shall include an assessment of the following:

(1) The current availability of, and the additional need for, assistance (including general information, psychological counseling, financial assistance, leave for travel, and legal services) provided by the military departments to left-behind members of the Armed Forces involved in international intrafamilial child abductions for the purpose of obtaining the return of their abducted children and ensuring the military readiness of such members of the Armed Forces.

(2) The measures taken by the Department of Defense and the military departments, including any written policy guidelines, to prevent the abduction of children of members of the Armed Forces.

(3) The means by which members of the Armed Forces are educated on the risks of international intrafamilial child abduction, particularly when they first arrive at a military installation overseas or when the Armed Forces receive notice that a member is considering marriage or divorce overseas.

SEC. 571. ASSESSMENT OF IMPACT OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES ON THEIR DEPENDENT CHILDREN.

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall undertake a comprehensive assessment of the impacts of military deployment on the dependent children of deployed members of the Armed Forces.

(2) CONSIDERATION OF SEPARATE CATEGORIES OF CHILDREN.—In conducting the assessment under paragraph (1), the Secretary shall separately address each of the following categories of dependent children of deployed members:

(A) Preschool-age children.

(B) Elementary-school age children.

(C) Teenage or adolescent children.

(3) CONSIDERATION OF SEPARATE CATEGORIES OF MEMBERS.—In conducting the assessment under paragraph (1), the Secretary shall separately address children of deployed members in the following circumstances:

(A) Two-parent families with only one parent in the Armed Forces.

(B) Members who are single parents.

(C) Parents who are both members and subject to dual deployments.

(b) ELEMENTS.—The assessment undertaken under subsection (a) shall specifically address the following:

(1) The impact that separation due to the deployment of a military parent or parents has on children.

(2) The impact that multiple deployments of a military parent or parents have on children.

(3) The impact that the return from deployment of a severely wounded or injured military parent or parents has on children.

(4) The impact that the death of a military parent or parents in connection with a deployment has on children.

(5) The impact that deployment of a military parent or parents has on children with preexisting psychological conditions, such as anxiety and depression.

(6) The impact that deployment of a military parent or parents has on risk factors, such as child abuse, child neglect, family violence, substance abuse by children, or parental substance abuse.

(7) Such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the assessment undertaken under subsection (a), including the findings and recommendations of the Secretary as a result of the assessment.

SEC. 572. REPORT ON CHILD CUSTODY LITIGATION INVOLVING SERVICE OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on all known reported cases since September 2003 involving child custody disputes in which the service of a member of the Armed Forces, whether a member of a regular component of the Armed Forces or a member of a reserve component of the Armed Forces, was an issue in the custody dispute.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A statement of the total number of cases, by Armed Force, in which members of the Armed Forces have lost custody of a child as a result of deployment, or the prospect of deployment, under military orders.

(2) A summary of applicable Federal law pertaining to child custody disputes involving members of the Armed Forces.

(3) An analysis of the litigation history of all available reported cases involving child custody disputes in which the deployment of a member of the Armed Forces was an issue in the dispute, and a discussion of the rationale presented by deciding judges and courts of the reasons for their rulings.

(4) An assessment of the nature and extent of the problem, if any, for members of the Armed Forces who are custodial parents in being able to deploy and perform their operational mission while continuing to fulfill their role as parents with sole or joint custody of minor children.

(5) A discussion of measures being taken by the States, or which are under consideration by State legislatures, to address matters relating to child custody disputes in which one of the parties is a member of the Armed Forces, and an assessment of whether State legislatures and State courts are cognizant of issues involving members of the Armed Forces with minor children.

(6) A discussion of Family Care Plan policies aimed at ensuring that appropriate measures are taken by members of the Armed Forces to avoid litigation in child custody disputes.

(7) Such recommendations as the Secretary considers appropriate regarding how best to assist members of the Armed Forces who are single, custodial parents with respect to child custody disputes in connection with the performance of military duties, including the need for legislative or administrative action to provide such assistance.

(8) Such other recommendations for legislative or administrative action as the Secretary considers appropriate.

SEC. 573. COMPTROLLER GENERAL REPORT ON CHILD CARE ASSISTANCE FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on financial assistance for child care provided by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The types of financial assistance for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

(2) The extent to which such members have taken advantage of such assistance since such assistance was first made available.

(3) The formulas used for calculating the amount of such assistance provided to such members.

(4) The funding allocated to such assistance.

(5) The remaining costs of child care to families of such members that are not covered by the Department of Defense.

(6) Any barriers to access to such assistance faced by such members and the families of such members.

(7) The different criteria used by different States with respect to the regulation of child care services and the potential impact differences in such criteria may have on the access of such members to such assistance.

(8) The different standards and criteria used by different programs of the Department of Defense for providing such assistance with respect to child care providers and the potential impact differences in such standards and criteria may have on the access of such members to such assistance.

(9) The number of qualified families that do not receive any financial assistance for child care made available by the Department of Defense.

(10) Any other matters the Comptroller General determines relevant to the improvement of financial assistance to expand access for child care made available by the Department of Defense to members of the Armed Forces (including members of the reserve components of the Armed Forces who are deployed in connection with a contingency operation).

Subtitle H—Military Voting

Military and Overseas Voter Empowerment Act.
42 USC 1971 note.

SEC. 575. SHORT TITLE.

This subtitle may be cited as the "Military and Overseas Voter Empowerment Act".

SEC. 576. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES TO LOCAL JURISDICTIONS.

42 USC 1973ff–1 note.

Nothing in the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) may be construed to prohibit a State from delegating its responsibilities in carrying out the requirements of such Act, including any requirements imposed as a result of the provisions of and amendments made by this Act, to jurisdictions in the State.

SEC. 577. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

"(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

"(B) for States to send by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

"(C) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such voter registration application or absentee ballot application be transmitted by mail or electronically."; and

(2) by adding at the end the following new subsection:

"(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

"(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

"(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

"(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

"(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

"(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

"(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

Public information.

"(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

"(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(6) SECURITY AND PRIVACY PROTECTIONS.—

"(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

"(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.".

42 USC 1973ff–1 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 578. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 577, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).."; and

(2) by adding at the end the following new subsection:

"(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

"(1) IN GENERAL.—Each State shall establish procedures—

"(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

"(B) by which the absent uniformed services voter or overseas voter can designate whether the voter prefers that such blank absentee ballot be transmitted by mail or electronically.

"(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

"(3) SECURITY AND PRIVACY PROTECTIONS.—

"(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

"(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office. 42 USC 1973ff–1 note.

SEC. 579. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)(1)), as amended by sections 577 and 578, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

"(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

Deadlines.

"(A) except as provided in subsection (g), in the case in which the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

"(B) in the case in which the request is received less than 45 days before an election for Federal office—

"(i) in accordance with State law; and

"(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.";

(2) by adding at the end the following new subsection:

"(g) HARDSHIP EXEMPTION.—

Waiver authority.

"(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

"(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

"(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

"(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

"(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

"(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

"(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

"(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

"(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

"(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

"(B) One or more of the following issues creates an undue hardship for the State:

"(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

"(ii) The State has suffered a delay in generating ballots due to a legal contest.

"(iii) The State Constitution prohibits the State from complying with such subsection.

"(3) TIMING OF WAIVER.— Deadlines.

"(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

"(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

"(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.".

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1(a)), as amended by subsection (a) and sections 577 and 578, is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.".

42 USC 1973ff–1 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 580. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

42 USC 1973ff–2a.

"SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

"(a) ESTABLISHMENT OF PROCEDURES.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

"(b) DELIVERY TO APPROPRIATE ELECTION OFFICIALS.—

"(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

"(2) COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

"(3) DEADLINE DESCRIBED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

"(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

"(4) NO POSTAGE REQUIREMENT.—In accordance with section 3406 of title 39, United States Code, such marked absentee

ballots and other balloting materials shall be carried free of postage.

"(5) DATE OF MAILING.—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

"(c) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

"(d) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.".

(b) CONFORMING AMENDMENT.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.".

(c) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 577, 578, and 579, is amended—

(1) in paragraph (8), by striking "and" at the end;

(2) in paragraph (9), by striking the period at the end and inserting "; and"; and

(3) by adding the following new paragraph:

"(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.".

(d) TRACKING MARKED BALLOTS.—Section 102 of such Act (42 U.S.C. 1973ff–1(a)) is amended by adding at the end the following new subsection:

"(h) TRACKING MARKED BALLOTS.—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.".

(e) PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking "and" at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(9) to the greatest extent practicable, take such actions as may be necessary—

"(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

"(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.".

42 USC 1973ff note.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 581. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.—

(1) IN GENERAL.—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(A) in subsection (a), by striking "general elections for Federal office" and inserting "general, special, primary, and runoff elections for Federal office";

(B) in subsection (e), in the matter preceding paragraph (1), by striking "a general election" and inserting "a general, special, primary, or runoff election for Federal office"; and

(C) in subsection (f), by striking "the general election" each place it appears and inserting "the general, special, primary, or runoff election for Federal office".

42 USC 1973ff note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) PROMOTION AND EXPANSION OF USE.—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–2) is amended—

(1) by striking "GENERAL.—The Presidential" and inserting "GENERAL.—

"(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—The Presidential"; and

(2) by adding at the end the following new paragraph:

"(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

Deadline. Procedures.

"(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

"(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

"(i) enter the address of the voter or other information relevant in the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

"(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.".

SEC. 582. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

"(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

"(1) Notarization requirements.

"(2) Restrictions on paper type, including weight and size.

"(3) Restrictions on envelope type, including weight and size.".

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff–2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

"(1) Notarization requirements.

"(2) Restrictions on paper type, including weight and size.

"(3) Restrictions on envelope type, including weight and size.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office. 42 USC 1973ff–1 note.

SEC. 583. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 580(a), is amended by inserting after section 103A the following new section:

42 USC 1973ff–2b.

"SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

"(a) DUTIES.—The Presidential designee shall carry out the following duties:

"(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

"(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

"(b) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.".

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 580, is amended—

(A) in subparagraph (b)—

(i) by striking "and" at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements."; and

(B) by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).".

42 USC 1973ff note.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

(1) IN GENERAL.—Chapter 80 of title 10, United States Code, is amended by inserting after section 1566 the following new section:

"§ 1566a. Voting assistance: voter assistance offices

Deadline.

"(a) DESIGNATION OF OFFICES ON MILITARY INSTALLATIONS AS VOTER ASSISTANCE OFFICES.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010 and under regulations prescribed by the Secretary of Defense under subsection (f), the Secretaries of the military

departments shall designate offices on installations under their jurisdiction to provide absent uniformed services voters, particularly those individuals described in subsection (b), and their family members with the following:

"(1) Information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff).

"(2) Information and assistance, if requested, including access to the Internet where practicable, to register to vote in an election for Federal office.

"(3) Information and assistance, if requested, including access to the Internet where practicable, to update the individual's voter registration information, including instructions for absent uniformed services voters to change their address by submitting the official post card form prescribed under section 101 of the Uniformed and Overseas Citizens Absentee Voting Act to the appropriate State election official.

"(4) Information and assistance, if requested, to request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

"(b) COVERED INDIVIDUALS.—The individuals described in this subsection are absent uniformed services voters who—

"(1) are undergoing a permanent change of duty station;

"(2) are deploying overseas for at least six months;

"(3) are returning from an overseas deployment of at least six months; or

"(4) otherwise request assistance related to voter registration.

"(c) TIMING OF PROVISION OF ASSISTANCE.—The regulations prescribed by the Secretary of Defense under subsection (f) shall ensure, to the maximum extent practicable and consistent with military necessity, that the assistance provided under subsection (a) is provided to a covered individual described in subsection (b)—

"(1) if described in subsection (b)(1), as part of the administrative in-processing of the covered individual upon arrival at the new duty station of the covered individual;

"(2) if described in subsection (b)(2), as part of the administrative out-processing of the covered individual in preparation for deployment from the home duty station of the covered individual;

"(3) if described in subsection (b)(3), as part of the administrative in-processing of the covered individual upon return to the home duty station of the covered individual; or

"(4) if described in subsection (b)(4), at the time the covered individual requests such assistance.

"(d) OUTREACH.—The Secretary of each military department, or the Presidential designee, shall take appropriate actions to inform absent uniformed services voters of the assistance available under subsection (a), including—

"(1) the availability of information and voter registration assistance at offices designated under subsection (a); and

"(2) the time, location, and manner in which an absent uniformed services voter may utilize such assistance.

"(e) AUTHORITY TO DESIGNATE VOTING ASSISTANCE OFFICES AS VOTER REGISTRATION AGENCY ON MILITARY INSTALLATIONS.—The Secretary of Defense may authorize the Secretaries of the

military departments to designate offices on military installations as voter registration agencies under section 7(a)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–5(a)(2)) for all purposes of such Act. Any office so designated shall discharge the requirements of this section, under the regulations prescribed by the Secretary of Defense under subsection (f).

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations relating to the administration of the requirements of this section. The regulations shall be prescribed before the regularly scheduled general election for Federal office held in November 2010, and shall be implemented for such general election for Federal office and for each succeeding election for Federal office.

"(g) DEFINITIONS.—In this section:

"(1) The term 'absent uniformed services voter' has the meaning given that term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)).

"(2) The term 'Federal office' has the meaning given that term in section 107(3) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(3)).

"(3) The term 'Presidential designee' means the official designated by the President under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(a)).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 80 of such title is amended by inserting after the item relating to section 1566 the following new item:

"1566a. Voting assistance: voter assistance offices.".

SEC. 584. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by sections 580 and 583, is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

"(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

"(B) for the Presidential designee to store the data reported.".

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)), as amended by sections 577, 578, 579, and 580, is amended—

(1) in paragraph (9), by striking "and" at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data

as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office. 42 USC 1973ff note.

SEC. 585. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended— 42 USC 1973ff.

(1) in section 101(b)—

(A) in paragraph (2), by striking ", for use by States in accordance with section 104"; and

(B) in paragraph (4), by striking "for use by States in accordance with section 104"; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking "**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**" and inserting "**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**"; and

(B) in subsection (e), by striking "(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—".

SEC. 586. REPORTING REQUIREMENTS.

The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 105 the following new section:

"SEC. 105A. REPORTING REQUIREMENTS. 42 USC 1973ff–4a.

"(a) REPORT ON STATUS OF IMPLEMENTATION AND ASSESSMENT OF PROGRAMS.—Not later than 180 days after the date of the enactment of the Military and Overseas Voter Empowerment Act, the Presidential designee shall submit to the relevant committees of Congress a report containing the following information:

"(1) The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A, and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

"(2) An assessment of the effectiveness of the Voting Assistance Officer Program of the Department of Defense, which shall include the following:

"(A) A thorough and complete assessment of whether the Program, as configured and implemented as of such date of enactment, is effectively assisting absent uniformed services voters in exercising their right to vote.

"(B) An inventory and explanation of any areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote.

"(C) As necessary, a detailed plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.

"(3) A detailed description of the specific steps taken towards the implementation of voter registration assistance for absent uniformed services voters under section 1566a of title 10, United States Code.

"(b) ANNUAL REPORT ON EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not later than March 31 of each year, the Presidential designee shall transmit to the President and to the relevant committees of Congress a report containing the following information:

"(1) An assessment of the effectiveness of activities carried out under section 103B, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed services voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between States and the Federal Government in carrying out such section.

"(2) A description of the utilization of voter registration assistance under section 1566a of title 10, United States Code, which shall include the following:

"(A) A description of the specific programs implemented by each military department of the Armed Forces pursuant to such section.

"(B) The number of absent uniformed services voters who utilized voter registration assistance provided under such section.

"(3) In the case of a report submitted under this subsection in the year following a year in which a regularly scheduled general election for Federal office is held, a description of the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to section 103A, which shall include the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

"(c) DEFINITIONS.—In this section:

"(1) ABSENT OVERSEAS UNIFORMED SERVICES VOTER.—The term 'absent overseas uniformed services voter' has the meaning given such term in section 103A(d).

"(2) PRESIDENTIAL DESIGNEE.—The term 'Presidential designee' means the Presidential designee under section 101(a).

"(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—The term 'relevant committees of Congress' means—

"(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

"(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.".

SEC. 587. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f–4) is amended— 42 USC 1973ff–4.

(1) by striking "The Attorney" and inserting "(a) IN GENERAL.—The Attorney"; and

(2) by adding at the end the following new subsection:

"(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.".

SEC. 588. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(a)(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.".

(b) CONDITIONS FOR RECEIPT OF FUNDS.—

(1) INCLUSION OF COMPLIANCE IN STATE PLAN.—

(A) IN GENERAL.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

"(14) How the State will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.".

(B) CONFORMING AMENDMENT.—Section 253(b)(1)(A) of such Act (42 U.S.C. 15403(b)(1)(A)) is amended by striking "section 254" and inserting "section 254(a) (or, for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4), contains the element described in paragraph (14) of such section)".

(2) WAIVER OF PLAN FOR APPLICATION OF ADMINISTRATIVE COMPLAINT PROCEDURES.—Section 253(b)(2) of such Act (42 U.S.C. 15403(b)(2)) is amended—

(A) by striking "(2) The State" and inserting "(2)(A) Subject to subparagraph (B), the State"; and

(B) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4).".

(3) SPECIAL RULE FOR PROVISION OF 5 PERCENT MATCH.—Section 253(b)(5) of such Act (42 U.S.C. 15403(b)(5)) is amended—

(A) by striking "(5) The State" and inserting "(5)(A) Subject to subparagraph (B), the State"; and

(B) by adding at the end the following new subparagraph:

"(B) Subparagraph (A) shall not apply for purposes of determining the eligibility of a State to receive a requirements payment appropriated pursuant to the authorization provided under section 257(a)(4) for fiscal year 2010, except that if the State does not appropriate funds in accordance with subparagraph (A) prior to the last day of fiscal year 2011, the State shall repay to the Commission the requirements payment which is appropriated pursuant to such authorization.".

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

"(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).".

42 USC 1973ff–7.

SEC. 589. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ABSENT UNIFORMED SERVICES VOTER.—The term "absent uniformed services voter" has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) OVERSEAS VOTER.—The term "overseas voter" has the meaning given such term in section 107(5) of such Act.

(3) PRESIDENTIAL DESIGNEE.—The term "Presidential designee" means the individual designated under section 101(a) of such Act.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) DESIGN AND CONDUCT.—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) CONSIDERATIONS.—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) REPORTS.—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Election Assistance Commission and the National Institute of Standards and Technology shall provide the Presidential designee with best practices or standards in accordance with electronic absentee voting guidelines established under the first sentence of section 1604(a)(2) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff note), as amended by section 567 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919) to support the pilot program or programs.

(2) REPORT.—In the case in which the Election Assistance Commission has not established electronic absentee voting guidelines under such section 1604(a)(2), as so amended, by not later than 180 days after enactment of this Act, the Election Assistance Commission shall submit to the relevant committees of Congress a report containing the following information:

(A) The reasons such guidelines have not been established as of such date.

(B) A detailed timeline for the establishment of such guidelines.

(C) A detailed explanation of the Commission's actions in establishing such guidelines since the date of enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1919).

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "relevant committees of Congress" means—

(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle I—Other Matters

SEC. 591. CLARIFICATION OF PERFORMANCE POLICIES FOR MILITARY MUSICAL UNITS AND MUSICIANS.

(a) CLARIFICATION.—Section 974 of title 10, United States Code, is amended to read as follows:

"§ 974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians

"(a) MILITARY MUSICIANS PERFORMING IN AN OFFICIAL CAPACITY.—(1) A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not engage in the performance of music in competition with local civilian musicians.

"(2) For purposes of paragraph (1), the following shall, except as provided in paragraph (3), be included among the performances that are considered to be a performance of music in competition with local civilian musicians:

"(A) A performance that is more than incidental to an event that—

"(i) is not supported, in whole or in part, by United States Government funds; and

"(ii) is not free to the public.

"(B) A performance of background, dinner, dance, or other social music at an event that—

"(i) is not supported, in whole or in part, by United States Government funds; and

"(ii) is held at a location not on a military installation.

"(3) For purposes of paragraph (1), the following shall not be considered to be a performance of music in competition with local civilian musicians:

"(A) A performance (including background, dinner, dance, or other social music) at an official United States Government event that is supported, in whole or in part, by United States Government funds.

"(B) A performance at a concert, parade, or other event, that—

"(i) is a patriotic event or a celebration of a national holiday; and

"(ii) is free to the public.

"(C) A performance that is incidental to an event that—

"(i) is not supported, in whole or in part, by United States Government funds; or

"(ii) is not free to the public.

"(D) A performance (including background, dinner, dance, or other social music) at—

"(i) an event that is sponsored by a military welfare society, as defined in section 2566 of this title;

"(ii) an event that is a traditional military event intended to foster the morale and welfare of members of the armed forces and their families; or

"(iii) an event that is specifically for the benefit or recognition of members of the armed forces, their family members, veterans, civilian employees of the Department of Defense, or former civilian employees of the Department of Defense, to the extent provided in regulations prescribed by the Secretary of Defense.

"(E) A performance (including background, dinner, dance, or other social music)—

"(i) to uphold the standing and prestige of the United States with dignitaries and distinguished or prominent persons or groups of the United States or another nation; or

"(ii) in support of fostering and sustaining a cooperative relationship with another nation.

"(b) PROHIBITION OF MILITARY MUSICIANS ACCEPTING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORMANCES.—A military musical unit, and a member of the armed forces who is a member of such a unit performing in an official capacity, may not receive remuneration for an official performance, other than applicable military pay and allowances.

"(c) RECORDINGS.—(1) When authorized under regulations prescribed by the Secretary of Defense for purposes of this section, a military musical unit may produce recordings for distribution to the public, at a cost not to exceed expenses of production and distribution.

"(2) Amounts received in payment for a recording distributed to the public under this subsection shall be credited to the appropriation or account providing the funds for the production of the recording. Any amount so credited shall be merged with amounts in the appropriation or account to which credited, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

"(d) PERFORMANCES AT FOREIGN LOCATIONS.—Subsection (a) does not apply to a performance outside the United States, its commonwealths, or its possessions.

"(e) MILITARY MUSICAL UNIT DEFINED.—In this section, the term 'military musical unit' means a band, ensemble, chorus, or similar musical unit of the armed forces.".

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

"974. Military musical units and musicians: performance policies; restriction on performance in competition with local civilian musicians.".

SEC. 592. NAVY GRANTS FOR PURPOSES OF NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:

"§ 7541b. Authority to make grants for purposes of Naval Sea Cadet Corps

"Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 647 of such title is amended by inserting after the item relating to section 7541a the following new item:

"7541b. Authority to make grants for purposes of Naval Sea Cadet Corps.".

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) AUTHORITY TO INCREASE DOD SHARE OF PROGRAM.—Section 509(d)(1) of title 32, United States Code, is amended by striking "60 percent of the costs" and inserting "75 percent of the costs".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date. 32 USC 509 note.

SEC. 594. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

"(C) An active commissioned officer from each of the Army, Navy, Air Force, and Marine Corps, an active commissioned officer from the National Guard, and an active commissioned officer from the Reserves, each of whom serves or has served in a leadership position with either a military department command or combatant command.

"(D) A retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps, a retired general or flag officer from the National Guard, and a retired general or flag officer from the Reserves.

"(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, and Marine Corps, a retired noncommissioned officer from the National Guard, and a retired noncommissioned officer from the Reserves.".

SEC. 595. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

"(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

"(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

"(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

"(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

"(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

"(3) OPERATION.—

"(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

"(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

"(ii) examining the influence of military culture on risk and protective factors for suicide; and

"(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

"(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

"(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

"(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

"(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

"(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

"(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

"(4) TERMINATION.—The program established under this subsection shall terminate on October 1, 2012.".

SEC. 596. COMPREHENSIVE PLAN ON PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS AND DISPOSITION OF SUBSTANCE ABUSE OFFENDERS IN THE ARMED FORCES.

10 USC 1071 note.

(a) REVIEW AND ASSESSMENT OF CURRENT CAPABILITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretaries of the military departments, shall conduct a comprehensive review of the following:

Deadline.

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include an assessment of each of the following:

(A) The current state and effectiveness of the programs of the Department of Defense and the military departments

relating to the prevention, diagnosis, and treatment of substance use disorders.

(B) The adequacy of the availability of care, and access to care, for substance abuse in military medical treatment facilities and under the TRICARE program.

(C) The adequacy of oversight by the Department of Defense of programs relating to the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces.

(D) The adequacy and appropriateness of current credentials and other requirements for healthcare professionals treating members of the Armed Forces with substance use disorders.

(E) The advisable ratio of physician and nonphysician care providers for substance use disorders to members of the Armed Forces with such disorders.

(F) The adequacy and appropriateness of protocols and directives for the diagnosis and treatment of substance use disorders in members of the Armed Forces and for the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse.

(G) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces, including an identification of any obstacles that are unique to the prevention, diagnosis, and treatment of substance use disorders among members of the reserve components, and the appropriate disposition, including disciplinary action and administrative separation, of members of the reserve components for substance abuse.

(H) The adequacy of the prevention, diagnosis, and treatment of substance use disorders in dependents of members of the Armed Forces.

(I) Any gaps in the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the findings and recommendations of the Secretary as a result of the review conducted under paragraph (1). The report shall—

(A) set forth the findings and recommendations of the Secretary regarding each element of the review specified in paragraph (2);

(B) set forth relevant statistics on the frequency of substance use disorders, disciplinary actions, and administrative separations for substance abuse in members of the regular components of the Armed Forces, members of the reserve component of the Armed Forces, and to the extent applicable, dependents of such members (including spouses and children); and

(C) include such other findings and recommendations on improvements to the current capabilities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and the policies relating to the disposition, including disciplinary action and administrative separation, of members of the Armed Forces for substance abuse, as the Secretary considers appropriate.

(b) PLAN FOR IMPROVEMENT AND ENHANCEMENT OF PROGRAMS AND POLICIES.—

(1) PLAN REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for the improvement and enhancement of the following: Deadline.

(A) The programs and activities of the Department of Defense for the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependents.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(2) BASIS.—The comprehensive plan required by paragraph (1) shall take into account the following:

(A) The results of the review and assessment conducted under subsection (a).

(B) Similar initiatives of the Secretary of Veterans Affairs to expand and improve care for substance use disorders among veterans, including the programs and activities conducted under title I of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 112 Stat. 4112).

(3) COMPREHENSIVE STATEMENT OF POLICY.—The comprehensive plan required by paragraph (1) shall include a comprehensive statement of the following:

(A) The policy of the Department of Defense regarding the prevention, diagnosis, and treatment of substance use disorders in members of the Armed Forces and their dependents.

(B) The policies of the Department of Defense relating to the disposition of substance abuse offenders in the Armed Forces, including disciplinary action and administrative separation.

(4) AVAILABILITY OF SERVICES AND TREATMENT.—The comprehensive plan required by paragraph (1) shall include mechanisms to ensure the availability to members of the Armed Forces and their dependents of a core of evidence-based practices across the spectrum of medical and non-medial services and treatments for substance use disorders, including the reestablishment of regional long-term inpatient substance abuse treatment programs. The Secretary may use contracted services for not longer than three years after the date of the enactment of this Act to perform such inpatient substance abuse treatment until the Department of Defense reestablishes this capability within the military health care system.

(5) PREVENTION AND REDUCTION OF DISORDERS.—The comprehensive plan required by paragraph (1) shall include mechanisms to facilitate the prevention and reduction of substance use disorders in members of the Armed Forces through science-based initiatives, including education programs, for members of the Armed Forces and their dependents.

(6) SPECIFIC INSTRUCTIONS.—The comprehensive plan required by paragraph (1) shall include each of the following:

(A) SUBSTANCES OF ABUSE.—Instructions on the prevention, diagnosis, and treatment of substance abuse in members of the Armed Forces, including the abuse of alcohol, illicit drugs, and nonmedical use and abuse of prescription drugs.

(B) HEALTHCARE PROFESSIONALS.—Instructions on—

(i) appropriate training of healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces;

(ii) appropriate staffing levels for healthcare professionals at military medical treatment facilities for the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces; and

(iii) such uniform training and credentialing requirements for physician and nonphysician healthcare professionals in the prevention, screening, diagnosis, and treatment of substance use disorders in members of the Armed Forces as the Secretary considers appropriate.

(C) SERVICES FOR DEPENDENTS.—Instructions on the availability of services for substance use disorders for dependents of members of the Armed Forces, including instructions on making such services available to dependents to the maximum extent practicable.

(D) RELATIONSHIP BETWEEN DISCIPLINARY ACTION AND TREATMENT.—Policy on the relationship between disciplinary actions and administrative separation processing and prevention and treatment of substance use disorders in members of the Armed Forces.

(E) CONFIDENTIALITY.—Recommendations regarding policies pertaining to confidentiality for members of the Armed Forces in seeking or receiving services or treatment for substance use disorders.

(F) PARTICIPATION OF CHAIN OF COMMAND.—Policy on appropriate consultation, reference to, and involvement of the chain of command of members of the Armed Forces in matters relating to the diagnosis and treatment of substance abuse and disposition of members of the Armed Forces for substance abuse.

(G) CONSIDERATION OF GENDER.—Instructions on gender specific requirements, if appropriate, in the prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces, including gender specific care and treatment requirements.

(H) COORDINATION WITH OTHER HEALTHCARE INITIATIVES.—Instructions on the integration of efforts on the

prevention, diagnosis, treatment, and management of substance use disorders in members of the Armed Forces with efforts to address co-occurring health care disorders (such as post-traumatic stress disorder and depression) and suicide prevention.

(7) OTHER ELEMENTS.—In addition to the matters specified in paragraph (3), the comprehensive plan required by paragraph (1) shall include the following:

(A) IMPLEMENTATION PLAN.—An implementation plan for the achievement of the goals of the comprehensive plan, including goals relating to the following:

(i) Enhanced education of members of the Armed Forces and their dependents regarding substance use disorders.

(ii) Enhanced and improved identification and diagnosis of substance use disorders in members of the Armed Forces and their dependents.

(iii) Enhanced and improved access of members of the Armed Forces to services and treatment for and management of substance use disorders.

(iv) Appropriate staffing of military medical treatment facilities and other facilities for the treatment of substance use disorders in members of the Armed Forces.

(B) BEST PRACTICES.—The incorporation of evidence-based best practices utilized in current military and civilian approaches to the prevention, diagnosis, treatment, and management of substance use disorders.

(C) AVAILABLE RESEARCH.—The incorporation of applicable results of available studies, research, and academic reviews on the prevention, diagnosis, treatment, and management of substance use disorders.

(8) UPDATE IN LIGHT OF INDEPENDENT STUDY.—Upon the completion of the study required by subsection (c), the Secretary of Defense shall—

(A) in consultation with the Secretaries of the military departments, make such modifications and improvements to the comprehensive plan required by paragraph (1) as the Secretary of Defense considers appropriate in light of the findings and recommendations of the study; and

(B) submit to the congressional defense committees a report setting forth the comprehensive plan as modified and improved under subparagraph (A). Reports.

(c) INDEPENDENT REPORT ON SUBSTANCE USE DISORDERS PROGRAMS FOR MEMBERS OF THE ARMED FORCES.—

(1) STUDY REQUIRED.—Upon completion of the policy review required by subsection (a), the Secretary of Defense shall provide for a study on substance use disorders programs for members of the Armed Forces to be conducted by the Institute of Medicine of the National Academies of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(2) ELEMENTS.—The study required by paragraph (1) shall include a review and assessment of the following:

(A) The adequacy and appropriateness of protocols for the diagnosis, treatment, and management of substance use disorders in members of the Armed Forces.

(B) The adequacy of the availability of and access to care for substance use disorders in military medical treatment facilities and under the TRICARE program.

(C) The adequacy and appropriateness of current credentials and other requirements for physician and non-physician healthcare professionals treating members of the Armed Forces with substance use disorders.

(D) The advisable ratio of physician and non-physician care providers for substance use disorders to members of the Armed Forces with such disorders.

(E) The adequacy of the availability of and access to care for substance use disorders for members of the reserve components of the Armed Forces when compared with the availability of and access to care for substance use disorders for members of the regular components of the Armed Forces.

(F) The adequacy of the prevention, diagnosis, treatment, and management of substance use disorders programs for dependents of members of the Armed Forces, whether such dependents suffer from their own substance use disorder or because of the substance use disorder of a member of the Armed Forces.

(G) Such other matters as the Secretary considers appropriate for purposes of the study.

(3) REPORT.—Not later than two years after the date of the enactment of this Act, the entity conducting the study required by paragraph (1) shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the study. The report shall set forth the findings and recommendations of the entity as a result of the study.

SEC. 597. REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM AND OTHER REINTEGRATION PROGRAMS.

(a) REPORT ON REINTEGRATION PROGRAMS GENERALLY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the various reintegration programs being administered in support of members of the National Guard and Reserves and their families.

(b) ADDITIONAL ELEMENTS OF ANNUAL REPORTS ON YELLOW RIBBON REINTEGRATION PROGRAM.—The annual reports on the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 122; 10 U.S.C. 10101 note) that are submitted under subsection (e)(4) of such section after the date of the enactment of this Act shall include the following:

(1) In the first such annual report submitted after the date of the enactment of this Act—

(A) a description and assessment of the implementation of the Yellow Ribbon Reintegration Program in fiscal year 2009, including—

(i) an assessment of best practices from pilot programs offered by various States to provide services to supplement the services available through the Yellow Ribbon Reintegration Program; and

(ii) an assessment of the feasibility of incorporating such practices into the Yellow Ribbon Reintegration Program; and

(B) current plans for the further implementation of the Yellow Ribbon Reintegration Program during fiscal year 2010.

(2) A list of the accounts (including accounts of the military departments and accounts for the Office of the Secretary of Defense) from which funds for the Yellow Ribbon Reintegration Program were derived during the most recent fiscal year, and an explanation why such accounts were the source of funding for programs and activities under the Yellow Ribbon Reintegration Program.

(3) An assessment of the extent to which funding for the Yellow Ribbon Reintegration Program during the most recent fiscal year supported robust joint programs that provided reintegration and support services to members of the National Guard and Reserves and their families regardless of Armed Force with which served.

(4) An assessment of the extent to which programs and activities under the Yellow Ribbon Reintegration Program during the preceding year were coordinating closely with appropriate programs and activities of the Department of Veterans Affairs.

(5) A description of current strategies to mitigate difficulties in sustaining attendance at events under the Yellow Ribbon Reintegration Program, and an explanation why funds, if any, that are available for the Yellow Ribbon Reintegration Program but remain unexpended have not been used for the Yellow Ribbon Reintegration Program.

SEC. 598. REPORTS ON PROGRESS IN COMPLETION OF CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS.

10 USC 113 note.

Not later than 120 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing the progress of the Secretary with respect to the completion of the following:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.

37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

Effective date.

SEC. 602. INCREASE IN MAXIMUM MONTHLY AMOUNT OF SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.

(a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—Section 402a(a) of title 37, United States Code, is amended—

(1) in paragraph (2), by striking "$500" and inserting "$1,100"; and

(2) in paragraph (3)(B), by striking "$500" and inserting "$1,100".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to monthly supplemental subsistence allowances for low-income members with dependents payable on or after that date.

37 USC 402a note.

(c) REPORT ON ELIMINATION OF RELIANCE ON SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.—I22 (1) IN GENERAL.—Not later than September 1, 2010, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to the congressional defense committees a report setting forth a plan for actions to eliminate the need for members of the Armed Forces and their dependents to rely on the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) for their monthly nutritional needs.

(2) ELEMENTS.—The plan required by paragraph (1) shall address the following:

(A) An appropriate amount or amounts for the monthly supplemental subsistence allowance for low-income members with dependents payable under section 402a of title 37, United States Code.

(B) Such modifications, if any, to the eligibility requirements for the monthly supplemental subsistence allowance, including limitations on the maximum size of the household of a member for purposes of eligibility for the allowance, as the Secretary of Defense considers appropriate.

(C) The advisability of requiring members of the Armed Forces to apply for the monthly supplemental subsistence allowance before seeking assistance under the supplemental nutrition assistance program and to notify their commanding officer if they are accepted for participation in the supplemental nutrition assistance program.

(D) A method for accurately determining the total number of members of the Armed Forces who are participating in the supplemental nutrition assistance program.

(E) Such other matters as the Secretary of Defense considers appropriate.

SEC. 603. SPECIAL COMPENSATION FOR MEMBERS OF THE UNIFORMED SERVICES WITH CATASTROPHIC INJURIES OR ILLNESSES REQUIRING ASSISTANCE IN EVERYDAY LIVING.

(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living

"(a) MONTHLY COMPENSATION AUTHORIZED.—The Secretary concerned may pay to any member of the uniformed services described in subsection (b) monthly special compensation in an amount determined under subsection (c).

"(b) COVERED MEMBERS.—A member eligible for monthly special compensation authorized by subsection (a) is a member who—

"(1) has a catastrophic injury or illness that was incurred or aggravated in the line of duty;

"(2) has been certified by a licensed physician to be in need of assistance from another person to perform the personal functions required in everyday living;

"(3) in the absence of the provision of such assistance, would require hospitalization, nursing home care, or other residential institutional care; and

"(4) meets such other criteria, if any, as the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) prescribes for purposes of this section.

Criteria.

"(c) AMOUNT.—(1) The amount of monthly special compensation payable to a member under subsection (a) shall be determined under criteria prescribed by the Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard), but may not exceed the amount of aid and attendance allowance authorized by section 1114(r)(2) of title 38 for veterans in need of aid and attendance.

"(2) In determining the amount of monthly special compensation, the Secretary concerned shall consider the following:

"(A) The extent to which home health care and related services are being provided by the Government.

"(B) The value of the aid and attendance care necessary to assist the member in performing the personal functions required in everyday living, to be determined regardless of the sources of the care (other than the source identified in subparagraph (A)) actually being provided to the member.

"(d) DURATION.—The eligibility of a member to receive special monthly compensation under subsection (a) expires on the earlier of the following:

"(1) The last day of the month during which a 90-day period ends that begins on the date of the separation or retirement of the member.

"(2) The last day of the month during which the member dies.

"(3) The last day of the month during which the member is determined to be no longer afflicted with the catastrophic injury or illness referred to in subsection (b)(1).

"(4) The last day of the month preceding the month during which the member begins receiving compensation under section 1114(r)(2) of title 38.

"(e) CONSTRUCTION WITH OTHER PAY AND ALLOWANCES.—Monthly special compensation payable to a member under this section is in addition to any other pay and allowances payable to the member by law.

"(f) BENEFIT INFORMATION.—(1) The Secretary of Defense, in collaboration with the Secretary of Veterans Affairs, shall ensure that members of the uniformed services who may be eligible for compensation under this section are made aware of the availability of such compensation by including information about such compensation in written and online materials for such members and their families. Web posting.

"(2) The Secretary of Defense shall ensure that a member eligible to receive special monthly compensation under this section is aware that the member's eligibility for such compensation will expire pursuant to subsection (d)(1) after the end of the 90-day period that begins on the date of the separation or retirement of the member even though the member has not begun to receive compensation under section 1114(r)(2) of title 38 before the end of such period.

"(g) CATASTROPHIC INJURY OR ILLNESS DEFINED.—In this section, the term 'catastrophic injury or illness' means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

"(1) personal or mechanical assistance to leave home or bed; or

"(2) constant supervision to avoid physical harm to self or others.

"(h) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.".

(b) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense (and the Secretary of Homeland Security, with respect to the Coast Guard) shall submit to Congress a report on the provision of compensation under section 439 of title 37, United States Code, as added by subsection (a) of this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the number of members of the uniformed services eligible for compensation under such section 439.

(B) The number of members of the uniformed services receiving compensation under such section.

(C) The average amount of compensation provided to members of the uniformed services receiving such compensation.

(D) The average amount of time required for a member of the uniformed services to receive such compensation after the member becomes eligible for such compensation.

(E) A summary of the types of injuries, disorders, and illnesses of members of the uniformed services receiving

such compensation that made such members eligible for such compensation.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:

"439. Special compensation: members of the uniformed services with catastrophic injuries or illnesses requiring assistance in everyday living.".

SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

Regulations.

(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) BENEFITS.—The benefits specified in this subsection are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) FORM OF PAYMENT.—The paid benefits providable under subsection (b) may be paid in a lump sum or installments, at the election of the Secretary concerned.

(e) CONSTRUCTION WITH OTHER PAY AND LEAVE.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(f) DEFINITIONS.—In this section:

(1) The term "Post-Deployment/Mobilization Respite Absence program" means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reintegrating into civilian life after deployment or mobilization.

(2) The term "Secretary concerned" has the meaning given that term in section 101(5) of title 37, United States Code.

(g) DURATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 605. REPORT ON HOUSING STANDARDS AND HOUSING SURVEYS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing the following reviews:

(1) A review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code.

(2) A review of the process and schedule for conducting surveys used to establish locality rates in housing areas to determine such monthly rates of basic allowance for housing.

(b) ELEMENTS OF HOUSING STANDARDS REVIEW.—In conducting the reviews under subsection (a), the Secretary shall consider whether the housing standards and survey process are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades;

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grades throughout the rank structure; and

(4) reflecting the most current housing cost data available.

(c) INCLUSION OF RECOMMENDED CHANGES.—The report required by subsection (a) shall include—

(1) such recommended changes to the housing standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate; and

(2) such recommended changes to improve the survey process, including ensuring that the housing cost data used to establish the rates is the most current data available, as the Secretary considers appropriate.

SEC. 606. COMPTROLLER GENERAL COMPARATIVE ASSESSMENT OF MILITARY AND PRIVATE-SECTOR PAY AND BENEFITS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study comparing pay and benefits provided by law to members of the Armed Forces with pay and benefits provided by the private sector to comparably situated private-sector employees to assess how the differences in pay and benefits effect recruiting and retention of members of the Armed Forces.

(b) ELEMENTS.—The study required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of total military compensation for officers and for enlisted personnel, including basic pay, the basic allowance for housing (BAH), the basic allowance for subsistence (BAS), tax benefits applicable to military pay and allowances under Federal law (including the Social Security laws) and State law, military retirement benefits, commissary and exchange privileges, and military healthcare benefits.

(2) An assessment of private-sector pay and benefits for civilians of similar age, education, and experience with similar job responsibilities and working conditions as officers and enlisted personnel of the Armed Forces, including pay, bonuses, employee options, fringe benefits, retirement benefits, individual retirement investment benefits, flexible spending accounts and health savings accounts, and any other elements of private-sector compensation that the Comptroller General considers appropriate.

(3) An identification of the percentile of comparable private-sector compensation at which members of the Armed Forces are paid, including an assessment of the adequacy of percentile comparisons generally and whether the Department of Defense goal of compensating members of the Armed Forces at the 80th percentile of comparable private-sector compensation, as described in the 10th Quadrennial Review of Military Compensation, is appropriate and adequate to attract and retain quality individuals to serve in the Armed Forces.

(c) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the study required by subsection (a) by not later than April 1, 2010.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(j), relating to skill incentive pay or proficiency bonus.

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of chapter 5 of title 37, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

The following sections of title 10, United States Code, are amended by striking "December 31, 2009" and inserting "December 31, 2010":

(1) Section 1030(i), relating to health professions referral bonus.

(2) Section 3252(h), relating to Army referral bonus.

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(3) in paragraph (5), as so redesignated, by striking "paragraph (3)(B)" and inserting "paragraph (4)(B)";

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and

(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph heading and inserting "SPECIAL RULE FOR DECEASED AND DISABLED MEMBERS.—"; and

(2) by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR MEMBERS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a member of the uniformed services receives a sole survivorship discharge, the Secretary concerned—

"(i) shall not require repayment by the member of the unearned portion of any bonus, incentive pay, or similar benefit previously paid to the member; and

"(ii) may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if the Secretary concerned determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

Definition.

"(B) In this paragraph, the term 'sole survivorship discharge' means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

"(i) the father or mother or one or more siblings—

"(I) served in the Armed Forces; and

"(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

"(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.".

SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "AND SPECIAL PAY AMOUNT" in the subsection heading; and

(B) by striking "at the rate of $225 for any month" in the matter preceding paragraph (1) and inserting "under subsection (b) for any month or portion of a month";

(2) in subsection (c), by striking paragraph (3);

(3) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(4) by inserting after subsection (a) the following new subsection:

"(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

"(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.".

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

(1) by striking subsections (c) and (d) and redesignating subsections (e) through (i) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) METHOD OF PAYMENT; PRORATION.—

"(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

"(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.".

(c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: "If paid monthly, the Secretary concerned may prorate the monthly amount of the assignment or special duty pay for a member who does not satisfy the eligibility requirement for an entire month to reflect the duration of the member's actual qualifying service during the month.".

(d) SKILL INCENTIVE PAY.—Section 353 of such title is amended—

(1) by striking subsection (f) and redesignating subsections (g) through (j) as subsections (f) through (i), respectively; and

(2) in subsection (c), by striking paragraph (1) and inserting the following new paragraph:

"(1) SKILL INCENTIVE PAY.—(A) Skill incentive pay under subsection (a) may not exceed $1,000 a month.

"(B) If a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire month for receipt of skill incentive pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month. A member of a reserve component entitled to compensation under section 206 of this title who is authorized skill incentive pay under subsection (a) may be paid an amount of such pay that is proportionate to the compensation received

by the member under section 206 of this title for inactive-duty training.".

SEC. 619. ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY AUTHORIZED FOR MEMBERS AGREEING TO SERVE IN AFGHANISTAN FOR EXTENDED PERIODS. 37 USC 352 note.

(a) AUTHORITY TO PROVIDE ADDITIONAL ASSIGNMENT PAY OR SPECIAL DUTY PAY.—The Secretary of Defense may provide assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount of monthly or lump sum assignment or special duty pay authorized under subsection (b) of such section, to members of the Armed Forces (particularly members who achieve language proficiency at levels and in languages specified by the Secretary of Defense) who agree to serve on active duty in Afghanistan for a minimum of three years. The assignment period required by the agreement shall provide for reasonable periods of leave.

(b) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress an annual report on the use of the authority provided under subsection (a) during the preceding year, including—

(1) the number of members of the Armed Forces receiving assignment pay or special duty pay under section 352 of title 37, United States Code, in excess of the maximum amount otherwise authorized under such section; and

(2) an assessment of the impact of the use of such authority on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(c) DURATION OF AUTHORITY.—The authority provided by subsection (a) to offer additional assignment pay or special duty pay under section 352 of title 37, United States Code, expires on December 31, 2012. The expiration of such authority shall not affect the terms or duration of any agreement entered into before that date to provide additional assignment pay or special duty pay under such section.

SEC. 620. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL PAY FOR MEMBERS OF THE ARMED FORCES SUBJECT TO CONTINUING ACTIVE DUTY OR SERVICE UNDER STOP-LOSS AUTHORITIES. 37 USC 301 note.

(a) SPECIAL PAY AUTHORIZED.—The Secretary of the military department concerned may pay monthly special pay to any member of the Army, Navy, Air Force, or Marine Corps (including a member of a reserve component thereof) for any month, or portion of a month, in which the member serves on active duty in the Armed Forces, or has the member's eligibility for retirement from the Armed Forces suspended, as described in subsection (b).

(b) ELIGIBILITY REQUIREMENTS.—A member of the Armed Forces referred to in subsection (a) is eligible to receive special pay under this section if the member, at any time during the period beginning on October 1, 2009, and ending on June 30, 2011, serves on active duty while the member's enlistment or period of obligated service is extended, or has the member's eligibility for retirement suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") that authorizes the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Time period.

Forces in time of war or national emergency declared by Congress or the President.

(c) AMOUNT.—The amount of monthly special pay payable to a member under this section for a month may not exceed $500.

(d) CONSTRUCTION WITH OTHER PAYS.—Monthly special pay payable to a member under this section is in addition to any other amounts payable to the member by law.

10 USC 503 note.

SEC. 621. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.

(a) EXTENSION OF AUTHORITY.—Subsection (i) of section 681 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321) is amended to read as follows:

"(i) DURATION OF AUTHORITY.—

"(1) IN GENERAL.—The Secretary may not develop an incentive under this section, or first provide an incentive developed under this section to an individual, after December 31, 2012.

"(2) CONTINUATION OF INCENTIVES.—Nothing in paragraph (1) shall be construed to prohibit or limit the continuing provision to an individual after the date specified in that paragraph of an incentive first provided the individual under this section before that date.".

(b) LIMITATION ON USE OF AUTHORITY.—Subsection (e) of such section is amended by inserting "at the same time" after "provided".

SEC. 622. REPORT ON RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the efforts of the Air Force to attract and retain qualified individuals for service as members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates and officer retention rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) A description of the steps the Air Force has taken, including the use of retention bonuses or assignment incentive pay, to improve recruiting and reenlistment of enlisted personnel and accession and retention of officers by the Air Force for the positions described in paragraph (1).

(4) An assessment of the feasibility, advisability, utility, and cost effectiveness of establishing additional bonuses or incentive pay as a way to enhance the recruitment and retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(5) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(6) An assessment of the long-term community management plan for recruitment, retention, and assignment by the

Air Force of skilled personnel in the positions described in paragraph (1).

(7) Such other matters as the Secretary considers appropriate.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) ALLOWANCES AUTHORIZED.—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.".

(b) CONFORMING AMENDMENTS.—Subsection (c) of such section is amended—

(1) by striking "subsection (a)(1)" the first place it appears and inserting "paragraphs (1) and (2) of subsection (a)"; and

(2) by striking "subsection (a)(1)" the second place it appears and inserting "paragraph (1) or (2) of subsection (a)".

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS OF THE UNIFORMED SERVICES FOR DURATION OF INPATIENT TREATMENT.

(a) AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED INDIVIDUALS.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "family members of a member described in paragraph (2)" and inserting "individuals who, with respect to a member described in paragraph (2), are designated individuals for that member";

(B) by striking "that the presence of the family member" and inserting ", with respect to any such individual, that the presence of such individual"; and

(C) by striking "of family members" and inserting "of designated individuals"; and

(2) by adding at the end the following new paragraph:

"(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.".

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—

(1) IN GENERAL.—Paragraph (1) of subsection (b) of such section is amended by striking "the term" and all that follows and inserting "the term 'designated individual', with respect to a member, means—

"(A) an individual designated by the member for the purposes of this section; or

"(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence may aid and support the health and welfare of the member during the duration of the member's inpatient treatment.".

(2) DESIGNATIONS NOT PERMANENT.—Paragraph (2) of such subsection is amended to read as follows:

"(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.".

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of subsection (a)(2) of such section is amended—

(A) in clause (i), by striking "in or outside the United States"; and

(B) in clause (ii), by striking "in the United States".

(2) CLARIFICATION OF MEMBERS COVERED.—Such subparagraph is further amended—

(A) in clause (i), by inserting "seriously wounded," after "(i) is"; and

(B) in clause (ii)—

(i) by striking "an injury" and inserting "a wound or an injury"; and

(ii) by striking "that injury" and inserting "that wound or injury".

(d) COVERAGE OF MEMBERS WITH SERIOUS MENTAL DISORDERS.—

(1) IN GENERAL.—Subsection (a)(2)(B)(i) of such section, as amended by subsection (c) of this section, is further amended by inserting "(including having a serious mental disorder)" after "seriously injured".

(2) SERIOUS MENTAL DISORDER DEFINED.—Subsection (b) of such section 411h, as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

"(4)(A) In this section, the term 'serious mental disorder', in the case of a member, means that the member has been diagnosed with a mental disorder that requires intensive mental health treatment or hospitalization.

"(B) The circumstances in which a member shall be considered to have a serious mental disorder for purposes of this section shall include, but not be limited to, the following:

"(i) The member is considered to be a potential danger to self or others as a result of a diagnosed mental disorder

that requires intensive mental health treatment or hospitalization.

"(ii) The member is diagnosed with a mental disorder and has psychotic symptoms that require intensive mental health treatment or hospitalization.

"(iii) The member is diagnosed with a mental disorder and has severe symptoms or severe impairment in functioning that require intensive mental health treatment or hospitalization.".

(e) FREQUENCY OF AUTHORIZED TRAVEL.—Paragraph (3) of subsection (a) of such section 411h is amended to read as follows:

"(3) Not more than a total of three roundtrips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who, with respect to a member, are the designated individuals of that member in effect during that period. However, if the Secretary concerned has granted a waiver under the second sentence of paragraph (1) with respect to a member, then for any 60-day period in which the waiver is in effect the limitation in the preceding sentence shall be adjusted accordingly. In addition, during any period during which there is in effect a non-medical attendant designation for a member under section 411k of this title, not more than a total of two roundtrips may be provided under paragraph (1) in any 60-day period at Government expense until there no longer is a designation of a non-medical attendant or that designation transfers to another individual, in which case during the transfer period three roundtrips may be provided.".

(f) STYLISTIC AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking "(a)(1)" and inserting "(a) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1)";

(2) in subsection (b)—

(A) by striking "(b)(1)" and inserting "(b) DEFINITIONS.—(1)"; and

(B) in paragraph (3)—

(i) by inserting "(A)" after "(3)"; and

(ii) by adding at the end the following new subparagraph:

"(B) In this paragraph, the term 'family member', with respect to a member, means the following:

"(i) The member's spouse.

"(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

"(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

"(iv) Siblings of the member.

"(v) A person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.";

(3) in subsection (c)—

(A) by striking "(c)(1)" and inserting "(c) ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—(1)"; and

(B) in paragraph (1), by striking "family member" and inserting "designated individual"; and

(4) in subsection (d), by striking "(d)(1)" and inserting "(d) METHOD OF TRANSPORTATION AUTHORIZED.—(1)".

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

"411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.".

(h) CONFORMING AMENDMENT TO WOUNDED WARRIOR ACT.—Section 1602(4) of the Wounded Warrior Act (10 U.S.C. 1071 note) is amended by striking "411h(b)(1)" and inserting "411h(b)(3)(B)".

37 USC 411h note.

(i) APPLICABILITY OF AMENDMENTS.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

"§ 411k. Travel and transportation allowances: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

Regulations.

"(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member's health and welfare.

"(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

"(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

"(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose presence may contribute to the health and welfare of the member.

"(c) COVERED MEMBERS.—A member of the uniformed services covered by this section is a member who—

"(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as 'very seriously wounded, ill, or injured' or 'seriously wounded, ill, or injured'; and

"(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

"(d) AUTHORIZED TRAVEL AND TRANSPORTATION.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

"(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the member at the location to which the member is permanently assigned.

"(3) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

"(4) The transportation authorized by subsection (a) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(5) An allowance payable under this subsection may be paid in advance.

"(6) Reimbursement payable under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 411j the following new item:

"411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.".

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act. 37 USC 411k note.

SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY AND THEIR DEPENDENTS FOR TRAVEL FOR SPECIALTY CARE UNDER EXCEPTIONAL CIRCUMSTANCES.

(a) REIMBURSEMENT AUTHORIZED.—Section 1074i of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEPTIONAL CIRCUMSTANCES.—The Secretary of Defense may provide reimbursement for reasonable travel expenses of travel of members of the armed forces on active duty and their dependents, and accompaniment, to a specialty care provider not otherwise authorized by subsection (a) under such exceptional circumstances as the Secretary considers appropriate for purposes of this section.".

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by inserting "of Defense" after "the Secretary".

SEC. 635. REPORT ON ADEQUACY OF WEIGHT ALLOWANCES FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE UNIFORMED SERVICES.

(a) REPORT REQUIRED.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the weight allowances provided for the transportation of baggage and household goods under section 406(b)(1)(C) of title 37, United States Code; and

(2) such recommended changes to the weight allowance, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) ELEMENTS OF REVIEW.—The Secretary shall consider whether the weight allowances reviewed under subsection (a) are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and

(3) recognizing the appropriate rewards and prestige associated with promotion to higher military grade, with particular attention to mid-grade and senior noncommissioned officer ranks.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

SEC. 641. TRANSITION ASSISTANCE FOR RESERVE COMPONENT MEMBERS INJURED WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

"§ 1218a. Discharge or release from active duty: transition assistance for reserve component members injured while on active duty

"(a) PROVISION OF CERTAIN INFORMATION.—Before a member of a reserve component described in subsection (b) is demobilized or separated from the armed forces, the Secretary of the military department concerned shall provide to the member the following information:

"(1) Information on the availability of care and administrative processing through community based warrior transition units.

"(2) Information on the location of the community based warrior transition unit located nearest to the permanent place of residence of the member.

"(b) COVERED MEMBERS.—Subsection (a) applies to members of a reserve component who are injured while on active duty in the armed forces.". Applicability.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

"1218a. Discharge or release from active duty: transition assistance for reserve component members injured while on active duty.".

SEC. 642. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) RECOMPUTATION OF RETIRED PAY.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

"(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

"(B) completes at least one year of service in such position; and

"(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.".

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking "Unless" and inserting "(a) GRADE ON TRANSFER.—Unless"; and

(2) by adding at the end the following new subsection:

"(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

"(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

"(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

"(B) completes at least one year of service in such position; and

"(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.".

SEC. 643. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) ELECTION AUTHORITY; REQUIREMENTS.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

"(a) AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

"(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

"(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

"(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

"(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

"(A) completed at least one year of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

"(B) failed to complete the minimum years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.".

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

"(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and".

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking "attains 60 years of age" and inserting "attains the eligibility age applicable to the person under section 12731(f) of this title"; and

(2) in paragraph (2)(A), by striking "attains 60 years of age" and inserting "attains the eligibility age applicable to the person under such section".

(d) RETIRED PAY BASE.—

(1) MEMBERS BECOMING MEMBERS BEFORE SEPTEMBER 8, 1980.—Section 1406(b)(2) of such title is amended by inserting after "when retired pay is granted" the following: "(or, in the case of a person entitled to retired pay by reason of an election under section 12741(a) of this title, at rates applicable on the date the person completes the service required under such section 12741(a))".

(2) MEMBERS BECOMING MEMBERS AFTER SEPTEMBER 7, 1980.—Section 1407(d)(4) of such title is amended by inserting after "became entitled to retired pay" the following: "or, in the case of a member or former member entitled to retired pay by reason of an election under section 12741(a) of this title, before the member or former member completes the service required under such section 12741(a),".

(e) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 12741 of such title is amended to read as follows:

"§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

"12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.".

SEC. 644. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

10 USC 1401 note.

SEC. 645. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

Effective date.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Contracts.

SEC. 651. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

"§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

"(a) LIMITATION.—(1) Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a Department of Defense entity to offer or provide personal information services directly to users using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services directly to users, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

"(2) The limitation in paragraph (1) shall not be construed to prohibit or preclude the use of Department resources, personnel,

or equipment to administer or facilitate personal information services contracts with private contractors.

"(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply if the Secretary of Defense determines that—

"(1) a private sector vendor is not available to provide the personal information services at specific locations;

"(2) the interests of the user population would be best served by allowing the Government to provide such services; or

"(3) circumstances (as specified by the Secretary for purposes of this section) are such that the provision of such services by a Department entity is in the best interest of the Government or military users in general.

"(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term 'personal information services' means the provision of Internet, telephone, or television services to consumers.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

"2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.".

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any contract for the provision of personal information services entered into before the date of the enactment of this Act. 10 USC 2492a note.

SEC. 652. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.

(2) The stated justification for any change in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of the provision of law referred to in subsection (a).

(4) The extent to which nonappropriated funds activities on military installations on Guam are implementing the applicable Department of Defense instruction and the methods used to determine the resale price of alcoholic beverages.

Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) MAXIMUM MONTHLY PERCENTAGE OF MEMBER'S PAY AUTHORIZED FOR DEDUCTION.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking "20 percent" and inserting "15 percent".

(b) REQUESTS FOR DELAY IN REPAYMENT.—Such paragraph is further amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraph:

"(B) In all cases described in subparagraph (A), the Secretary concerned shall provide a reasonable opportunity for the member to request a delay in the imposition of the repayment requirement to recover the indebtedness. Before beginning collection efforts, the Secretary concerned shall consider the reasons provided by the member for the requested delay, including the financial ability of the member to repay the indebtedness, and the hardship that immediate collection would impose on the member and the member's dependents.".

(c) DELAY IN INSTITUTING COLLECTIONS FROM WOUNDED OR INJURED MEMBERS.—Paragraph (4) of such subsection is amended to read as follows:

"(4)(A) If a member of the uniformed services, through no fault of the member, incurs a wound, injury, or illness while in the line of duty in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until—

Notification.

"(i) the member is notified of the overpayment; and

Time periods.

"(ii) the later of the following occurs:

"(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

"(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

"(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.".

37 USC 1007 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) all United States commercial air carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members, are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SEC. 663. SENSE OF CONGRESS ON ESTABLISHMENT OF FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) IN GENERAL.—It is the sense of Congress that the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, should establish procedures to implement flexible spending arrangements with respect to basic pay and compensation for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(b) CONSIDERATIONS.—It is the sense of Congress that, in establishing the procedures described by subsection (a), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce should consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and survivors and military retirees deserve ongoing recognition and support for their service and sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcomings within those military personnel programs that incur mandatory spending obligations.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
Sec. 702. Health care for members of the reserve components.
Sec. 703. Enhancement of transitional dental care for members of the reserve components on active duty for more than 30 days in support of a contingency operation.
Sec. 704. Expansion of survivor eligibility under TRICARE dental program.
Sec. 705. TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
Sec. 706. Constructive eligibility for TRICARE benefits of certain persons otherwise ineligible under retroactive determination of entitlement to Medicare part A hospital insurance benefits.
Sec. 707. Notification of certain individuals regarding options for enrollment under Medicare part B.
Sec. 708. Mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
Sec. 709. Temporary TRICARE inpatient fee modification.

Subtitle B—Health Care Administration

Sec. 711. Comprehensive policy on pain management by the military health care system.
Sec. 712. Administration and prescription of psychotropic medications for members of the Armed Forces before and during deployment.
Sec. 713. Cooperative health care agreements between military installations and non-military health care systems.
Sec. 714. Plan to increase the mental health capabilities of the Department of Defense.
Sec. 715. Department of Defense study on management of medications for physically and psychologically wounded members of the Armed Forces.
Sec. 716. Limitation on obligation of funds under defense health program information technology programs.

Subtitle C—Other Matters

Sec. 721. Study and plan to improve military health care.
Sec. 722. Study, plan, and pilot for the mental health care needs of dependent children of members of the Armed Forces.
Sec. 723. Clinical trial on cognitive rehabilitative therapy for members and former members of the Armed Forces.
Sec. 724. Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.
Sec. 725. Chiropractic clinical trials.
Sec. 726. Independent study on post-traumatic stress disorder efforts.
Sec. 727. Report on implementation of requirements on the relationship between the TRICARE program and employer-sponsored group health plans.
Sec. 728. Report on stipends for members of reserve components for health care for certain dependents.

Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is amended—

(1) by striking "during the period beginning on" and inserting "on or after"; and

(2) by striking ", and ending on September 30, 2012".

SEC. 702. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

Section 1074(d)(1)(B) of title 10, United States Code, is amended by striking "90 days" and inserting "180 days".

SEC. 703. ENHANCEMENT OF TRANSITIONAL DENTAL CARE FOR MEMBERS OF THE RESERVE COMPONENTS ON ACTIVE DUTY FOR MORE THAN 30 DAYS IN SUPPORT OF A CONTINGENCY OPERATION.

Section 1145(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (3)" and inserting "paragraph (4)"; and

(B) in subparagraph (A), by inserting "except as provided in paragraph (3)," before "medical and dental care";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.";

(4) in paragraph (4), as redesignated by paragraph (2) of this section, by striking "paragraph (6)" and inserting "paragraph (7)"; and

(5) in subparagraph (A) of paragraph (6), as redesignated by paragraph (2) of this section, by striking "paragraph (4)" and inserting "paragraph (5)".

SEC. 704. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

Time periods.

"(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member's death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

"(A) Three years.

"(B) The period ending on the date on which such dependent attains 21 years of age.

"(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

"(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

"(ii) The date on which such dependent attains 23 years of age.".

SEC. 705. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

"§ 1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

"(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

"(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

"(b) TERMINATION OF ELIGIBILITY UPON OBTAINING OTHER TRICARE STANDARD COVERAGE.—Eligibility for TRICARE Standard coverage of a member under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

"(c) FAMILY MEMBERS.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

"(d) PREMIUMS.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

"(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly to all members of the reserve components covered under this section.

Applicability.

"(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

Procedures.

"(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

"(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year

in which collected, and shall be available under subsection (b) of such section for such fiscal year.

"(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'immediate family', with respect to a member of a reserve component, means all of the member's dependents described in subparagraphs (A), (D), and (I) of section 1072(2) of this title.

"(2) The term 'TRICARE Standard' means—

"(A) medical care to which a dependent described in section 1076(b)(1) of this title is entitled; and

"(B) health benefits contracted for under the authority of section 1086(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

"1076e. TRICARE program: TRICARE Standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.".

(c) EFFECTIVE DATE.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify. 10 USC 1076e note.

SEC. 706. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENEFITS OF CERTAIN PERSONS OTHERWISE INELIGIBLE UNDER RETROACTIVE DETERMINATION OF ENTITLEMENT TO MEDICARE PART A HOSPITAL INSURANCE BENEFITS.

Section 1086(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4)(A) If a person referred to in subsection (c) and described by paragraph (2)(B) is subject to a retroactive determination by the Social Security Administration of entitlement to hospital insurance benefits described in paragraph (1), the person shall, during the period described in subparagraph (B), be deemed for purposes of health benefits under this section—

"(i) not to have been covered by paragraph (1); and

"(ii) not to have been subject to the requirements of section 1079(j)(1) of this title, whether through the operation of such section or subsection (g) of this section.

"(B) The period described in this subparagraph with respect to a person covered by subparagraph (A) is the period that—

"(i) begins on the date that eligibility of the person for hospital insurance benefits referred to in paragraph (1) is effective under the retroactive determination of eligibility with respect to the person as described in subparagraph (A); and

"(ii) ends on the date of the issuance of such retroactive determination of eligibility by the Social Security Administration.".

SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS REGARDING OPTIONS FOR ENROLLMENT UNDER MEDICARE PART B.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1110a. Notification of certain individuals regarding options for enrollment under Medicare part B

"(a) IN GENERAL.—(1) As soon as practicable, the Secretary of Defense shall notify each individual described in subsection (b)—

"(A) that the individual is no longer eligible for health care benefits under the TRICARE program under this chapter; and

"(B) of options available for enrollment of the individual in the supplementary medical insurance program under part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.).

"(2) In carrying out this subsection, the Secretary of Defense shall—

Procedures.

"(A) establish procedures for identifying individuals described in subsection (b); and

Consultation.

"(B) consult with the Secretary of Health and Human Services to accurately identify and notify such individuals.

"(b) INDIVIDUALS DESCRIBED.—An individual described in this subsection is an individual who is—

"(1) a covered beneficiary;

"(2) entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c) under section 226(b) or section 226A of such Act (42 U.S.C. 426(b) and 426–1); and

"(3) eligible to enroll in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1110 the following new item:

"1110a. Notification of certain individuals regarding options for enrollment under Medicare part B.".

10 USC 1074f note.

SEC. 708. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) MENTAL HEALTH ASSESSMENTS.—

Deadline. Guidance. Time periods.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance for the provision of a person-to-person mental health assessment for each member of the Armed Forces who is deployed in connection with a contingency operation as follows:

(A) At a time during the period beginning 60 days before the date of deployment in connection with the contingency operation.

(B) At a time during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after the date of redeployment from the contingency operation.

(C) Subject to subsection (d), not later than each of 6 months, 12 months, and 24 months after return from deployment. Deadline.

(2) EXCLUSION OF CERTAIN MEMBERS.—A mental health assessment is not required for a member of the Armed Forces under subparagraphs (B) and (C) of paragraph (1) if the Secretary determines that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned.

(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members of the Armed Forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

(c) ELEMENTS.—

(1) IN GENERAL.—The mental health assessments provided pursuant to this section shall—

(A) be performed by personnel trained and certified to perform such assessments and may be performed by licensed mental health professionals if such professionals are available and the use of such professionals for the assessments would not impair the capacity of such professionals to perform higher priority tasks;

(B) include a person-to-person dialogue between members of the Armed Forces described in subsection (a) and the professionals or personnel described by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

(C) be conducted in a private setting to foster trust and openness in discussing sensitive health concerns; and

(D) be provided in a consistent manner across the military departments.

(2) TREATMENT OF CURRENT ASSESSMENTS.—The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the Armed Forces as of the date of the enactment of this Act as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

(d) CESSATION OF ASSESSMENTS.—No mental health assessment is required to be provided to an individual under subsection (a)(1)(C) after the individual's discharge or release from the Armed Forces.

(e) SHARING OF INFORMATION.—

(1) IN GENERAL.—The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the Armed Forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this Act, as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the Armed Forces during their transition from health care and treatment provided by the Department of

Defense to health care and treatment provided by the Department of Veterans Affairs.

(2) PROTOCOLS.—Any sharing of information under paragraph (1) shall occur pursuant to a protocol jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection. Any such protocol shall be consistent with the following:

(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), including in particular, section 1614 of that Act (122 Stat. 443; 10 U.S.C. 1071 note).

(B) Section 1720F of title 38, United States Code.

(f) CONTINGENCY OPERATION DEFINED.—In this section, the term "contingency operation" has the meaning given that term in section 101(a)(13) of title 10, United States Code.

(g) REPORTS.—

(1) REPORT ON GUIDANCE.—Upon the issuance of the guidance required by subsection (a), the Secretary of Defense shall submit to Congress a report describing the guidance.

(2) REPORTS ON IMPLEMENTATION OF GUIDANCE.—

(A) INITIAL REPORT.—Not later than 270 days after the date of the issuance of the guidance, the Secretary shall submit to Congress an initial report on the implementation of the guidance by the military departments.

(B) SUBSEQUENT REPORT.—Not later than two years after the date of the issuance of the guidance, the Secretary shall submit to Congress a report on the implementation of the guidance by the military departments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the guidance in achieving the purpose specified in subsection (b) for such assessments.

SEC. 709. TEMPORARY TRICARE INPATIENT FEE MODIFICATION.

Section 1086(b)(3) of title 10, United States Code, is amended by striking "September 30, 2009" and inserting "September 30, 2010".

Subtitle B—Health Care Administration

10 USC 1071 note.

SEC. 711. COMPREHENSIVE POLICY ON PAIN MANAGEMENT BY THE MILITARY HEALTH CARE SYSTEM.

Deadline.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than March 31, 2011, the Secretary of Defense shall develop and implement a comprehensive policy on pain management by the military health care system.

(b) SCOPE OF POLICY.—The policy required by subsection (a) shall cover each of the following:

(1) The management of acute and chronic pain.

(2) The standard of care for pain management to be used throughout the Department of Defense.

(3) The consistent application of pain assessments throughout the Department of Defense.

(4) The assurance of prompt and appropriate pain care treatment and management by the Department when medically necessary.

(5) Programs of research related to acute and chronic pain, including pain attributable to central and peripheral nervous system damage characteristic of injuries incurred in modern warfare, brain injuries, and chronic migraine headache.

(6) Programs of pain care education and training for health care personnel of the Department.

(7) Programs of patient education for members suffering from acute or chronic pain and their families.

(c) UPDATES.—The Secretary shall revise the policy required by subsection (a) on a periodic basis in accordance with experience and evolving best practice guidelines.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the commencement of the implementation of the policy required by subsection (a), and on October 1 each year thereafter through 2018, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the policy implemented under subsection (a), and any revisions to such policy under subsection (c).

(B) A description of the performance measures used to determine the effectiveness of the policy in improving pain care for beneficiaries enrolled in the military health care system.

(C) An assessment of the adequacy of Department pain management services based on a current survey of patients managed in Department clinics.

(D) An assessment of the research projects of the Department relevant to the treatment of the types of acute and chronic pain suffered by members of the Armed Forces and their families.

(E) An assessment of the training provided to Department health care personnel with respect to the diagnosis, treatment, and management of acute and chronic pain.

(F) An assessment of the pain care education programs of the Department.

(G) An assessment of the dissemination of information on pain management to beneficiaries enrolled in the military health care system.

SEC. 712. ADMINISTRATION AND PRESCRIPTION OF PSYCHOTROPIC MEDICATIONS FOR MEMBERS OF THE ARMED FORCES BEFORE AND DURING DEPLOYMENT.

10 USC 1074f note.

(a) REPORT REQUIRED.—Not later than October 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of policy guidance dated November 7, 2006, regarding deployment-limiting psychiatric conditions and medications.

(b) POLICY REQUIRED.—Not later than October 1, 2010, the Secretary shall establish and implement a policy for the use of

Deadline.

psychotropic medications for deployed members of the Armed Forces. The policy shall, at a minimum, address the following:

(1) The circumstances or diagnosed conditions for which such medications may be administered or prescribed.

(2) The medical personnel who may administer or prescribe such medications.

(3) The method in which the administration or prescription of such medications will be documented in the medical records of members of the Armed Forces.

(4) The exam, treatment, or other care that is required following the administration or prescription of such medications.

10 USC 1073 note.

SEC. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing an agreement under subsection (a), the Secretary shall—

Consultation.

(1) consult with—

(A) the Secretary of the military department concerned;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

Determination.

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and

Determination.

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 714. PLAN TO INCREASE THE MENTAL HEALTH CAPABILITIES OF THE DEPARTMENT OF DEFENSE.

10 USC 1071 note.

(a) INCREASED AUTHORIZATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall increase the number of active duty mental health personnel authorized for the department under the jurisdiction of the Secretary in an amount equal to the sum of the following amounts:

Deadline.

(1) The greater of—

(A) the amount identified on personnel authorization documents as required but not authorized to be filled; or

(B) the amount that is 25 percent of the amount identified on personnel authorization documents as authorized.

(2) The amount required to fulfill the requirements of section 708, as determined by the Secretary concerned.

(b) REPORT AND PLAN ON THE REQUIRED NUMBER OF MENTAL HEALTH PERSONNEL.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the appropriate number of mental health personnel required to meet the mental health care needs of members of the Armed Forces, retired members, and dependents. The report shall include, at a minimum, the following:

(A) An evaluation of the recommendation titled "Ensure an Adequate Supply of Uniformed Providers" made by the Department of Defense Task Force on Mental Health established by section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348).

(B) The criteria and models used to determine the appropriate number of mental health personnel.

(C) The plan under paragraph (2).

(2) PLAN.—The Secretary shall develop and implement a plan to significantly increase the number of military and civilian mental health personnel of the Department of Defense by September 30, 2013. The plan may include the following:

(A) The allocation of scholarships and financial assistance under the Health Professions Scholarship and Financial Assistance Program under subchapter I of chapter 105 of title 10, United States Code, to students pursuing advanced degrees in clinical psychology and other mental health professions.

(B) The offering of accession and retention bonuses for psychologists pursuant to section 620 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4489).

(C) An expansion of the capacity for training doctoral-level clinical psychologists at the Uniformed Services University of the Health Sciences.

(D) An expansion of the capacity of the Department of Defense for training masters-level clinical psychologists and social workers with expertise in deployment-related mental health disorders, such as post-traumatic stress disorder.

(E) The detail of commissioned officers of the Armed Forces to accredited schools of psychology for training leading to a doctoral degree in clinical psychology or social work.

(F) The reassignment of military mental health personnel from administrative positions to clinical positions in support of military units.

(G) The offering of civilian hiring incentives and bonuses and the use of direct hiring authority to increase the number of mental health personnel of the Department of Defense.

(H) Such other mechanisms to increase the number of mental health personnel of the Department of Defense as the Secretary considers appropriate.

(c) REPORT ON ADDITIONAL OFFICER OR ENLISTED MILITARY SPECIALTIES FOR MENTAL HEALTH.—

(1) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the assessment of the Secretary of the feasability and advisability of establishing one or more military mental health specialities for officers or enlisted members of the Armed Forces in order to better meet the mental health care needs of members of the Armed Forces and their families.

(2) ELEMENTS.—The report required by paragraph (1) shall set forth the following:

(A) A recommendation as to the feasability and advisability of establishing one or more military mental health specialities for officers or enlisted members of the Armed Forces.

(B) For each military specialty recommended to be established under subparagraph (A)—

(i) a description of the qualifications required for such speciality, which shall reflect lessons learned from best practices in academia and the civilian health care industry regarding positions analogous to such specialty; and

(ii) a description of the incentives or other mechanisms, if any, that would be advisable to facilitate recruitment and retention of individuals to and in such specialty.

SEC. 715. DEPARTMENT OF DEFENSE STUDY ON MANAGEMENT OF MEDICATIONS FOR PHYSICALLY AND PSYCHOLOGICALLY WOUNDED MEMBERS OF THE ARMED FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the management of medications for physically and psychologically wounded members of the Armed Forces.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) A review and assessment of current practices within the Department of Defense for the management of medications for physically and psychologically wounded members of the Armed Forces.

(2) A review and analysis of the published literature on the risks associated with the administration of medications,

including accidental and intentional overdoses, under and over medication, and adverse interactions among medications.

(3) An identification of the medical conditions, and of the patient management procedures of the Department of Defense, that may increase the risks associated with the administration of medications in populations of members of the Armed Forces.

(4) An assessment of current and best practices in the Armed Forces, other departments and agencies of the Federal Government, and the private sector concerning the prescription, distribution, and management of medications, and the associated coordination of care.

(5) An identification of means for decreasing the risks associated with the administration of medications and associated problems with respect to physically and psychologically wounded members of the Armed Forces.

(c) REPORT.—Not later than April 1, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the study required under subsection (a). The report shall include such findings and recommendations as the Secretary considers appropriate in light of the study.

SEC. 716. LIMITATION ON OBLIGATION OF FUNDS UNDER DEFENSE HEALTH PROGRAM INFORMATION TECHNOLOGY PROGRAMS.

(a) LIMITATION.—Of each amount described in subsection (c), not more than 50 percent of the amount remaining unobligated as of the date of the enactment of this Act may be obligated until 30 days after the Deputy Secretary of Defense, acting in the capacity of Chief Management Officer of the Department of Defense pursuant to section 132 of title 10, United States Code, submits to the congressional defense committees a report in accordance with subsection (b). Deadline.

(b) REPORT.—The report required under subsection (a) shall be on improvements to the governance and execution of health information management and information technology programs planned and programmed to electronically support clinical medical care within the military health system. Such report shall include each of the following:

(1) An assessment of the capability of the enterprise architecture to achieve optimal clinical practices and health care outcomes.

(2) For each health information management and information technology program covered by the report, an identification and assessment of the risks associated with achieving the timelines and goals of the program.

(3) A plan of action to mitigate the risks identified under paragraph (2).

(4) An assessment of the appropriateness of the health information management and information technology technical architecture and whether that architecture leverages the current best practices of industry, including the ability to meet the interoperability standards required by section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note), as amended by section 252 of the Duncan Hunter National Defense Authorization Act for Fiscal Year for 2009 (Public Law 110-417; 122 Stat. 4400).

(5) An assessment, in coordination with the Secretary of Veterans Affairs, of—

(A) the capability of the Department of Defense of meeting the requirements for joint interoperability with the Department of Veterans Affairs, as required by such section 1635; and

(B) the progress the Secretary of Defense and the Secretary of Veterans Affairs have made on the establishment of a joint virtual lifetime electronic record for members of the Armed Forces.

(6) A plan to take corrective actions that are necessary to remedy shortfalls identified as a result of the assessments under this subsection.

(7) An assessment of the estimated resources required in future years to achieve optimal information technology support for health care clinical practice and quality and compliance with the requirements of such section 1635.

(8) An analysis of the methods by which the Office of the Assistant Secretary of Defense for Health Affairs procures health information management and information technology goods and services, and of the appropriateness of the application of legal and acquisition authorities.

(9) An analysis of the capabilities of the Office of the Assistant Secretary of Defense for Health Affairs to carry out necessary governance, management, and development functions of health information management and information technology systems, including—

(A) the recommendations of the Assistant Secretary for improvements to the Office or alternative organizational structures for the Office; and

(B) alternative organizations within the Department of Defense with equal or greater management capabilities for health information management and information technology.

(10) A recommendation as to whether health information management and information technology systems of the Department of Defense should be included in and subject to the requirements of section 2222 of title 10, United States Code.

(c) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—Amounts described in this section are the following amounts authorized to be appropriated for the Department of Defense for fiscal year 2010:

(1) Of the amounts authorized to be appropriated for operation and maintenance for the Defense Health Program (DHP IM/IT Support Program), $116,200,000.

(2) Of the amounts authorized to be appropriated for procurement for the Defense Health Program, $144,600,000.

(3) Of the amounts authorized to be appropriated for information technology development (program element 65013), $124,400,000.

Deadline. Assessment.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the Deputy Secretary submits the report required under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees the results of an assessment carried out by the Comptroller General of the report and plan of action to achieve Department goals and mitigate risk in the management and execution of health information management and information technology programs.

Subtitle C—Other Matters

SEC. 721. STUDY AND PLAN TO IMPROVE MILITARY HEALTH CARE.

10 USC 1071 note.

(a) STUDY AND REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

(b) ENHANCED MILITARY HEALTH SYSTEM AND IMPROVED TRICARE.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the other administering Secretaries, shall undertake actions to enhance the capability of the military health system and improve the TRICARE program.

(2) ELEMENTS.—In undertaking actions to enhance the capability of the military health system and improve the TRICARE program under paragraph (1), the Secretary shall consider the following actions:

(A) Actions to guarantee the availability of care within established access standards for eligible beneficiaries, based on the results of the study required by subsection (a).

(B) Actions to expand and enhance sharing of health care resources among Federal health care programs, including designated providers (as that term is defined in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2593; 10 U.S.C. 1073 note)).

(C) Actions using medical technology to speed and simplify referrals for specialty care.

(D) Actions to improve regional or national staffing capabilities in order to enhance support provided to military medical treatment facilities facing staff shortages.

(E) Actions to improve health care access for members of the reserve components and their families, including such access with respect to mental health care and consideration of access issues for members and their families located in rural areas.

(F) Actions to ensure consistency throughout the TRICARE program to comply with access standards, which

are applicable to both commanders of military treatment facilities and managed care support contractors.

(G) Actions to create new budgeting and resource allocation methodologies to fully support and incentivize care provided by military treatment facilities.

(H) Actions regarding additional financing options for health care provided by civilian providers.

(I) Actions to reduce administrative costs.

(J) Actions to control the cost of health care and pharmaceuticals.

(K) Actions to audit the Defense Enrollment Eligibility Reporting System to improve system checks on the eligibility of TRICARE beneficiaries.

(L) Actions, including a comprehensive plan, for the enhanced availability of prevention and wellness care.

(M) Actions using technology to improve direct communication with beneficiaries regarding health and preventive care.

(N) Actions to create performance metrics by which to measure improvement in the TRICARE program.

(O) Such other actions as the Secretary, in consultation with the other administering Secretaries, considers appropriate.

(c) QUALITY ASSURANCE.—In undertaking actions under this section, the Secretary of Defense and the other administering Secretaries shall continue or enhance the current level of quality health care provided by the Department of Defense and the military departments with no adverse impact to cost, access, or care.

(d) CONSULTATION.—In considering actions to be undertaken under this section, and in undertaking such actions, the Secretary shall consult with a broad range of national health care and military advocacy organizations.

(e) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees an initial report on the progress made in undertaking actions under this section and future plans for improvement of the military health system.

(2) REPORT REQUIRED WITH FISCAL YEAR 2012 BUDGET PROPOSAL.—Together with the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2012 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) Updates on the progress made in undertaking actions under this section.

(B) Future plans for improvement of the military health system.

(C) An explanation of how the budget submission may reflect such progress and plans.

(3) PERIODIC REPORTS.—The Secretary shall, on a periodic basis, submit to the congressional defense committees a report on the progress being made in the improvement of the TRICARE program under this section.

(4) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description and assessment of the progress made as of the date of such report in the improvement of the TRICARE program.

(B) Such recommendations for administrative or legislative action as the Secretary considers appropriate to expedite and enhance the improvement of the TRICARE program.

(f) DEFINITIONS.—In this section:

(1) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(2) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 722. STUDY, PLAN, AND PILOT FOR THE MENTAL HEALTH CARE NEEDS OF DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

10 USC 1077 note.

(a) REPORT AND PLAN ON THE MENTAL HEALTH CARE AND COUNSELING SERVICES AVAILABLE TO MILITARY CHILDREN.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive review of the mental health care and counseling services available to dependent children of members of the Armed Forces through the Department of Defense.

Review.

(2) ELEMENTS.—The review under paragraph (1) shall include an assessment of the following:

(A) The availability, quality, and effectiveness of Department of Defense programs intended to meet the mental health care needs of military children.

(B) The availability, quality, and effectiveness of Department of Defense programs intended to promote resiliency in military children in coping with deployment cycles, injury, or death of military parents.

(C) The extent of access to, adequacy, and availability of mental health care and counseling services for military children in military medical treatment facilities, in family assistance centers, through Military OneSource, under the TRICARE program, and in Department of Defense Education Activity schools.

(D) Whether the status of a member of the Armed Forces on active duty, or in reserve active status, affects the access of a military child to mental health care and counseling services.

(E) Whether, and to what extent, waiting lists, geographic distance, and other factors may obstruct the receipt by military children of mental health care and counseling services.

(F) The extent of access to, availability, and viability of specialized mental health care for military children (including adolescents).

(G) The extent of any gaps in the current capabilities of the Department of Defense to provide preventive mental health services for military children.

(H) Such other matters as the Secretary considers appropriate.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House

of Representatives a report on the review conducted under paragraph (1), including the findings and recommendations of the Secretary as a result of the review.

(b) COMPREHENSIVE PLAN FOR IMPROVEMENTS IN ACCESS TO CARE AND COUNSELING.—The Secretary shall develop and implement a comprehensive plan for improvements in access to quality mental health care and counseling services for military children in order to develop and promote psychological health and resilience in children of deploying and deployed members of the Armed Forces. The information in the report required by subsection (a) shall provide the basis for the development of the plan.

(c) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental health care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense committees a report that addresses the elements described under paragraph (1).

SEC. 723. CLINICAL TRIAL ON COGNITIVE REHABILITATIVE THERAPY FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) CLINICAL TRIAL REQUIRED.—The Secretary of Defense shall provide for a clinical trial to assess the efficacy of cognitive rehabilitative therapy for members or former members of the Armed Forces described in subsection (b).

(b) COVERED MEMBERS AND FORMER MEMBERS.—A member or former member of the Armed Forces described in this subsection is a member or former member of the Armed Forces who—

(1) has been diagnosed with a traumatic brain injury (TBI) incurred in the line of duty in Operation Iraqi Freedom or Operation Enduring Freedom; and

(2) is referred by a qualified physician, as determined by the Secretary, for cognitive rehabilitative therapy.

(c) FUNDING.—

(1) IN GENERAL.—The trial required by subsection (a) shall be funded as a medical research project using amounts authorized to be appropriated for Defense Health Program for research and development.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—Amounts in the Department of Defense Medicare-Eligible Retiree Health Care Fund under chapter 56 of title 10, United States Code, may not be used to carry out the provisions of this section.

(d) REPORTS.—

(1) REPORT ON PLAN AND DESIGN FOR TRIAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the conduct of the trial required by subsection (a), including a description of the proposed design of the trial.

(2) FINAL REPORT.—Not later than one year after the completion of the trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth, at a minimum, the following:

(A) An assessment of the efficacy of cognitive rehabilitative therapy in treating traumatic brain injury in members and former members of the Armed Forces described in subsection (b).

(B) Such recommendations as the Secretary considers appropriate on means to provide increased access to safe, effective, and quality cognitive rehabilitative therapy services for such members and former members, including recommendations regarding the following:

(i) Procedures for access of such members and former members to cognitive rehabilitative therapy services, including appropriate treatment plans and outcome measures.

(ii) Qualifications and supervisory requirements for licensed and certified health care professionals in the provision of such services to such members and former members.

(iii) A methodology for reimbursing providers of such services in the provision of such services to such members and former members.

(C) The recommendation of the Secretary as to the advisability of including cognitive rehabilitative therapy as a benefit under the TRICARE program.

SEC. 724. DEPARTMENT OF DEFENSE TASK FORCE ON THE CARE, MANAGEMENT, AND TRANSITION OF RECOVERING WOUNDED, ILL, AND INJURED MEMBERS OF THE ARMED FORCES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a task force to be known as the "Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces" (in this section referred to as the "Task Force").

(2) PURPOSE.—The purpose of the Task Force shall be to assess the effectiveness of the policies and programs developed and implemented by the Department of Defense, and

by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, and to make recommendations for the continuous improvement of such policies and programs.

(3) RELATION TO SENIOR OVERSIGHT COMMITTEE.—The Secretary shall ensure that the Task Force is independent of the Senior Oversight Committee (as defined in section 726(c) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4509)).

(b) COMPOSITION.—

(1) MEMBERS.—The Task Force shall consist of not more than 14 members, appointed by the Secretary of Defense from among the individuals as described in paragraph (2).

(2) COVERED INDIVIDUALS.—The individuals appointed to the Task Force shall include the following:

(A) At least one member of each of the regular components of the Army, the Navy, the Air Force, and the Marine Corps.

(B) One member of the National Guard.

(C) One member of a reserve component of the Armed Forces other than National Guard.

(D) A number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the Task Force.

(E) Persons who have experience in—

(i) medical care and coordination for wounded, ill, and injured members of the Armed Forces;

(ii) medical case management;

(iii) non-medical case management;

(iv) the disability evaluation process for members of the Armed Forces;

(v) veterans benefits;

(vi) treatment of traumatic brain injury and post-traumatic stress disorder;

(vii) family support;

(viii) medical research;

(ix) vocational rehabilitation; or

(x) disability benefits.

(F) At least one family member of a wounded, ill, or injured member of the Armed Forces or veteran who has experience working with wounded, ill, and injured members of the Armed Forces or their families.

(3) INDIVIDUALS APPOINTED FROM WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the Task Force from within the Department of Defense shall be the surgeon general of an Armed Force.

(4) INDIVIDUALS APPOINTED FROM OUTSIDE DEPARTMENT OF DEFENSE.—The individuals appointed to the Task Force from outside the Department of Defense—

(A) with the concurrence of the Secretary of Veterans Affairs, shall include an officer or employee of the Department of Veterans Affairs; and

(B) may include individuals from other departments or agencies of the Federal Government, from State and local agencies, or from the private sector.

(5) DEADLINE FOR APPOINTMENTS.—All original appointments to the Task Force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS.—There shall be two co-chairs of the Task Force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the individuals appointed to the Task Force from within the Department of Defense. The other co-chair shall be selected from among the individuals appointed from outside the Department of Defense by those individuals.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the Task Force have been appointed, and each year thereafter for the life of the Task Force, the Task Force shall submit to the Secretary of Defense a report on the activities of the Task Force and the activities of the Department of Defense and the military departments to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces. The report shall include the following:

(A) The findings and conclusions of the Task Force as a result of its assessment of the effectiveness of the policies and programs developed and implemented by the Department of Defense, and by each of the military departments, to assist and support the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(B) A description of best practices and various ways in which the Department of Defense and the military departments could more effectively address matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces, including members of the regular components, and members of the reserve components, and support for their families.

(C) A plan for the activities of the Task Force in the year following the year covered by the report.

(D) Such recommendations for other legislative or administrative action as the Task Force considers appropriate for measures to improve the policies and programs described in subparagraph (A).

(2) METHODOLOGY.—For purposes of the reports, the Task Force—

(A) shall conduct site visits and interviews as the Task Force considers appropriate;

(B) may consider the findings and recommendations of previous reviews and evaluations of the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces; and

(C) may use such other means for directly obtaining information relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces as the Task Force considers appropriate.

(3) MATTERS TO BE REVIEWED AND ASSESSED.—For purposes of the reports, the Task Force shall review and assess the following:

(A) Case management, including the numbers and types of medical and non-medical case managers (including Federal Recovery Coordinators, Recovery Care Coordinators, National Guard or Reserve case managers, and other case managers) assigned to recovering wounded, ill, and injured members of the Armed Forces, the training provided such case mangers, and the effectiveness of such case mangers in providing care and support to recovering wounded, ill, and injured members of the Armed Forces.

(B) Staffing of Army Warrior Transition Units, Marine Corps Wounded Warrior Regiments, Navy and Air Force Medical Hold or Medical Holdover Units, and other service-related programs or units for recovering wounded, ill, and injured members of the Armed Forces, including the use of applicable hiring authorities to ensure the proper staffing of such programs and units.

(C) The establishment and effectiveness of performance and accountability standards for warrior transition units and programs.

(D) The availability of services for traumatic brain injury and post traumatic stress disorder.

(E) The establishment and effectiveness of the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, and the centers of excellence for military eye injuries, hearing loss and auditory system injuries, and traumatic extremity injuries and amputations.

(F) The effectiveness of the Interagency Program Office in achieving fully interoperable electronic health records by September 30, 2009, in accordance with section 1635 of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 460; 10 U.S.C. 1071 note).

(G) The effectiveness of wounded warrior information resources, including the Wounded Warrior Resource Center, the National Resource Directory, Military OneSource, Family Assistance Centers, and Service hotlines, in providing meaningful information for recovering wounded, ill, and injured members of the Armed Forces.

(H) The support available to family caregivers of recovering wounded, ill, and injured members of the Armed Forces.

(I) The legal support available to recovering wounded, ill, and injured members of the Armed Forces and their families.

(J) The availability of vocational training for recovering wounded, ill, and injured members of the Armed Forces seeking to transition to civilian life.

(K) The effectiveness of any measures under pilot programs to improve or enhance the military disability evaluation system.

(L) The support and assistance provided to recovering wounded, ill, and injured members of the Armed Forces as they progress through the military disability evaluation system.

(M) The support systems in place to ease the transition of recovering wounded, ill, and injured members of the Armed Forces from the Department of Defense to the Department of Veterans Affairs.

(N) Interagency matters affecting recovering wounded, ill, and injured members of the Armed Forces in their transition to civilian life.

(O) The effectiveness of the Senior Oversight Committee in facilitating and overseeing collaboration between the Department of Defense and the Department of Veterans Affairs on matters relating to the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(P) Overall coordination between the Department of Defense and the Department of Veterans Affairs on the matters specified in this paragraph.

(Q) Such other matters as the Task Force considers appropriate in connection with the care, management, and transition of recovering wounded, ill, and injured members of the Armed Forces.

(4) TRANSMITTAL.—Not later than 90 days after receipt of a report required by paragraph (1), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the report and the Secretary's evaluation of the report.

(d) PLAN REQUIRED.—Not later than six months after the receipt of a report under subsection (c), the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to implement the recommendations of the Task Force included in the report. Deadline.

(e) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the Task Force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve on the Task Force without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the Task Force shall be appointed in accordance with, and subject to, the provisions of section 3161 of title 5, United States Code.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the Task Force. The Washington Headquarters Services of the Department of Defense shall provide the Task Force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the Task Force.

(3) VISITS TO MILITARY FACILITIES.—Any visit by the Task Force to a military installation or facility shall be undertaken through the Deputy Under Secretary of Defense for Personnel and Readiness, in coordination with the Secretaries of the military departments.

(f) TERMINATION.—The Task Force shall terminate on the date that is five years after the date of the enactment of this Act.

SEC. 725. CHIROPRACTIC CLINICAL TRIALS.

(a) CLINICAL TRIALS REQUIRED.—The Secretary of Defense shall provide for the clinical trials described under subsection (b) to be conducted by the National Institutes of Health or an independent academic institution as the Secretary shall select for the purposes of conducting each trial.

(b) CLINICAL TRIALS DESCRIBED.—

(1) CONTROLLED TRIALS.—The clinical trials required by subsection (a) shall include controlled trials that, at a minimum, compare the outcomes of chiropractic treatment, used either exclusively or as an adjunct to other treatments, with conventional treatment on the following topics:

(A) Pain management.

(B) Orthopedic injuries or disorders that do not require surgery.

(C) Smoking cessation.

(2) INTERVENTIONAL TRIALS.—The clinical trials required by subsection (a) shall include interventional trials that, at a minimum, cover the following topics:

(A) The effect of chiropractic treatment on the reflexes and reaction times of special operation forces.

(B) The effect of chiropractic treatment on strength, balance, and injury prevention for members of the Armed Forces with combat specialties operating in a combat theater.

(c) SCHEDULE.—

(1) FIRST TRIAL.—The first clinical trial required by subsection (a) shall begin not later than one year after the date of the enactment of this Act.

(2) FINAL TRIAL.—The final clinical trial required by subsection (a) shall begin not later than two years after the date of the enactment of this Act.

(d) TRIAL PARTICIPANTS.—A participant of a clinical trial required by subsection (a) shall be a member of the Armed Forces on active duty.

(e) CHIROPRACTIC PROVIDERS.—Chiropractic treatment provided during a clinical trial required by subsection (a) shall be provided by a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States, subject to credentialing requirements prescribed by the Secretary.

(f) REPORTS.—

(1) TRIAL PROTOCOL REPORTS.—Not later than 30 days before each clinical trial required by subsection (a) is scheduled to begin, the Secretary shall submit to the congressional defense committees a report on the protocol of such clinical trial.

(2) FINAL REPORTS.—Not later than one year after the completion of each clinical trial required by subsection (a), the Secretary shall submit to the congressional defense committees a report on such clinical trial, including any recommendations regarding chiropractic treatment for covered beneficiaries (as such term is defined in section 1072(5) of title 10, United States Code).

SEC. 726. INDEPENDENT STUDY ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) STUDY REQUIRED.—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall provide for a study on the treatment of post-traumatic stress disorder to be conducted by the Institute of Medicine of the National Academy of Sciences or such other independent entity as the Secretary shall select for purposes of the study.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) A list of each operative program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term "success" and a discussion of the process used to quantify such rates);

(B) based on the incidence of actual diagnoses, an estimate of the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—

(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region physiology and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals;

(D) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(E) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:

(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the entity conducting the study considers appropriate.

(4) The respective current and projected future annual expenditures by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.

(7) Any other matters the Secretary of Defense and Secretary of Veterans Affairs consider relevant with respect to the purposes of obtaining a comprehensive scientific assessment of—

(A) the incidence of post-traumatic stress disorder among members of the Armed Forces and veterans;

(B) the availability and effectiveness of various treatment programs and methods available for post-traumatic stress disorder;

(C) the current and future projected costs of such treatment programs and methods; or

(D) additional areas of needed research.

(8) Any other matters the entity conducting the study considers relevant.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than July 1, 2012, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees a report on the study.

(2) RESPONSE.—Not later than January 1, 2013, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such report.

(d) UPDATED REPORTS REQUIRED.—

(1) UPDATED REPORT.—Not later than July 1, 2014, the entity conducting the study required by subsection (a) shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the appropriate committees an update of the report required by subsection (c).

(2) UPDATED RESPONSE.—Not later than January 1, 2015, the Secretary of Defense and the Secretary of Veterans Affairs shall each submit to the appropriate committees a response to the updated report submitted under paragraph (1), including any recommendations on the treatment of post-traumatic stress disorder based on such updated report.

(e) APPROPRIATE COMMITTEES DEFINED.—In this section, the term "appropriate committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans' Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 727. REPORT ON IMPLEMENTATION OF REQUIREMENTS ON THE RELATIONSHIP BETWEEN THE TRICARE PROGRAM AND EMPLOYER-SPONSORED GROUP HEALTH PLANS.

(a) REPORT REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of section 1097c of title 10, United States Code, relating to the relationship between the TRICARE program and employer-sponsored group health plans.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the extent to which the Secretary has established measures to assess the effectiveness of section 1097c of title 10, United States Code, in reducing health care costs to the Department for military retirees and their families, and an assessment of the effectiveness of any measures so established.

(2) An assessment of the extent to which the implementation of such section 1097c has resulted in the migration of military retirees from coverage under the TRICARE Standard option of the TRICARE program to coverage under the TRICARE Prime option of the TRICARE program.

(3) A description of the exceptions adopted under subsection (a)(2) of such section 1097c to the requirements under such section 1097c, and an assessment of the effect of the exercise of any exceptions adopted on the administration of such section 1097c.

(4) An assessment of the extent to which the Secretary collects and assembles data on the treatment of employees eligible for participation in the TRICARE program in comparison with similar employees who are not eligible for participation in that program.

(5) A description of the outreach conducted by the Secretary to inform individuals eligible for participation in the TRICARE program and employers of their respective rights and responsibilities under such section 1097c, and an assessment of the effectiveness of any outreach so conducted.

(6) Such other matters with respect to the administration and effectiveness of the authorities in such section 1097c as the Secretary considers appropriate.

SEC. 728. REPORT ON STIPENDS FOR MEMBERS OF RESERVE COMPONENTS FOR HEALTH CARE FOR CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on stipends paid under section 704 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 188; 10 U.S.C. 1076 note). The report shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such stipends.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; report.
Sec. 802. Assessment of improvements in service contracting.
Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.
Sec. 804. Implementation of new acquisition process for information technology systems.
Sec. 805. Life-cycle management and product support.
Sec. 806. Treatment of non-defense agency procurements under joint programs with intelligence community.
Sec. 807. Policy and requirements to ensure the safety of facilities, infrastructure, and equipment for military operations.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

Sec. 811. Justification and approval of sole-source contracts.
Sec. 812. Revision of Defense Supplement relating to payment of costs prior to definitization.
Sec. 813. Revisions to definitions relating to contracts in Iraq and Afghanistan.
Sec. 814. Amendment to notification requirements for awards of single source task or delivery orders.
Sec. 815. Clarification of uniform suspension and debarment requirement.
Sec. 816. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 817. Reporting requirements for programs that qualify as both major automated information system programs and major defense acquisition programs.
Sec. 818. Small arms production industrial base matters.
Sec. 819. Contract authority for advanced component development or prototype units.
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Subtitle C—Contractor Matters

Sec. 821. Authority for Government support contractors to have access to technical data belonging to prime contractors.
Sec. 822. Extension and enhancement of authorities on the Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 823. Authority for Secretary of Defense to reduce or deny award fees to companies found to jeopardize health or safety of Government personnel.

Subtitle D—Acquisition Workforce Matters

Sec. 831. Enhancement of expedited hiring authority for defense acquisition workforce positions.
Sec. 832. Funding of Department of Defense Acquisition Workforce Development Fund.
Sec. 833. Review of post-employment restrictions applicable to the Department of Defense.
Sec. 834. Review of Federal acquisition workforce training and hiring.

Subtitle E—Other Matters

Sec. 841. Reports to Congress on full deployment decisions for major automated information system programs.
Sec. 842. Authorization to take actions to correct the industrial resource shortfall for high-purity beryllium metal.
Sec. 843. Report on rare earth materials in the defense supply chain.
Sec. 844. Comptroller General report on structure and management of subcontractors under contracts for major weapon systems.
Sec. 845. Study of the use of factors other than cost or price as the predominate factors in evaluating competitive proposals for defense procurement contracts.

Sec. 846. Repeal of requirements relating to the military system essential item breakout list.
Sec. 847. Extension of SBIR and STTR programs of the Department of Defense.
Sec. 848. Extension of authority for small business innovation research Commercialization Pilot Program.

Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

(b) DETERMINATION.—A determination described in this subsection is a determination by the Secretary that—

(1) the product or service concerned is to be used—

(A) in the country that is the source of the product or service;

(B) in the course of efforts by the United States and the NATO International Security Assistance Force to ship goods to Afghanistan in support of military or stability operations in Afghanistan; or

(C) by the military forces, police, or other security personnel of Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or

(B) the United States industrial base.

(c) PRODUCTS AND SERVICES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(d) COVERED COUNTRY DEFINED.—In this section, the term "covered country" means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).

(f) TERMINATION OF AUTHORITY.—The Secretary of Defense may not exercise the authority provided in subsection (a) on or after the date occurring three years after the date of the enactment of this Act.

(g) REPORT ON AUTHORITY.—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, the following:

(1) The number of determinations made by the Secretary pursuant to subsection (b).

(2) A description of the products and services acquired using the authority.

(3) The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).

(4) A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).

(5) Any recommended modifications to the authority.

SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE CONTRACTING.

(a) ASSESSMENT REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall direct the Defense Science Board to conduct an independent assessment of improvements in the procurement and oversight of services by the Department of Defense.

(b) MATTERS COVERED.—The assessment required by subsection (a) shall include the following:

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) An assessment of the contracting approaches and contract types used for the procurement of services and whether such contracting approaches and contract types best serve the interests of the Department of Defense.

(4) A determination of whether effective standards to measure performance have been developed.

(5) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(6) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(7) A determination of whether the performance savings goals required by section 802 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2330 note) are being achieved.

(8) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(9) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(10) Such other related matters as the Under Secretary considers appropriate.

(c) REPORT.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.

SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) CODIFICATION OF REQUIREMENT FOR SPECIFICATION OF AMOUNTS REQUESTED FOR PROCUREMENT OF CONTRACT SERVICES.—

(1) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 234 the following new section:

"§ 235. Procurement of contract services: specification of amounts requested in budget

"(a) SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION MATERIALS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary of Defense shall include the information described in subsection (b) with respect to the procurement of contract services.

"(b) INFORMATION PROVIDED.—For each budget account, the materials submitted shall clearly and separately identify—

"(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity; and

"(2) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

"(c) CONTRACT SERVICES DEFINED.—In this section, the term 'contract services'—

"(1) means services from contractors; but

"(2) excludes services relating to research and development and services relating to military construction.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"235. Procurement of contract services: specification of amounts requested in budget.".

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after "plan" the following: ", including an enforcement mechanism and approval process,".

(c) COMPTROLLER GENERAL REPORT ON INVENTORY.—Not later than 180 days after the date on which the Secretary of Defense submits to Congress the inventory required by section 2330a(c) of title 10, United States Code, in each of 2010, 2011 and 2012, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory so submitted, with such findings and recommendations as the Comptroller General considers appropriate.

10 USC 2225 note.

SEC. 804. IMPLEMENTATION OF NEW ACQUISITION PROCESS FOR INFORMATION TECHNOLOGY SYSTEMS.

(a) NEW ACQUISITION PROCESS REQUIRED.—The Secretary of Defense shall develop and implement a new acquisition process for information technology systems. The acquisition process developed and implemented pursuant to this subsection shall, to the extent determined appropriate by the Secretary—

(1) be based on the recommendations in chapter 6 of the March 2009 report of the Defense Science Board Task Force on Department of Defense Policies and Procedures for the Acquisition of Information Technology; and

(2) be designed to include—

(A) early and continual involvement of the user;

(B) multiple, rapidly executed increments or releases of capability;

(C) early, successive prototyping to support an evolutionary approach; and

(D) a modular, open-systems approach.

(b) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the new acquisition process developed pursuant to subsection (a). The report required by this subsection shall, at a minimum—

(1) describe the new acquisition process;

(2) provide an explanation for any decision by the Secretary to deviate from the criteria established for such process in paragraphs (1) and (2) of subsection (a);

(3) provide a schedule for the implementation of the new acquisition process;

(4) identify the categories of information technology acquisitions to which such process will apply; and

(5) include the Secretary's recommendations for any legislation that may be required to implement the new acquisition process.

SEC. 805. LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT.

10 USC 2302 note. Deadline.

(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

(b) PRODUCT SUPPORT MANAGERS.—

(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

(A) develop and implement a comprehensive product support strategy for the weapon system;

(B) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A–94;

(C) assure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

(D) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

(E) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy; and

(F) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy.

(c) GOVERNMENT PERFORMANCE OF PRODUCT SUPPORT MANAGER FUNCTION.—Section 820(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2330) is amended—

10 USC 1701 note.

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5) and (6), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

"(3) Product support manager.".

(d) DEFINITIONS.—In this section:

(1) The term "product support" means the package of support functions required to field and maintain the readiness

and operational capability of major weapon systems, subsystems, and components, including all functions related to weapon system readiness.

(2) The term "product support arrangement" means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

(A) Performance-based logistics.

(B) Sustainment support.

(C) Contractor logistics support.

(D) Life-cycle product support.

(E) Weapon systems product support.

(3) The term "product support integrator" means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

(4) The term "product support provider" means an entity that provides product support functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

(5) The term "major weapon system" has the meaning given that term in section 2302d of title 10, United States Code.

SEC. 806. TREATMENT OF NON-DEFENSE AGENCY PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.

Section 801(b) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

"(3) TREATMENT OF PROCUREMENTS UNDER JOINT PROGRAMS WITH INTELLIGENCE COMMUNITY.—For purposes of this subsection, a contract entered into by a non-defense agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) for the performance of a joint program conducted to meet the needs of the Department of Defense and the non-defense agency shall not be considered a procurement of property or services for the Department of Defense through a non-defense agency.".

10 USC 113 note.

SEC. 807. POLICY AND REQUIREMENTS TO ENSURE THE SAFETY OF FACILITIES, INFRASTRUCTURE, AND EQUIPMENT FOR MILITARY OPERATIONS.

(a) POLICY.—It shall be the policy of the Department of Defense that facilities, infrastructure, and equipment that are intended for use by military or civilian personnel of the Department in current or future military operations should be inspected for safety and habitability prior to such use, and that such facilities should be brought into compliance with generally accepted standards for the safety and health of personnel to the maximum extent practicable and consistent with the requirements of military operations and the best interests of the Department of Defense, to minimize the safety and health risk posed to such personnel.

(b) REQUIREMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall— Deadline.

(1) ensure that each contract or task or delivery order entered into for the construction, installation, repair, maintenance, or operation of facilities for use by military or civilian personnel of the Department complies with the policy established in subsection (a);

(2) ensure that contracts entered into prior to the date that is 60 days after the date of the enactment of this Act comply with such policy to the maximum extent practicable;

(3) define the term "generally accepted standards" with respect to fire protection, structural integrity, electrical systems, plumbing, water treatment, waste disposal, and telecommunications networks for the purposes of this section; and

(4) provide such exceptions and limitations as may be needed to ensure that this section can be implemented in a manner that is consistent with the requirements of military operations and the best interests of the Department of Defense.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitation

SEC. 811. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE CONTRACTS. 41 USC 421 note.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide that the head of an agency may not award a sole-source contract in a covered procurement for an amount exceeding $20,000,000 unless— Deadline.

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public as provided in sections 2304(f)(1)(C) and 2304(l) of title 10, United States Code, or sections 303(f)(1)(C) and 303(j) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(C) and 253(j)), as applicable.

(b) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required pursuant to subsection (a) shall include the following:

(1) A description of the needs of the agency concerned for the matters covered by the contract.

(2) A specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract.

(3) A determination that the use of a sole-source contract is in the best interest of the agency concerned.

(4) A determination that the anticipated cost of the contract will be fair and reasonable.

(5) Such other matters as the head of the agency concerned shall specify for purposes of this section.

(c) DEFINITIONS.—In this section:

(1) COVERED PROCUREMENT.—The term "covered procurement" means either of the following:

(A) A procurement described in section 2304(f)(2)(D)(ii) of title 10, United States Code.

(B) A procurement described in section 303(f)(2)(D)(ii) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(2)(D)(ii)).

(2) HEAD OF AN AGENCY.—The term "head of an agency"—

(A) in the case of a covered procurement as defined in paragraph (1)(A), has the meaning provided in section 2302(1) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), has the meaning provided the term "agency head" in section 309(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(a)).

(3) APPROPRIATE OFFICIAL.—The term "appropriate official" means—

(A) in the case of a covered procurement as defined in paragraph (1)(A), an official designated in section 2304(f)(1)(B) of title 10, United States Code; and

(B) in the case of a covered procurement as defined in paragraph (1)(B), an official designated in section 303(f)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)(B)).

10 USC 2326 note.

SEC. 812. REVISION OF DEFENSE SUPPLEMENT RELATING TO PAYMENT OF COSTS PRIOR TO DEFINITIZATION.

Deadline.

(a) REVISION REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Federal Acquisition Regulation to ensure that any limitations described in subsection (b) are applicable to all categories of undefinitized contractual actions (including undefinitized task orders and delivery orders).

(b) LIMITATIONS.—The limitations referred to in subsection (a) are any limitations on the reimbursement of costs and the payment of profits or fees with respect to costs incurred before the definitization of an undefinitized contractual action of the Department of Defense, including—

(1) such limitations as described in part 52.216-26 of the Federal Acquisition Regulation; and

(2) any such limitations implementing the requirements of section 809 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2326 note).

SEC. 813. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) REVISIONS TO DEFINITION OF CONTRACT IN IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302 note) is amended—

(1) by striking "or a task order or delivery order at any tier issued under such a contract" and inserting "a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement";

(2) by striking in the parenthetical "or task order or delivery order" and inserting "task order, delivery order, grant, or cooperative agreement";

(3) by striking "or task or delivery order" after the parenthetical and inserting "task order, delivery order, grant, or cooperative agreement"; and

(4) by striking "14 days" and inserting "30 days".

(b) REVISION TO DEFINITION OF COVERED CONTRACT.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking "or" at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

"(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

"(E) a cooperative agreement for the performance of services in such an area of combat operations.".

(c) REVISION TO DEFINITION OF CONTRACTOR.—Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

"(4) CONTRACTOR.—The term 'contractor', with respect to a covered contract, means—

"(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

"(B) in the case of a covered contract that is a grant, the grantee; and

"(C) in the case of a covered contract that is a cooperative agreement, the recipient.".

(d) REVISION IN VALUE OF CONTRACTS COVERED BY CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking "$25,000" and inserting "$100,000". 8 USC 1157 note.

SEC. 814. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) CONGRESSIONAL DEFENSE COMMITTEES.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:

"(B) The head of the agency shall notify the congressional defense committees within 30 days after any determination under clause (i), (ii), (iii), or (iv) of subparagraph (A).". Deadline.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—In the case of a task or delivery order contract awarded with respect to intelligence activities of the Department of Defense, any notification provided under subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, as amended by subsection (a), shall also be provided at the same time as notification is provided to the congressional defense committees under that subparagraph— 10 USC 2304a note.

(1) to the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to tactical intelligence and intelligence-related activities of the Department; and

(2) to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives insofar as such task or delivery order contract relates to intelligence and intelligence-related activities

of the Department other than those specified in paragraph (1).

SEC. 815. CLARIFICATION OF UNIFORM SUSPENSION AND DEBARMENT REQUIREMENT.

Section 2455(c)(1) of the Federal Acquisition Streamlining Act of 1994 (31 U.S.C. 6101 note) is amended by adding at the end the following: "Such term includes subcontracts at any tier, other than subcontracts for commercially available off-the-shelf items (as defined in section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))), except that in the case of a contract for commercial items, such term includes only first-tier subcontracts.".

SEC. 816. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) as amended by section 822 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 226) is amended in subsection (e) by striking "2010" and inserting "2012".

SEC. 817. REPORTING REQUIREMENTS FOR PROGRAMS THAT QUALIFY AS BOTH MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS AND MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2445d of title 10, United States Code, is amended by striking "of this title" and all that follows and inserting "of this title, the Secretary may designate the program to be treated only as a major automated information system program covered by this chapter or to be treated only as a major defense acquisition program covered by such chapter 144.".

10 USC 2445d note.

(b) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance on the implementation of section 2445d of title 10, United States Code (as amended by subsection (a)). The guidance shall provide that, as a general rule—

(1) a program covered by such section that requires the development of customized hardware shall be treated only as a major defense acquisition program under chapter 144 of title 10, United States Code; and

(2) a program covered by such section that does not require the development of customized hardware shall be treated only as a major automated information system program under chapter 144A of title 10, United States Code.

SEC. 818. SMALL ARMS PRODUCTION INDUSTRIAL BASE MATTERS.

(a) AUTHORITY TO MODIFY DEFINITION OF "SMALL ARMS PRODUCTION INDUSTRIAL BASE".—Section 2473(c) of title 10, United States Code, is amended—

(1) by striking "In this section" and inserting "(1) Subject to paragraph (2), in this section"; and

(2) by adding at the end the following new paragraph:

"(2) After March 31, 2010, the Secretary of Defense may eliminate, modify, or add to the firms included in the small arms production industrial base, as defined in paragraph (1), as he determines appropriate to best ensure the competitive development, production, and maintenance of small arms for the Department of Defense.".

(b) REVIEW OF SMALL ARMS PRODUCTION INDUSTRIAL BASE.—

(1) REVIEW.—Not later than March 31, 2010, the Secretary of Defense shall review and determine, based on current and future Department requirements and competitive manufacturing capability and capacity— Deadline. Determination.

(A) whether any firms included in the small arms production industrial base (as that term is defined in section 2473(c) of title 10, United States Code) should be eliminated or modified and whether any additional firms should be included; and

(B) whether any of the small arms listed in section 2473(d) of title 10, United States Code, should be eliminated from the list or modified on the list and whether any additional small arms should be included in the list.

(2) REPORTS.—

(A) Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the review conducted under this subsection.

(B) The Secretary of Defense shall notify the congressional defense committees not later than 30 days after making any modification to the list maintained pursuant to subsection (c) of section 2473 of title 10, United States Code, or the list under subsection (d) of such section.

SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS. 10 USC 2302 note.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract line item or contract option for—

(1) the provision of advanced component development or prototype of technology developed under the contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the contract.

(b) LIMITATIONS.—

(1) MINIMAL AMOUNT.—A contract line item or contract option described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items.

(2) TERM.—A contract line item or contract option described in subsection (a) shall be for a term of not more than 12 months.

(3) DOLLAR VALUE OF WORK.—The dollar value of the work to be performed pursuant to a contract line item or contract option described in subsection (a) may not exceed the lesser of the amounts as follows:

(A) The amount that is three times the dollar value of the work previously performed under the contract.

(B) $20,000,000.

(4) TERMINATION OF AUTHORITY.—A military department or defense agency may not exercise a contract line item or contract option pursuant to the authority provided in subsection (a) after September 30, 2014.

(c) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the

authority provided by subsection (a) not later than March 1, 2013. The report shall, at a minimum, describe—

(1) the number of times a contract line item or contract option was exercised under such authority, the dollar amount of each such line item or option, and the scope of each such line item or option;

(2) the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;

(3) the extent to which such authority affected competition and technology transition; and

(4) such recommendations as the Secretary considers appropriate, including any recommendations regarding the modification or extension of such authority.

10 USC 2304 note.

SEC. 820. PUBLICATION OF NOTIFICATION OF BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE.

Web posting. Deadline. Determination.

(a) REQUIREMENT TO PUBLISH NOTIFICATION FOR BUNDLING.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish a notification consistent with the requirements of paragraph (c)(2) of subpart 10.001 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) at least 30 days prior to the release of a solicitation for such acquisition and, if the agency has determined that measurably substantial benefits are expected to be derived as a result of bundling such acquisition, shall include in the notification a brief description of the benefits.

(b) COVERED ACQUISITION DEFINED.—In this section, the term "covered acquisition" means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(c) CONSTRUCTION.—

(1) NOTIFICATION.—Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the notification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) DISCLOSURE.—Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or Executive order.

(3) ISSUANCE OF SOLICITATION.—Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise authorized under any other requirement of law or regulation.

Subtitle C—Contractor Matters

SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CONTRACTORS TO HAVE ACCESS TO TECHNICAL DATA BELONGING TO PRIME CONTRACTORS.

(a) AUTHORITY FOR ACCESS TO TECHNICAL DATA.—Subsection (c) of section 2320 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) notwithstanding any limitation upon the license rights conveyed under subsection (a), allowing a covered Government support contractor access to and use of any technical data delivered under a contract for the sole purpose of furnishing independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of the program or effort to which such technical data relates; or".

(b) COVERED GOVERNMENT SUPPORT CONTRACTOR DEFINED.—Such section is further amended by adding at the end the following new subsection:

"(f) In this section, the term 'covered Government support contractor' means a contractor under a contract the primary purpose of which is to furnish independent and impartial advice or technical assistance directly to the Government in support of the Government's management and oversight of a program or effort (rather than to directly furnish an end item or service to accomplish a program or effort), which contractor—

"(1) is not affiliated with the prime contractor or a first-tier subcontractor on the program or effort, or with any direct competitor of such prime contractor or any such first-tier subcontractor in furnishing end items or services of the type developed or produced on the program or effort; and

"(2) executes a contract with the Government agreeing to and acknowledging—

"(A) that proprietary or nonpublic technical data furnished will be accessed and used only for the purposes stated in that contract;

"(B) that the covered Government support contractor will enter into a non-disclosure agreement with the contractor to whom the rights to the technical data belong;

"(C) that the covered Government support contractor will take all reasonable steps to protect the proprietary and nonpublic nature of the technical data furnished to the covered Government support contractor during the program or effort for the period of time in which the Government is restricted from disclosing the technical data outside of the Government;

"(D) that a breach of that contract by the covered Government support contractor with regard to a third party's ownership or rights in such technical data may subject the covered Government support contractor—

"(i) to criminal, civil, administrative, and contractual actions in law and equity for penalties, damages,

and other appropriate remedies by the United States; and

"(ii) to civil actions for damages and other appropriate remedies by the contractor or subcontractor whose technical data is affected by the breach; and

"(E) that such technical data provided to the covered Government support contractor under the authority of this section shall not be used by the covered Government support contractor to compete against the third party for Government or non-Government contracts.".

SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORITIES ON THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) DATE OF FINAL REPORT.—Subsection (d)(3) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by striking "two years" and inserting "three years".

(b) ASSISTANCE FROM FEDERAL AGENCIES.—Such section is further amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) ASSISTANCE FROM FEDERAL AGENCIES.—

"(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall provide to the Commission administrative support for the performance of the Commission's functions in carrying out the requirements of this section.

"(2) TRAVEL AND LODGING IN COMBAT THEATERS.—The administrative support provided the Commission under paragraph (1) shall include travel and lodging undertaken in combat theaters, which support shall be provided through funds made available for that purpose through the Washington Headquarters Services or on a non-reimbursable basis, as appropriate.

"(3) OTHER DEPARTMENTS AND AGENCIES.—In addition to the support required by paragraph (1), any department or agency of the Federal Government may provide to the Commission such services, funds, facilities, staff, and other support services for the performance of the Commission's functions as the head of such department or agency considers advisable, or as may otherwise be authorized by law.".

10 USC 2302 note.

SEC. 823. AUTHORITY FOR SECRETARY OF DEFENSE TO REDUCE OR DENY AWARD FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

Deadline. Guidance.

(a) AUTHORITY TO REDUCE OR DENY AWARD FEES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the guidance issued pursuant to section 814 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 129 Stat. 2321) to ensure that all covered contracts using award fees—

(1) provide for the consideration of any incident described in subsection (b) in evaluations of contractor performance for the relevant award fee period; and

(2) authorize the Secretary to reduce or deny award fees for the relevant award fee period, or to recover all or part of award fees previously paid for such period, on the basis of the negative impact of such incident on contractor performance.

(b) COVERED INCIDENTS.—An incident referred to in subsection (a) is any incident in which the contractor—

(1) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(2) has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), to be liable for actions of a subcontractor of the contractor that caused serious bodily injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety of such personnel.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDINGS.—For purposes of subsection (a), the dispositions listed in this subsection are as follows:

(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in paragraph (1), (2), or (3).

(d) DEFINITIONS.—In this section:

(1) The term "defense contractor" means a company awarded a covered contract.

(2) The term "covered contract" means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term "serious bodily injury" means a grievous physical harm that results in a permanent disability.

(e) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into after the date occurring 180 days after the date of the enactment of this Act.

Subtitle D—Acquisition Workforce Matters

SEC. 831. ENHANCEMENT OF EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) IN GENERAL.—Paragraph (1) of section 1705(h) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking "acquisition positions within the Department of Defense as shortage category positions" and inserting "acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need"; and

(2) in subparagraph (B), by striking "highly".

(b) EXTENSION.—Paragraph (2) of such section is amended by striking "September 30, 2012" and inserting "September 30, 2015".

(c) TECHNICAL AMENDMENT.—Paragraph (1) of such section is further amended by striking "United States Code," in the matter preceding subparagraph (A).

SEC. 832. FUNDING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) ADDITIONAL ELEMENT OF FUND.—Subsection (d) of section 1705 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) Amounts transferred to the Fund pursuant to paragraph (3)."; and

(2) by adding at the end the following new paragraph:

"(3) TRANSFER OF CERTAIN UNOBLIGATED BALANCES.—To the extent provided in appropriations Acts, the Secretary of Defense may, during the 24-month period following the expiration of availability for obligation of any appropriations made to the Department of Defense for procurement, research, development, test, and evaluation, or operation and maintenance, transfer to the Fund any unobligated balance of such appropriations. Any amount so transferred shall be credited to the Fund.".

(b) NATURE OF EXPENDED AMOUNTS PROVIDING BASIS FOR CREDIT TO FUND.—Subparagraph (A) of paragraph (2) of such subsection is amended by striking ", other than" and all that follows and inserting "from amounts available for contract services for operation and maintenance.".

(c) REMITTANCES.—Subparagraph (B) of paragraph (2) of such subsection is amended by inserting ", from amounts available to such military department or Defense Agency, as the case may be, for contract services for operation and maintenance," after "remit to the Secretary of Defense".

(d) ADDITIONAL MATTERS RELATING TO REMITTANCES.—

(1) REMITTANCE BY FISCAL YEAR INSTEAD OF QUARTER.—Subparagraph (B) of paragraph (2) of such subsection is amended—

(A) in the first sentence, by striking "the third fiscal year quarter" and all that follows through "thereafter" and inserting "the first quarter of each fiscal year"; and

(B) by striking "quarter" before "for services".

(2) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—Such subsection is further amended—

(A) in paragraph (2)(B), by striking "Not later than" and inserting "Subject to paragraph (4), not later than"; and

(B) by adding at the end the following new paragraph:

"(4) ADDITIONAL REQUIREMENTS AND LIMITATIONS ON REMITTANCES.—(A) In the event amounts are transferred to the Fund during a fiscal year pursuant to paragraph (1)(B) or appropriated to the Fund for a fiscal year pursuant to paragraph (1)(C), the aggregate amount otherwise required to be remitted to the Fund for that fiscal year pursuant to paragraph (2)(B) shall be reduced by the amount equal to the amounts so transferred or appropriated to the Fund during or for that fiscal year. Any reduction in the aggregate amount required to be remitted to the Fund for a fiscal year under this subparagraph shall be allocated as provided in applicable provisions of appropriations Acts or, absent such provisions, on a pro rata basis among the military departments and Defense Agencies required to make remittances to the Fund for that fiscal year under paragraph (2)(B), subject to any exclusions the Secretary of Defense determines to be necessary in the best interests of the Department of Defense.

"(B) Any remittance of amounts to the Fund for a fiscal year under paragraph (2) shall be subject to the availability of appropriations for that purpose.".

(e) REMITTANCE AMOUNTS.—Paragraph (2) of such subsection is further amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) For purposes of this paragraph, the applicable percentage for a fiscal year is the percentage that results in the credit to the Fund in such fiscal year of an amount as follows:

"(i) For fiscal year 2010, $100,000,000.

"(ii) For fiscal year 2011, $770,000,000.

"(iii) For fiscal year 2012, $900,000,000.

"(iv) For fiscal year 2013, $1,180,000,000.

"(v) For fiscal year 2014, $1,330,000,000.

"(vi) For fiscal year 2015, $1,470,000,000.

"(D) The Secretary of Defense may reduce an amount specified in subparagraph (C) for a fiscal year if the Secretary determines that the amount is greater than is reasonably needed for purposes of the Fund for such fiscal year. The Secretary may not reduce the amount for a fiscal year to an amount that is less than 80 percent of the amount otherwise specified in subparagraph (C) for such fiscal year.".

(f) CLARIFICATION OF LIMITATION ON PAY OF BASE SALARY OF CURRENT EMPLOYEES.—Subsection (e)(5) of such section is amended by striking "as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" and inserting "serving in a position in the acquisition workforce as of January 28, 2008".

(g) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of such section is amended by inserting "Development" after "Workforce".

(2) Subsection (f) of such section is amended in the matter preceding paragraph (1) by striking "beginning with fiscal year 2008".

10 USC 1705 note.

(h) EFFECTIVE DATES.—

(1) FUNDING AMENDMENTS.—The amendments made by subsections (a) through (c) shall take effect as of October 1, 2009.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsections (f) and (g) shall take effect on the date of the enactment of this Act.

SEC. 833. REVIEW OF POST-EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) REVIEW REQUIRED.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restrictions and conflicts of interest in interactions with former personnel of the Department;

(5) appropriately apply to all personnel performing duties in acquisition-related activities, such as personnel involved in—

(A) the establishment of requirements;

(B) testing and evaluation; and

(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(c) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than one year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary

of Defense, including recommended legislative or regulatory changes, resulting from the review.

(e) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.— Deadlines.

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 834. REVIEW OF FEDERAL ACQUISITION WORKFORCE TRAINING AND HIRING.

(a) COMPTROLLER GENERAL REPORT ON THE GOVERNMENT-WIDE ACQUISITION WORKFORCE DEVELOPMENT STRATEGIC PLAN.—Not later than 180 days after the Acquisition Workforce Development Strategic Plan required by section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4553) is completed, the Comptroller General of the United States shall submit to the relevant committees of Congress a report on the Plan.

(b) MATTERS COVERED.—The report required under subsection (a) shall include assessments of the following:

(1) The methodologies used to formulate the Acquisition Workforce Development Strategic Plan and its recommendations.

(2) The extent to which the Acquisition Workforce Development Strategic Plan addresses previously identified shortcomings in the acquisition workforce and prior efforts by agencies to develop acquisition workforce plans, including the strategies used to identify and hire acquisition personnel.

(3) The feasibility of the Acquisition Workforce Development Strategic Plan's recommendations and associated time frames for implementation, particularly as they relate to the development of a sustainable funding model and the applicability of the Defense Acquisition Workforce Development Fund model to civilian agencies.

(4) The extent to which the Acquisition Workforce Development Strategic Plan considered the use by agencies of contractor personnel to supplement the acquisition workforce.

(5) Whether the Acquisition Workforce Development Strategic Plan considered the full range of laws, regulations, and policies that currently apply to the acquisition workforce.

(6) The extent to which the Acquisition Workforce Development Strategic Plan considered the specific training and retention tools (whether located within or outside an agency) used to professionally develop and retain acquisition personnel, including the following:

(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(7) Such other matters, findings, and recommendations as the Comptroller General considers appropriate.

Definition.

(c) RELEVANT COMMITTEES.—In this section, the term "relevant committees" means each of the following:

(1) The Committee on Oversight and Government Reform of the House of Representatives.

(2) The Committee on Armed Services of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate.

(4) The Committee on Armed Services of the Senate.

Subtitle E—Other Matters

SEC. 841. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking "initial operational capability, and full operational capability" and inserting "full deployment decision, and full deployment".

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking "initial operational capability" and inserting "a full deployment decision".

(c) DEFINITIONS.—Section 2445a of such title is amended by adding at the end the following new subsections:

"(e) FULL DEPLOYMENT DECISION.—In this chapter, the term 'full deployment decision' means, with respect to a major automated information system program, the final decision made by the Milestone Decision Authority authorizing an increment of the program to deploy software for operational use.

"(f) FULL DEPLOYMENT.—In this chapter, the term 'full deployment' means, with respect to a major automated information system program, the fielding of an increment of the program in accordance with the terms of a full deployment decision.".

50 USC app. 2093 note.

SEC. 842. AUTHORIZATION TO TAKE ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL.

Notwithstanding any limitation in section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093), an action may be taken under such section to correct an industrial resource shortfall or domestic industrial base shortfall for high-purity beryllium metal if such action does not cause the aggregate outstanding amount of all such actions for such shortfall to exceed "$85,000,000".

SEC. 843. REPORT ON RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) REPORT REQUIRED.—Not later than April 1, 2010, the Comptroller General shall submit to the Committees on Armed Services

of the Senate and House of Representatives a report on rare earth materials in the supply chain of the Department of Defense.

(b) MATTERS ADDRESSED.—The report required by subsection (a) shall address, at a minimum, the following:

(1) An analysis of the current and projected domestic and worldwide availability of rare earths for use in defense systems, including an analysis of projected availability of these materials in the export market.

(2) An analysis of actions or events outside the control of the Government of the United States that could restrict the access of the Department of Defense to rare earth materials, such as past procurements and attempted procurements of rare earth mines and mineral rights.

(3) A determination as to which defense systems are currently dependent on, or projected to become dependent on, rare earth materials, particularly neodymium iron boron magnets, whose supply could be restricted—

(A) by actions or events identified pursuant to paragraph (2); or

(B) by other actions or events outside the control of the Government of the United States.

(4) The risk to national security, if any, of the dependencies (current or projected) identified pursuant to paragraph (3).

(5) Any steps that the Department of Defense has taken or is planning to take to address any such risk to national security.

(6) Such recommendations for further action to address the matters covered by the report as the Comptroller General considers appropriate.

(c) DEFINITIONS.—In this section:

(1) The term "rare earth" means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

(2) The term "rare earth material" includes rare earth ores, semi-finished rare earth products, and components containing rare earth materials.

SEC. 844. COMPTROLLER GENERAL REPORT ON STRUCTURE AND MANAGEMENT OF SUBCONTRACTORS UNDER CONTRACTS FOR MAJOR WEAPON SYSTEMS.

(a) STUDY.—The Comptroller General shall conduct a study on the structure and management of major subcontracts under contracts for the acquisition of selected major weapon systems.

(b) ISSUES TO BE ADDRESSED.—At a minimum, the study required by subsection (a) shall address the following:

(1) The number of major subcontracts under each prime contract reviewed.

(2) The manner in which the prime contractor addressed decisions to conduct work in-house or through subcontracts.

(3) The manner in which any potential organizational conflicts of interest were addressed and the Government's role (if any) in selecting the approach chosen.

(4) The manner in which such subcontracts were awarded (including the degree of competition) and the Government's role (if any) in such award decisions.

(5) Any recommendations that the Comptroller General may have for improving Government oversight, reducing the oversight burden on the acquisition workforce, or otherwise improving the management of subcontractors under contracts for the acquisition of major weapon systems.

(c) DEADLINE FOR SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study required by subsection (a), with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 845. STUDY OF THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study of Department of Defense procurements that use solicitations in which evaluation factors other than cost or price, when combined, are more important than cost or price.

(b) ISSUES TO BE ADDRESSED.—The study required by subsection (a) shall include, at a minimum, an assessment of—

(1) the frequency with which evaluation factors other than cost or price, when combined, are given more weight than cost or price in solicitations for competitive proposals;

(2) the types of contracts for products or services for which such evaluation factors are most frequently used;

(3) the reasons why the Department of Defense chooses to use such evaluation factors; and

(4) the extent to which the use of such factors is or is not in the interest of the Department of Defense.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Service of the Senate and the House of Representatives a report on the results of the study required by subsection (a).

SEC. 846. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

10 USC 2501 note.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

SEC. 847. EXTENSION OF SBIR AND STTR PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) SBIR EXTENSION.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended—

(1) by striking "The authorization" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the authorization"; and

(2) by adding at the end the following:

"(2) EXCEPTION FOR DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department is authorized to carry out the Small Business Innovation

Research Program of the Department of Defense until September 30, 2010".

(b) STTR REAUTHORIZATION.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended—

(1) by striking "With respect" and inserting the following:

"(i) FEDERAL AGENCIES GENERALLY.—Except as provided in clause (ii), with respect"; and

(2) by adding at the end the following:

"(ii) DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretary of each military department shall carry out clause (i) with respect to each fiscal year through fiscal year 2010.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of July 30, 2009. 15 USC 638 note.

SEC. 848. EXTENSION OF AUTHORITY FOR SMALL BUSINESS INNOVATION RESEARCH COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended in paragraph (6) by striking "2009" and inserting "2010".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.
Sec. 902. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.
Sec. 903. Sense of Congress regarding the Director of Operational Energy Plans and Programs.
Sec. 904. Increased flexibility for combatant commander initiative fund.
Sec. 905. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.
Sec. 906. Deputy Under Secretaries of Defense and Assistant Secretaries of Defense.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.
Sec. 912. Provision of space situational awareness services and information to non-United States Government entities.
Sec. 913. Management and funding strategy and implementation plan for the National Polar-Orbiting Operational Environmental Satellite System Program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Inclusion of Defense Intelligence Agency in authority to use proceeds from counterintelligence operations.
Sec. 922. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Implementation strategy for developing leap-ahead cyber operations capabilities.
Sec. 932. Defense integrated military human resources system development and transition.
Sec. 933. Report on special operations command organization, manning, and management.
Sec. 934. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.
Sec. 935. Plan on access to national airspace for unmanned aircraft systems.

Subtitle A—Department of Defense Management

SEC. 901. AUTHORITY TO ALLOW PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION AT DEFENSE CYBER INVESTIGATIONS TRAINING ACADEMY OF THE DEFENSE CYBER CRIME CENTER.

(a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—Chapter 108 of title 10, United States Code, is amended by inserting after section 2167 the following new section:

"§ 2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction

"(a) AUTHORITY FOR ADMISSION.—The Secretary of Defense may permit eligible private sector employees to receive instruction at the Defense Cyber Investigations Training Academy operating under the direction of the Defense Cyber Crime Center. No more than the equivalent of 200 full-time student positions may be filled at any one time by private sector employees enrolled under this section, on a yearly basis. Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate certification or diploma.

"(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For purposes of this section, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense or other Government departments or agencies significant and substantial defense-related systems, products, or services, or whose work product is relevant to national security policy or strategy. A private sector employee remains eligible for such instruction only so long as that person remains employed by an eligible private sector firm.

"(c) PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

"(1) the curriculum in which private sector employees may be enrolled under this section is not readily available through other schools; and

"(2) the course offerings at the Defense Cyber Investigations Training Academy continue to be determined solely by the needs of the Department of Defense.

"(d) TUITION.—The Secretary of Defense shall charge private sector employees enrolled under this section tuition at a rate that is at least equal to the rate charged for employees of the United States. In determining tuition rates, the Secretary shall include overhead costs of the Defense Cyber Investigations Training Academy.

"(e) STANDARDS OF CONDUCT.—While receiving instruction at the Defense Cyber Investigations Training Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

"(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of

such funds shall be specifically identified in records of the Academy.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:

"2167a. Defense Cyber Investigations Training Academy: admission of private sector civilians to receive instruction.".

SEC. 902. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) ORGANIZATIONAL CHARTS.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) SENIOR POSITION DESCRIPTIONS.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) POSITIONS FILLED BY SAME INDIVIDUAL.—A description of which positions in both organizations are filled by the same individual.

(4) ASSESSMENT.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete functions of policy formulation, policy and program execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term "senior position" means a position filled by a member of the senior executive service, a position on the Executive Schedule established pursuant to title 5, United States Code, or a position filled by a general or flag officer.

(2) SENIOR PERSONNEL.—The term "senior personnel" means personnel who are members of the senior executive service, who fill a position listed on the Executive Schedule established pursuant to title 5, United States Code, or who are general or flag officers.

SEC. 903. SENSE OF CONGRESS REGARDING THE DIRECTOR OF OPERATIONAL ENERGY PLANS AND PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The demand for operational energy within the Department of Defense imposes significant logistical burdens and operational vulnerabilities on the warfighter and increases force protection requirements.

(2) In March 2008, the Comptroller General of the United States found that responsibilities for operational energy strategy, management, and oversight within the Department are diffused throughout various offices and working groups, including the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Under Secretary of Defense for Policy; the Office of the Under Secretary of Defense (Comptroller); the Office of Program Analysis and Evaluation; the Office of the Chairman of the Joint Chiefs of Staff; the commanders of the combatant commands; and the offices of the Secretaries of the military departments.

(3) The Defense Science Board's 2008 report titled "More Fight – Less Fuel" stated that "There are currently few efforts to manage energy demand by operational forces, which consume about three quarters of DoD energy, perhaps because no one is in charge. The lowest organizational level where all decisions that drive DoD energy use come together is the Deputy Secretary of Defense, implying the need for a senior energy official, and oversight of the Department's energy strategy and program by the Deputy's Advisory Working Group (DAWG).".

(4) Congress established the Director of Operational Energy Plans and Programs in section 139b of title 10, United States Code, to provide leadership, conduct oversight, and be accountable for operational energy plans and programs in the Department of Defense and the Army, Navy, Air Force, and Marine Corps.

(5) Congress envisioned that the Director would have a direct line of communication with the Secretary of Defense and the Deputy Secretary of Defense, including participation in the Deputy's Advisory Working Group.

(6) The Department of Defense issued a statement that it "intends to establish this position as administratively reporting to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)), and this official would report directly to the Secretary of Defense on issues related to Operational Energy".

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Director of Operational Energy Plans and Programs should report directly to the Secretary of Defense on issues related to operational energy and be included as a fully participating member of the Advisory Working Group of the Deputy Secretary of Defense.

SEC. 904. INCREASED FLEXIBILITY FOR COMBATANT COMMANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subparagraph (A) of section 166a(e)(1) of title 10, United States Code, is amended—

(1) by striking "$10,000,000" and inserting "$20,000,000"; and

(2) by striking "$15,000" and inserting "the investment unit cost threshold in effect under section 2245a of this title".

(b) COORDINATION WITH RELEVANT CHIEF OF MISSION.—Paragraph (6) of section 166a(b) of such title is amended by inserting after "assistance," the following: "in coordination with the relevant chief of mission to the extent practicable,".

SEC. 905. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) REPEAL OF REQUIREMENT FOR POSITION.—

(1) REPEAL.—Section 134b of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) PRIOR NOTIFICATION OF CHANGE IN REPORTING RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECURITY ADMINISTRATION.—The Secretary of Defense shall ensure that no covered action is taken until the expiration of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term "covered action" means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 906. DEPUTY UNDER SECRETARIES OF DEFENSE AND ASSISTANT SECRETARIES OF DEFENSE.

(a) DEPUTY UNDER SECRETARIES OF DEFENSE.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by adding after section 137 the following new section:

"§ 137a. Deputy Under Secretaries of Defense

"(a)(1) There are five Deputy Under Secretaries of Defense.

"(2)(A) The Deputy Under Secretaries of Defense referred to in paragraphs (1) through (3) of subsection (c) shall be appointed as provided in the applicable paragraph.

"(B) The Deputy Under Secretaries of Defense referred to in paragraphs (4) and (5) of subsection (c) shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) Each Deputy Under Secretary of Defense shall be the first assistant to an Under Secretary of Defense and shall assist such Under Secretary in the performance of the duties of the position of such Under Secretary and shall act for, and exercise the powers of, such Under Secretary when such Under Secretary is absent or disabled.

"(c)(1) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics appointed pursuant to section 133a of this title.

"(2) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Policy appointed pursuant to section 134a of this title.

"(3) One of the Deputy Under Secretaries is the Principal Deputy Under Secretary of Defense for Personnel and Readiness appointed pursuant to section 136a of this title.

"(4) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense (Comptroller).

"(5) One of the Deputy Under Secretaries shall be the Principal Deputy Under Secretary of Defense for Intelligence.

"(d) The Deputy Under Secretaries of Defense take precedence in the Department of Defense after the Secretary of Defense, the Deputy Secretary of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Deputy Chief Management Officer of the Department of Defense.".

10 USC 137a note. Effective date.

(2) DELAYED LIMITATION ON NUMBER OF DEPUTY UNDER SECRETARIES OF DEFENSE.—Effective as of January 1, 2011, the five Deputy Under Secretaries of Defense authorized by section 137a of title 10, United States Code (as added by paragraph (1)), shall be the only Deputy Under Secretaries of Defense.

(3) REPORT ON REVISED ORGANIZATIONAL STRUCTURE FOR OSD.—Not later than March 15, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the realignment of the organizational structure of the Office of the Secretary of Defense to comply with the requirement in paragraph (2).

(b) ASSISTANT SECRETARIES OF DEFENSE.—

(1) REDESIGNATION OF DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS AS ASSISTANT SECRETARY.—Chapter 4 of such title is further amended—

(A) by transferring section 133b to appear after section 138 and redesignating such section, as so transferred, as section 138a; and

(B) in such section, as so transferred and redesignated, by striking "Deputy Under Secretary" each place it appears and inserting "Assistant Secretary".

(2) ADDITIONAL ASSISTANT SECRETARIES.—Section 138 of such title is amended—

(A) by striking subsection (a) and inserting the following new subsection (a):

"(a)(1) There are 12 Assistant Secretaries of Defense.

"(2)(A) The Assistant Secretary of Defense referred to in subsection (b)(7) shall be appointed as provided in that subsection.

President.

"(B) The other Assistant Secretaries of Defense shall be appointed from civilian life by the President, by and with the advice and consent of the Senate."; and

(B) in subsection (b), by adding the following new paragraphs:

"(6) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Acquisition. The Assistant Secretary of Defense for Acquisition is the principal adviser to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on matters relating to acquisition.

"(7) One of the Assistant Secretaries is the Assistant Secretary of Defense for Logistics and Materiel Readiness appointed pursuant to section 138a of this title. In addition to any duties and powers prescribed under paragraph (1), the Assistant Secretary of Defense

for Logistics and Materiel Readiness shall have the duties specified in section 138a of this title.".

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—

(A) Section 133a of such title is amended—

(i) by striking "Deputy Under Secretary of Defense for Acquisition and Technology" each place it appears and inserting "Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics"; and

(ii) by striking "duties relating to acquisition and technology" and inserting "duties".

(B) Section 134a of such title is amended by striking "Deputy Under Secretary" each place it appears and inserting "Principal Deputy Under Secretary".

(C) Section 136a of such title is amended by striking "Deputy Under Secretary" each place it appears and inserting "Principal Deputy Under Secretary".

(2) SECTION HEADING AMENDMENTS.—

(A) The heading of section 133a of such title is amended to read as follows:

"§ 133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics".

(B) The heading of section 134a of such title is amended to read as follows:

"§ 134a. Principal Deputy Under Secretary of Defense for Policy".

(C) The heading of section 136a of such title is amended to read as follows:

"§ 136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness".

(D) The heading of section 138a of such title, as transferred and redesignated by subsection (b)(1) of this section, is amended to read as follows:

"§ 138a. Assistant Secretary of Defense for Logistics and Materiel Readiness".

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 4 of such title is amended—

(A) by striking the item relating to section 133a and inserting the following new item:

"133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.";

(B) by striking the item relating to section 134a and inserting the following new item:

"134a. Principal Deputy Under Secretary of Defense for Policy.";

(C) by striking the item relating to section 136a and inserting the following new item:

"136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.";

(D) by inserting after the item relating to section 137 the following new item:

"137a. Deputy Under Secretaries of Defense."; and

(E) by inserting after the item relating to section 138 the following new item:

"138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.".

(d) EXECUTIVE SCHEDULE MATTERS.—

(1) LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Under Secretary of Defense for Acquisition and Technology and inserting the following new item:

"Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.".

(2) LEVEL IV.—Section 5315 of such title is amended—

(A) by striking the item relating to the Assistant Secretaries of Defense and inserting the following new item: "Assistant Secretaries of Defense (12).''; and

(B) by striking the items relating to the Deputy Under Secretary of Defense for Policy, the Deputy Under Secretary of Defense for Personnel and Readiness, and the Deputy Under Secretary of Defense for Logistics and Materiel Readiness and inserting the following new items:

"Principal Deputy Under Secretary of Defense for Policy.

"Principal Deputy Under Secretary of Defense for Personnel and Readiness.

"Principal Deputy Under Secretary of Defense (Comptroller).

"Principal Deputy Under Secretary of Defense for Intelligence.".

10 USC 137a note.

(e) INAPPLICABILITY OF APPOINTMENT REQUIREMENTS TO CERTAIN INDIVIDUALS SERVING ON DATE OF ENACTMENT.—

(1) IN GENERAL.—Notwithstanding the amendments made by this section, the individual serving in a position specified in paragraph (2) on the day before the date of the enactment of this Act may continue to serve in such position without the requirement for appointment by the President, by and with the advice and consent of the Senate, for a period of up to four years after the date of the enactment of this Act.

(2) COVERED POSITIONS.—The positions specified in this paragraph are the following:

(A) The Principal Deputy Under Secretary of Defense (Comptroller).

(B) The Principal Deputy Under Secretary of Defense for Intelligence.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE AND TECHNOLOGY STRATEGY.

(a) STRATEGY.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—Paragraph (1) of section 2272(a) of title 10, United States Code, is amended by striking "The Secretary of Defense shall develop" and

inserting "The Secretary of Defense and the Director of National Intelligence shall jointly develop".

(2) REQUIREMENTS.—Paragraph (2) of such section is amended by adding at the end the following new subparagraph:

"(D) The process for transitioning space science and technology programs to new or existing space acquisition programs.".

(3) SUBMISSION TO CONGRESS.—Paragraph (5) of such section is amended to read as follows:

"(5) The Secretary of Defense and the Director of National Intelligence shall biennially submit the strategy developed under paragraph (1) to the congressional defense committees every other year on the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31.". Deadline.

(4) INITIAL REPORT.—The first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by paragraph (3) of this subsection, shall be submitted on the date on which the President submits to Congress the budget for fiscal year 2012 under section 1105 of title 31, United States Code. 10 USC 2272 note.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW OF STRATEGY.—

(1) REVIEW.—The Comptroller General shall review and assess the first space science and technology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense and the Director of National Intelligence submit the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(3) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. PROVISION OF SPACE SITUATIONAL AWARENESS SERVICES AND INFORMATION TO NON-UNITED STATES GOVERNMENT ENTITIES.

(a) IN GENERAL.—Section 2274 of title 10, United States Code, is amended to read as follows:

"§ 2274. Space situational awareness services and information: provision to non-United States Government entities

"(a) AUTHORITY.—The Secretary of Defense may provide space situational awareness services and information to, and may obtain space situational awareness data and information from, non-United States Government entities in accordance with this section. Any such action may be taken only if the Secretary determines that such action is consistent with the national security interests of the United States.

"(b) ELIGIBLE ENTITIES.—The Secretary may provide services and information under subsection (a) to, and may obtain data

and information under subsection (a) from, any non-United States Government entity, including any of the following:

"(1) A State.

"(2) A political subdivision of a State.

"(3) A United States commercial entity.

"(4) The government of a foreign country.

"(5) A foreign commercial entity.

"(c) AGREEMENT.—The Secretary may not provide space situational awareness services and information under subsection (a) to a non-United States Government entity unless that entity enters into an agreement with the Secretary under which the entity—

"(1) agrees to pay an amount that may be charged by the Secretary under subsection (d);

"(2) agrees not to transfer any data or technical information received under the agreement, including the analysis of data, to any other entity without the express approval of the Secretary; and

"(3) agrees to any other terms and conditions considered necessary by the Secretary.

"(d) CHARGES.—(1) As a condition of an agreement under subsection (c), the Secretary may (except as provided in paragraph (2)) require the non-United States Government entity entering into the agreement to pay to the Department of Defense such amounts as the Secretary determines appropriate to reimburse the Department for the costs to the Department of providing space situational awareness services or information under the agreement.

"(2) The Secretary may not require the government of a State, or of a political subdivision of a State, to pay any amount under paragraph (1).

"(e) CREDITING OF FUNDS RECEIVED.—(1) Funds received for the provision of space situational awareness services or information pursuant to an agreement under this section shall be credited, at the election of the Secretary, to the following:

"(A) The appropriation, fund, or account used in incurring the obligation.

"(B) An appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.

"(2) Funds credited under paragraph (1) shall be merged with, and remain available for obligation with, the funds in the appropriation, fund, or account to which credited.

"(f) PROCEDURES.—The Secretary shall establish procedures by which the authority under this section shall be carried out. As part of those procedures, the Secretary may allow space situational awareness services or information to be provided through a contractor of the Department of Defense.

"(g) IMMUNITY.—The United States, any agencies and instrumentalities thereof, and any individuals, firms, corporations, and other persons acting for the United States, shall be immune from any suit in any court for any cause of action arising from the provision or receipt of space situational awareness services or information, whether or not provided in accordance with this section, or any related action or omission.

Deadline. Determination.

"(h) NOTICE OF CONCERNS OF DISCLOSURE OF INFORMATION.—If the Secretary determines that a commercial or foreign entity has declined or is reluctant to provide data or information to the Secretary in accordance with this section due to the concerns of

such entity about the potential disclosure of such data or information, the Secretary shall, not later than 60 days after the Secretary makes that determination, provide notice to the congressional defense committees of the declination or reluctance of such entity.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by striking the item relating to section 2274 and inserting the following new item:

"2274. Space situational awareness services and information: provision to non-United States Government entities.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later. 10 USC 2274 note.

SEC. 913. MANAGEMENT AND FUNDING STRATEGY AND IMPLEMENTATION PLAN FOR THE NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM PROGRAM.

(a) MANAGEMENT AND FUNDING STRATEGY.—

(1) IN GENERAL.—The President shall develop a strategy for the management and funding of the National Polar-Orbiting Operational Environmental Satellite System Program (in this section referred to as the "Program") by the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration. President.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following:

(A) Requirements for the Program.

(B) The management structure of the Program.

(C) A funding profile for the Program for each year of the Program for the Department of Defense, the Department of Commerce, and the National Aeronautics and Space Administration.

(b) IMPLEMENTATION PLAN.—The President shall develop a plan to implement the strategy required under subsection (a)(1). President.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2010 by section 201(a)(3) for research, development, test, and evaluation for the Air Force and available for the Program—

(1) not more than 50 percent of such amounts may be obligated or expended before the date on which the strategy developed under subsection (a)(1) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives; and

(2) not more than 75 percent of such amounts may be obligated or expended before the date on which the plan developed under subsection (c) is submitted to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives.

(d) SENSE OF CONGRESS.—It is the sense of Congress that once all requirements for the Program are fully agreed to by the Secretary of Defense, the Secretary of Commerce, and the Administrator of the National Aeronautics and Space Administration, the Program should be executed with no modifications to those requirements that would increase the cost, or extend the schedule, of the Program.

Subtitle C—Intelligence-Related Matters

SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY IN AUTHORITY TO USE PROCEEDS FROM COUNTERINTELLIGENCE OPERATIONS.

(a) IN GENERAL.—Section 423 of title 10, United States Code, is amended by inserting "or the Defense Intelligence Agency" after "the military departments" each place it appears in subsections (a) and (c).

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 423. Authority to use proceeds from counterintelligence operations of the military departments or the Defense Intelligence Agency".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 423 and inserting the following new item:

"423. Authority to use proceeds from counterintelligence operations of the military departments or the Defense Intelligence Agency.".

SEC. 922. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of Defense, in consultation with the Director of National Intelligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence analytic gaps and shortfalls; and

(2) develop a plan to ensure that the appropriate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. IMPLEMENTATION STRATEGY FOR DEVELOPING LEAP-AHEAD CYBER OPERATIONS CAPABILITIES.

(a) STRATEGY REPORT REQUIRED.—Not later than March 1, 2010, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on a strategy for organizing the research and development bodies of the Department of Defense to develop leap-ahead cyber operations capabilities.

(b) ELEMENTS.—The report required by subsection (a) shall address the following:

(1) A description of the management structure and investment review process for coordinating the technology development of advanced offensive and defensive cyber operations capabilities—

(A) among the military departments, the Defense Agencies, the combatant commands, and the intelligence community;

(B) across all levels of classification, including relevant special access programs; and

(C) based on the identification and prioritization of joint cyber operations capabilities gaps.

(2) Actions taken and recommendations for further improving the coordination of research and development of offensive and defensive cyber operations capabilities among private sector, interagency, non-governmental, and international partners.

(3) Assessment of the feasibility and utility of regular national level, joint, interagency cyber exercises that would include, to the extent possible, participants from industry, international militaries, and non-governmental organizations to assess technologies, policies, and capabilities.

(c) COORDINATION.—The report required by subsection (a) shall be developed in coordination and concurrence with the Vice Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Intelligence, the Under Secretary of Defense for Policy, the Assistant Secretary of Defense for Networks and Information Integration, the Director of the National Security Agency, and the commander of the United States Cyber Command.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) CYBER OPERATIONS CAPABILITIES DEFINED.—The term "cyber operations capabilities" means the range of capabilities needed for computer network defense, computer network attack, and computer network exploitations. Such term includes technical as well as non-materiel solutions.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM DEVELOPMENT AND TRANSITION.

10 USC 113 note.

(a) IN GENERAL.—The Secretary of Defense shall establish a Defense Integrated Military Human Resources System development and transition Council to provide advice to the Secretary of Defense and the Secretaries of the military departments on the modernization of the integrated pay and personnel system for each military department and the collection of data generated by each such system into the enterprise information warehouse.

Establishment.

(b) COUNCIL.—The Council shall include the following members:

(1) The Deputy Chief Management Officer of the Department of Defense.

(2) The Director of the Business Transformation Agency.

(3) The Under Secretary of Defense for Acquisition, Technology, and Logistics, or a designated representative.

(4) The Under Secretary of Defense for Personnel and Readiness, or a designated representative.

(5) One representative from each of the Army, Navy, Air Force, and Marine Corps who is a lieutenant general or vice admiral, or a civilian equivalent.

(6) One representative of the National Guard Bureau who is a lieutenant general or vice admiral, or a civilian equivalent.

(7) The Assistant Secretary of Defense for Networks and Information Integration, or a designated representative.

(8) The Director of Operational Test and Evaluation, or a designated representative.

(9) Such other individuals as may be designated by the Deputy Secretary of Defense, acting in the Deputy Secretary's capacity as the Chief Management Officer.

(c) MEETINGS.—The Council shall meet not less than twice a year, or more often as specified by the Deputy Secretary of Defense.

(d) DUTIES.—The Council shall have the following responsibilities:

(1) Resolution of significant policy, programmatic, or budgetary issues impeding modernization or deployment of integrated personnel and pay systems for each military department, including issues relating to—

(A) common interfaces, architectures, and systems engineering;

(B) ensuring that developmental systems are consistent with current and future enterprise accounting and pay and personnel standards and practices; and

(C) ensuring that developmental systems are consistent with current and future Department of Defense business enterprise architecture.

(2) Coordination of implementation of the integrated personnel and pay system within defense organizations to ensure interoperability between all appropriate elements of the system.

(3) Establishment of metrics to assess the following:

(A) Business process re-engineering needed for successful deployment of the integrated pay and personnel system.

(B) Interoperability between legacy, operational, and developmental pay and personnel systems.

(C) Interface and systems architecture control and standardization.

(D) Retirement of legacy systems.

(E) Use of the enterprise information warehouse.

(F) Any other relevant matters.

(4) Such other responsibilities as the Secretary determines are appropriate.

(e) TERMINATION.—This section shall not be in effect after September 30, 2013.

(f) REPORT.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section.

SEC. 933. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command shall prepare and submit to the Secretary of Defense a report and recommendations, in accordance

with this section, on the organization, manning, and management of the command.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength levels at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that the United States Special Operations Command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army Special Operations Command.

(6) A plan to sustain the cultural engagement group of Special Operations Command Central.

(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between the United States Special Operations Command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to the United States Special Operations Command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for the United States Special Operations Command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Interagency Task Force process.

(c) SUBMISSION OF REPORT AND RECOMMENDATIONS TO CONGRESSIONAL DEFENSE COMMITTEES.—Not later than 30 days after the date of the submission of the report and recommendations required under subsection (a) by the Commander of the United States Special Operations Command, the Secretary of Defense shall forward the report and recommendations to the congressional defense committees, together with such additional comments as the Secretary considers appropriate.

SEC. 934. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions and the availability of personnel with expertise in matters related to cyber operations from outside of the Department of Defense.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense, including the sufficiency of training and experience levels required, and measures to improve them if necessary.

(3) The types of recruitment and retention incentives available to members of the Armed Forces and civilian employees of the Department of Defense.

(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(8) Efforts to establish public-private partnerships to meet the needs of the Department with respect to cyber operations personnel and training.

(9) Recommendations for legislative changes necessary to increase the availability of cyber operations personnel.

(c) CYBER OPERATIONS PERSONNEL DEFINED.—In this section, the term "cyber operations personnel" refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 935. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall, after consultation with the Secretary of Homeland Security, jointly develop a plan for providing expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following:

(1) A description of how the Department of Defense and the Department of Transportation will communicate and cooperate, at the executive, management, and action levels, to provide expanded access to the national airspace for unmanned aircraft systems of the Department of Defense.

(2) Specific milestones, taking into account the operational and training needs of the Department of Defense and the safety and air traffic management needs of the Department of Transportation, for providing expanded access to the national airspace for unmanned aircraft systems and a transition plan for sites programmed to be activated as unmanned aerial system sites during fiscal years 2010 through 2015.

(3) Recommendations for policies with respect to use of the national airspace, flight standards, and operating procedures that should be implemented by the Department of Defense and the Department of Transportation to accommodate unmanned aircraft systems assigned to any State or territory of the United States.

(4) An identification of resources required by the Department of Defense and the Department of Transportation to execute the plan.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit a report containing the plan required by subsection (a) to the following committees:

(1) The congressional defense committees.

(2) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(3) The Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

TITLE X—GENERAL PROVISIONS

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Sec. 1036. National strategic five-year plan for improving the nuclear forensic and attribution capabilities of the United States.
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Subtitle E—Studies and Reports

Sec. 1051. Report on statutory compliance of the report on the 2009 quadrennial defense review.
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Sec. 1054. Study on a system for career development and management of interagency national security professionals.
Sec. 1055. Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons.
Sec. 1056. Comptroller General review of Department of Defense spending in final fiscal quarters.
Sec. 1057. Report on Air America.
Sec. 1058. Report on defense travel simplification.
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Sec. 1060. Report on enabling capabilities for special operations forces.
Sec. 1061. Additional members and duties for the independent panel to assess the quadrennial defense review.
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Sec. 1063. Report on basing plans for certain United States geographic combatant commands.

Subtitle F—Other Matters

Sec. 1071. Extension of certain authority for making rewards for combating terrorism.
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Sec. 1081. Modification of pilot program on commercial fee-for-service air refueling support for the air force.
Sec. 1082. Multiyear contracts under pilot program on commercial fee-for-service air refueling support for the Air Force.

Sec. 1083. Disclosure of names of students and instructors at Western Hemisphere Institute for Security Cooperation.
Sec. 1084. Sense of Congress regarding the Western Hemisphere Institute for Security Cooperation.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. RELATIONSHIP OF THE QUADRENNIAL DEFENSE REVIEW AND THE ANNUAL BUDGET REQUEST.

Section 118 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) RELATIONSHIP TO BUDGET.—Nothing in this section shall be construed to affect section 1105(a) of title 31.".

SEC. 1003. AUDIT READINESS OF FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.

10 USC 2222 note.

(a) FINANCIAL IMPROVEMENT AUDIT READINESS PLAN.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense (Comptroller), develop and maintain a plan to be known as the "Financial Improvement and Audit Readiness Plan".

(2) ELEMENTS.—The plan required by paragraph (1) shall—

(A) describe specific actions to be taken and the costs associated with—

(i) correcting the financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(ii) ensuring the financial statements of the Department of Defense are validated as ready for audit by not later than September 30, 2017;

(B) systematically tie the actions described under subparagraph (A) to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code;

(C) prioritize—

(i) improving the budgetary information of the Department of Defense, in order to achieve an unqualified audit opinion on the Department's statements of budgetary resources; and

(ii) as a secondary goal, improving the accuracy and reliability of management information on the Department's mission-critical assets (military and general equipment, real property, inventory, and operating materials and supplies) and validating its accuracy through existence and completeness audits; and

(D) include interim goals, including—

(i) the objective of ensuring that the financial statement of each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency is validated as ready for audit: and

(ii) a schedule setting forth milestones for elements of the military departments and financial statements of the military departments to be made ready for audit as part of the progress required to meet the objectives established pursuant to clause (i) of this subparagraph and clause (ii) of subparagraph (A) of this paragraph.

(b) SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVEMENT AND AUDIT READINESS PLAN.—

(1) IN GENERAL.—Not later than May 15 and November 15 each year, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report on the status of the implementation by the Department of Defense of the Financial Improvement and Audit Readiness Plan required by subsection (a).

(2) ELEMENTS.—Each report under paragraph (1) shall include, at a minimum—

(A) an overview of the steps the Department has taken or plans to take to meet the objectives specified in subsection (a)(2)(A), including progress toward achieving the interim goals and milestone schedule established pursuant to subsection (a)(2)(D); and

(B) a description of any impediments identified in the efforts of the Department to meet such objectives, and of the actions the Department has taken or plans to take to address such impediments.

(3) ADDITIONAL ISSUES TO BE ADDRESSED IN FIRST REPORT.—The first report submitted under paragraph (1) after the date of the enactment of this Act shall address, in addition to the

elements required by paragraph (2), the actions taken or to be taken by the Department as follows:

(A) To develop standardized guidance for financial improvement plans by components of the Department.

(B) To establish a baseline of financial management capabilities and weaknesses at the component level of the Department.

(C) To provide results-oriented metrics for measuring and reporting quantifiable results toward addressing financial management deficiencies.

(D) To define the oversight roles of the Chief Management Officer of the Department of Defense, the chief management officers of the military departments, and other appropriate elements of the Department to ensure that the requirements of the Financial Improvement and Audit Readiness Plan are carried out.

(E) To assign accountability for carrying out specific elements of the Financial Improvement and Audit Readiness Plan to appropriate officials and organizations at the component level of the Department.

(F) To develop mechanisms to track budgets and expenditures for the implementation of the requirements of the Financial Improvement and Audit Readiness Plan.

(G) To develop a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

(c) RELATIONSHIP TO EXISTING LAW.—The requirements of this section shall be implemented in a manner that is consistent with the requirements of section 1008 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 2222 note).

Subtitle B—Counter-Drug Activities

SEC. 1011. UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1023 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended—

(1) in subsection (a), by striking "2009" and inserting "2010"; and

(2) in subsection (c), by striking "2009" and inserting "2010".

SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

(a) EXTENSION OF AUTHORITY.—Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as most recently amended by section 1022 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking "2009" and inserting "2010".

(b) ANNUAL REPORT.—Subsection (c) of section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended to read as follows:

"(c) ANNUAL REPORT.—Not later than December 31 of each year after 2008 in which the authority in subsection (a) is in effect, the Secretary of Defense shall submit to Congress a report setting forth, for the one-year period ending on the date of such report, the following:

"(1) An assessment of the effect on counter-drug and counter-terrorism activities and objectives of using counter-drug funds of a joint task force to provide counterterrorism support authorized by subsection (a).

"(2) A description of the type of support and any recipient of support provided under subsection (a).

"(3) A list of current joint task forces conducting counter-drug operations.".

SEC. 1013. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–255), as most recently amended by section 1021 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking "April 15, 2006" and all that follows through "February 15, 2009" and inserting "February 15, 2010".

SEC. 1014. SUPPORT FOR COUNTER-DRUG ACTIVITIES OF CERTAIN FOREIGN GOVERNMENTS.

(a) IN GENERAL.—Subsection (a)(2) section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1024(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4587), is further amended by striking "2009" and inserting "2010".

(b) MAXIMUM AMOUNT OF SUPPORT.—Subsection (e)(2) of such section is amended by striking "fiscal year 2009" and inserting "either of fiscal years 2009 and 2010".

(c) CONDITIONS ON PROVISION OF SUPPORT.—Subsection (f)(2) of such section is amended in the matter preceding subparagraph (A) by striking "for fiscal year 2009 to carry out this section and the first fiscal year in which the support is to be provided" and inserting "and available for support".

(d) COUNTER-DRUG PLAN.—Subsection (h) of such section is amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2009" and inserting "for each fiscal year"; and

(2) in paragraph (7), by striking "fiscal year 2009, and thereafter, for the first fiscal year in which support is to be provided" and inserting "each fiscal year in which support is to be provided to a government".

SEC. 1015. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) PROHIBITION ON USE OF COUNTER-NARCOTIC ASSISTANCE FOR BORDER COORDINATION CENTERS.—

(1) PROHIBITION.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) RULE OF CONSTRUCTION.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.

(b) LIMITATION ON ESTABLISHMENT OF ADDITIONAL CENTERS.—

(1) LIMITATION.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(A) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(B) Baluchistan in the Islamic Republic of Pakistan.

(2) NATIONAL SECURITY WAIVER.—The Secretary may waive the limitation under paragraph (1) if the Secretary determines that such a waiver is vital to the national security interests of the United States. The Secretary shall promptly submit to Congress notice in writing of any waiver under this paragraph.

Determination.

Notice.

(c) BORDER COORDINATION CENTER DEFINED.—In this section, the term "border coordination center" means a multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1016. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall contain the following:

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. SENSE OF CONGRESS ON THE MAINTENANCE OF A 313-SHIP NAVY.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of the Navy has a stated requirement for a 313-ship fleet.

(2) The Navy can better meet this requirement—

(A) by procuring sufficient numbers of new ships; and

(B) by ensuring the sound material condition of existing ships that will enable the Navy to utilize them for their full planned service lives.

(3) When procuring new classes of ships, the Navy must exercise greater caution than it has exhibited to date in proceeding from one stage of the acquisition cycle to the next before a ship program has achieved a level of maturity that significantly lowers the risk of cost growth and schedule slippage.

(4) In retaining existing assets, the Navy can do a much better job of achieving the full planned service lives of ships and extending the service lives of certain ships so as to keep their unique capabilities in the fleet while the Navy takes the time necessary to develop and field next-generation capabilities under a low risk program.

(5) The Navy can undertake certain development approaches that can help the Navy control the total costs of ownership of a ship or class of ships, including emphasizing common hull designs, open architecture combat systems, and other common ship systems in order to achieve efficiency in acquiring and supporting various classes of ships.

(6) The Navy needs to continue its efforts toward achieving an open architecture for existing combat systems, as this will have great benefit in reducing the costs and risks of fielding new classes of ships, and will yield recurring savings from reducing the costs of buying later ships in a program and reducing life cycle support costs for ships and classes of ships.

(7) The Navy can also undertake other measures to acquire new ships and maintain the current fleet with greater efficiency, including—

(A) greater use of fixed-price contracts;

(B) maximizing competition (or the option of competition) throughout the life cycle of its ships;

(C) entering into multi-year contracts when warranted; and

(D) employing an incremental approach to developing new technologies.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Navy should meet its requirement for a 313-ship fleet until such time that modifications to the Navy's ship fleet force structure are warranted, and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis;

(2) the Navy should take greater care to achieve the full planned service life of existing ships and reduce the incidence of early ship decommissioning;

(3) the Navy should exercise greater restraint on the acquisition process for ships in order to achieve on-time, on-cost shipbuilding programs; and

(4) Congress should support the Navy when it is acting responsibly to undertake measures that can help the Navy achieve the requirement for a 313-ship fleet and maintain a fleet that is adequate to meet the national security needs of the United States.

SEC. 1022. DESIGNATION OF U.S.S. CONSTITUTION AS AMERICA'S SHIP OF STATE.

(a) FINDINGS.—Congress makes the following findings:

(1) In the Act entitled "An Act to Provide a Naval Armament", approved on March 27, 1794 (1 Stat. 350, Chap. XII), the 3rd Congress authorized the construction of six frigates as the first ships to be built for the United States Navy.

(2) One of the six frigates was built in Boston, Massachusetts, between 1794 and 1797, and is the only one of the original six ships to survive.

(3) President George Washington named this frigate "Constitution" to represent the Nation's founding document.

(4) President Thomas Jefferson, asserting the right of the United States to trade on the high seas, dispatched the frigate Constitution in 1803 as the flagship of the Mediterranean Squadron to end the depredations of the Barbary States against United States ships and shipping, which led to a treaty being signed with the Bashaw of Tripoli in the captain's cabin aboard the frigate Constitution on June 4, 1805.

(5) The frigate Constitution, with her defeat of the H.M.S. Guerriere, secured the first major victory by the young United States Navy against the Royal Navy during the War of 1812, gaining in the process the nickname "Old Ironsides", which she has proudly carried since.

(6) Congress awarded gold medals to four of the ship's commanding officers (Preble, Hull, Stewart, and Bainbridge), a record unmatched by any other United States Navy vessel.

(7) The frigate Constitution emerged from the War of 1812 undefeated, having secured victories over three additional ships of the Royal Navy.

(8) As early as May 1815, the frigate Constitution had already been adopted as a symbol of the young Republic, as attested by the [Washington] National Intelligencer which proclaimed, "Let us keep 'Old Ironsides' at home. She has, literally become the Nation's Ship . . . and should thus be preserved . . . in honorable pomp, as a glorious Monument of her own, and our other Naval Victories.".

(9) Rumors in 1830 that "Old Ironsides", an aging frigate, was about to be scrapped resulted in a public uproar demanding that the ship be restored and preserved, spurred by Oliver Wendell Holmes' immortal poem "Old Ironsides".

(10) "Old Ironsides" circumnavigated the world between 1844 and 1846, showing the American flag as she searched for future coaling stations that would eventually fuel the steam-powered navy of the United States.

(11) The first Pope to set foot on United States sovereign territory was Pius IX onboard the frigate Constitution in 1849.

(12) On April 25, 1860, "Old Ironsides" evacuated the midshipmen of the United States Naval Academy from Annapolis, Maryland, to Newport, Rhode Island, preventing the young officers and the esteemed ship from falling into Confederate hands.

(13) In 1896, Congressman John F. "Honey Fitz" Fitzgerald introduced legislation to return "Old Ironsides" from the Portsmouth Naval Shipyard in New Hampshire, where she was moored pier side and largely forgotten, to Boston for her 100th birthday.

(14) Thousands of school children contributed pennies between 1925 an 1927 to help fund a much needed restoration for "Old Ironsides".

(15) Between 1931 and 1934, more than 4,500,000 Americans gained inspiration, at the depth of the Great Depression, by going aboard "Old Ironsides" as she was towed to 76 ports on the Atlantic, Gulf, and Pacific coasts.

(16) The 83rd Congress enacted the Act of July 23, 1954 (68 Stat. 527, chapter 565), which directed the Secretary of the Navy to transfer to the States and appropriate commissions four other historic ships then on the Navy inventory, and to repair and equip the U.S.S. Constitution, as much as practicable, to her original condition, but not for active service.

(17) Queen Elizabeth II paid a formal visit to the U.S.S. Constitution in 1976, at the start of her state visit marking the bicentennial of the United States.

(18) The U.S.S. Constitution, in celebration of her bicentennial, returned to sea under sail on July 21, 1997, for the first time since 1881, proudly setting sails purchased by the contributions of thousands of pennies given by school children across the United States.

(19) The U.S.S. Constitution is the oldest commissioned warship afloat in the world.

(20) The U.S.S. Constitution is a national historic landmark.

(21) The U.S.S. Constitution continues to perform official, ceremonial duties, including in recent years hosting a congressional dinner honoring the late Senator John Chafee of Rhode Island, a special salute for the dedication of the John Moakley Federal Courthouse, a luncheon honoring British Ambassador Sir David Manning, and a special underway demonstration during which 60 Medal of Honor recipients each received a personal Medal of Honor flag.

(22) The U.S.S. Constitution celebrated on October 21, 2007, the 210th anniversary of her launching.

(23) The U.S.S. Constitution will remain a commissioned ship in the United States Navy, with the Navy retaining control of the ship, its material condition, and its employment.

(24) The U.S.S. Constitution's primary mission will remain education and public outreach, and any Ship of State functions will be an adjunct to the ship's primary mission.

(b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

(1) IN GENERAL.—The U.S.S. Constitution is hereby designated as "America's Ship of State".

(2) REFERENCES.—The U.S.S. Constitution may be known or referred to as "America's Ship of State".

(3) SENSE OF CONGRESS.—It is the sense of Congress that the President, Vice President, executive branch officials, and members of Congress should use the U.S.S. Constitution for the conducting of pertinent matters of state, such as hosting visiting heads of state, signing legislation relating to the Armed Forces, and signing maritime related treaties.

(4) FEE OR REIMBURSEMENT STRUCTURE FOR NON-DEPARTMENT OF THE NAVY USE.—The Secretary of the Navy shall determine an appropriate fee or reimbursement structure for any non-Department of the Navy entities using the U.S.S. Constitution for Ship of State purposes.

SEC. 1023. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) TEMPORARY WAIVER.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN–65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN–78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10. Time period.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—During fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and capabilities of each of the combatant commands to assess the level of increased risk that could result due to a temporary reduction in the total number of operational aircraft carriers following the inactivation of the U.S.S. Enterprise (CVN–65).

(2) REPORT TO CONGRESS.—Together with the budget materials submitted to Congress by the Secretary of Defense in support of the President's budget for fiscal year 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the findings of the evaluation conducted pursuant to paragraph (1), and the basis for each such finding.

SEC. 1024. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR–1.

(a) FINDINGS.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR–1 (hereinafter in this section referred to as "NR–1") was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR–1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut, throughout her entire service life.

(3) NR–1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR–1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.

(5) In 1986, NR–1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR–1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) NR–1 is a unique and irreplaceable part of the Nation's history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Library and Museum in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of onboard equipment and clearly recognizable sections of the hull and superstructure, to the full extent practicable, are made available for transfer to the Submarine Force Library and Museum.

Subtitle D—Miscellaneous Requirements, Authorities, and Limitations

SEC. 1031. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

"§ 2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

"Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.".

10 USC 2241a note.

(b) EFFECTIVE DATE.—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1032. RESPONSIBILITY FOR PREPARATION OF BIENNIAL GLOBAL POSITIONING SYSTEM REPORT.

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "the Secretary of Defense" and inserting "the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the

National Executive Committee for Space-Based Positioning, Navigation, and Timing,"; and

(B) by striking "the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives" and inserting "the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives"; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.". Consultation.

(b) TECHNICAL AMENDMENTS.—Paragraph (1)(B)(ii) of such section is amended—

(1) by inserting "validated" before "performance requirements"; and

(2) by inserting "in accordance with Office of Management and Budget Circular A–109" after "Plan".

SEC. 1033. REPORTS ON BANDWIDTH REQUIREMENTS FOR MAJOR DEFENSE ACQUISITION PROGRAMS AND MAJOR SYSTEM ACQUISITION PROGRAMS.

Section 1047(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amended to read as follows:

"(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

"(A) the bandwidth requirements needed to support such program are or will be met; and

"(B) a determination will be made with respect to how to meet the bandwidth requirements for such program.

"(2) REPORTS.—Not later than January 1 of each year, the Secretary of Defense and the Director of National Intelligence shall each submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on any determinations made under paragraph (1) with respect to meeting the bandwidth requirements for major defense acquisition programs and major system acquisition programs during the preceding fiscal year.".

SEC. 1034. ADDITIONAL DUTIES FOR ADVISORY PANEL ON DEPARTMENT OF DEFENSE CAPABILITIES FOR SUPPORT OF CIVIL AUTHORITIES AFTER CERTAIN INCIDENTS.

(a) ADDITIONAL DUTIES.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (6) the following new paragraphs:

"(7) assess the adequacy of the process and methodology by which the Department of Defense establishes and maintains dedicated, special, and general purpose forces for conducting operations described in paragraph (1);

"(8) assess the adequacy of the resources planned and programmed by the Department of Defense to ensure the preparedness and capability of dedicated, special, and general purpose forces for conducting operations described in paragraph (1);".

(b) TECHNICAL AMENDMENTS.—Section 1082(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 337) is further amended—

(1) in paragraph (1), by striking "in support to" and inserting "to provide support to";

(2) in paragraph (2), by striking "purposes" and inserting "purpose"; and

(3) in paragraph (4), by striking "other department" and inserting "other departments".

50 USC 401 note.

SEC. 1035. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Deadline.

Not later than February 1, 2010, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a revised charter for the National Reconnaissance Office (in this section referred to as the "NRO"). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The role of the NRO in the development and generation of requirements and acquisition.

(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

SEC. 1036. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IMPROVING THE NUCLEAR FORENSIC AND ATTRIBUTION CAPABILITIES OF THE UNITED STATES.

President.

(a) IN GENERAL.—The President, with the participation of the officials specified in subsection (c), shall develop a national strategic plan for improving over a five-year period the nuclear forensic and attribution capabilities of the United States and the methods, capabilities, and capacity for nuclear materials forensics and attribution.

(b) ELEMENTS.—The plan required under subsection (a) shall include the following:

(1) An investment plan to support nuclear materials forensics and attribution.

(2) Recommendations with respect to—

(A) the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and

(B) methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Homeland Security.
(2) The Secretary of Defense.
(3) The Secretary of Energy.
(4) The Attorney General.
(5) The Secretary of State.
(6) The Director of National Intelligence.
(7) Such other officials as the President considers appropriate.

(d) SUBMITTAL TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress the plan required under subsection (a). Deadline.

SEC. 1037. AUTHORIZATION OF APPROPRIATIONS FOR PAYMENTS TO PORTUGUESE NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.

(a) AUTHORIZATION FOR PAYMENTS.—Subject to subsection (b), the Secretary of Defense may authorize payments to Portuguese nationals employed by the Department of Defense in Portugal, for the difference between—

(1) the salary increases resulting from section 8002 of the Department of Defense Appropriations Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10 U.S.C. 1584 note) and section 8002 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584 note); and

(2) salary increases supported by the Department of Defense Azores Foreign National wage surveys for survey years 2006 and 2007.

(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(c) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1038. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL. 10 USC 201 note.

(a) PROHIBITION.—Except as provided in subsection (b), effective one year after the date of the enactment of this Act, no enemy prisoner of war, civilian internee, retained personnel, other Effective date.

detainee, or any other individual who is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility in connection with hostilities may be interrogated by contractor personnel.

(b) AUTHORIZED FUNCTIONS OF CONTRACTOR PERSONNEL.—Contractor personnel with proper training and security clearances may be used as linguists, interpreters, report writers, information technology technicians, and other employees filling ancillary positions, including as trainers of and advisors to interrogators, in interrogations of persons as described in subsection (a) if—

(1) such personnel are subject to the same rules, procedures, policies, and laws pertaining to detainee operations and interrogations as apply to government personnel in such positions in such interrogations; and

(2) appropriately qualified and trained military or civilian personnel of the Department of Defense are available to oversee the contractor's performance and to ensure that contractor personnel do not perform activities that are prohibited under this section.

Deadline.

(c) DISCHARGE BY GOVERNMENT PERSONNEL.—The Secretary of Defense shall take appropriate actions to ensure that, by not later than one year after the date of the enactment of this Act, the Department of Defense has the resources needed to ensure that interrogations described in subsection (a) are conducted by appropriately qualified government personnel.

(d) WAIVER.—

Time periods.
Determinations.

(1) WAIVERS AUTHORIZED.—The Secretary of Defense may waive the prohibition under subsection (a) for a period of 60 days if the Secretary determines such a waiver is vital to the national security interests of the United States. The Secretary may renew a waiver issued pursuant to this paragraph for an additional 30-day period, if the Secretary determines that such a renewal is vital to the national security interests of the United States.

(2) LIMITATION ON DELEGATION.—

(A) IN GENERAL.—The waiver authority under paragraph (1) may not be delegated to any official below the level of the Deputy Secretary of Defense, except in the case of a waiver for an individual interrogation that is based on military exigencies, in which case the delegation of the waiver authority shall be done pursuant to regulations that the Secretary of Defense shall prescribe but in no instance may the latter delegation be below the level of combatant commander of the theater in which the individual is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility within that theater.

(B) DEADLINE FOR REGULATIONS.—The Secretary of Defense shall prescribe the regulations referred to in subparagraph (A) by not later than 30 days after the date of the enactment of this Act.

Deadline.

(3) CONGRESSIONAL NOTIFICATION.—Not later than five days after the Secretary issues a waiver pursuant to paragraph (1), the Secretary shall submit to Congress written notification of the waiver.

SEC. 1039. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at such facility, notify the International Committee of the Red Cross (referred to in this section as the "ICRC") of such custody or effective control, as soon as practicable.

(b) ACCESS.—

(1) ICRC ACCESS.—The head of a military service or department with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, shall—

(A) endeavor to ensure prompt ICRC access to any individual described in subsection (a) upon receipt by such head of an ICRC request to visit the detainee, pursuant to subsection (a); or

(B) if access to a such individual is temporarily denied as an exceptional measure, due to reasons of imperative military necessity, as soon thereafter as practicable, consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, done at Geneva on August 12, 1949 (6 UST 3316), but normally no later than the next regularly scheduled ICRC visit.

(2) PROTOCOLS AND AGREEMENTS.—Such access to the individual shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.

(c) SCOPE OF ACCESS.—The ICRC shall be provided access, in accordance with this section, to those physical localities within the Theater Internment Facility at Bagram Air Base, Afghanistan, that are determined to be relevant to the treatment of an individual described in subsection (a), including the individual's cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, and recreation areas. The scope of access described in this subsection shall not be construed to apply to facilities other than the Theater Internment Facility at Bagram Air Base, Afghanistan.

(d) EXCEPTION CONSISTENT WITH THE GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—Consistent with Article 126 of the Geneva Convention Relative to the Treatment of Prisoners of War, access by the ICRC to a detainee as provided for in subsections (b) and (c) may be temporarily denied, as an exceptional measure, for reasons of imperative military necessity.

(e) CONSTRUCTION.—Nothing in this section shall be construed to—

(1) create or modify the authority of the United States Armed Forces, the Department of Defense, a Federal law enforcement agency, or the intelligence community to detain an individual under existing law, as of the date of the enactment of this Act; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the ICRC is required or allowed.

10 USC 801 note.

SEC. 1040. NO MIRANDA WARNINGS FOR AL QAEDA TERRORISTS.

(a) NO MIRANDA WARNINGS.—

(1) IN GENERAL.—Absent a court order requiring the reading of such statements, no member of the Armed Forces and no official or employee of the Department of Defense or a component of the intelligence community (other than the Department of Justice) may read to a foreign national who is captured or detained outside the United States as an enemy belligerent and is in the custody or under the effective control of the Department of Defense or otherwise under detention in a Department of Defense facility the statement required by *Miranda* v. *Arizona* (384 U.S. 436 (1966)), or otherwise inform such an individual of any rights that the individual may or may not have to counsel or to remain silent consistent with *Miranda* v. *Arizona* (384 U.S. 436 (1966)).

(2) NONAPPLICABILITY TO DEPARTMENT OF JUSTICE.—This subsection shall not apply to the Department of Justice.

(3) DEFINITIONS.—In this subsection:

(A) The term "foreign national" means an individual who is not a citizen or national of the United States.

(B) The term "enemy belligerent" includes a privileged belligerent against the United States and an unprivileged enemy belligerent, as those terms are defined in section 948a of title 10, United States Code, as amended by section 1802 of this Act.

(b) REPORT REQUIRED ON NOTIFICATION OF DETAINEES OF RIGHTS UNDER ***MIRANDA*** V. ***ARIZONA***.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on how the reading of rights under *Miranda* v. *Arizona* (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the tactical questioning of detainees at the point of capture by United States Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture theater-level interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.

SEC. 1041. LIMITATION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Time period.

(a) RELEASE PROHIBITION.—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department

of Defense to release into the United States, its territories, or possessions, any individual described in subsection (e).

(b) TRANSFER LIMITATION.—During the period beginning on October 1, 2009, and ending on December 31, 2010, the Secretary of Defense may not use any of the amounts authorized to be appropriated in this Act or otherwise available to the Department of Defense to transfer any individual described in subsection (e) to the United States, its territories, or possessions, until 45 days after the President has submitted to the congressional defense committees the plan described in subsection (c). Time period. Deadline.

(c) COMPREHENSIVE PLAN REQUIRED.—The President shall submit to the congressional defense committees a plan for the disposition of each individual described in subsection (e) who is proposed to be transferred to the United States, its territories, or possessions. Such plan for each individual shall include, at a minimum— President.

(1) an assessment of the risk that the individual described in subsection (e) poses to the national security of the United States, its territories, or possessions;

(2) a proposal for the disposition of each such individual;

(3) the measures to be taken to mitigate any risks described in paragraph (1);

(4) the location or locations at which the individual will be held under the proposal for disposition required by paragraph (2);

(5) the costs associated with executing the plan, including technical and financial assistance required to be provided to State and local law enforcement agencies, if necessary, to carry out the plan;

(6) a summary of the consultation required in subsection (d); and

(7) a certification by the Attorney General that under the plan the individual poses little or no security risk to the United States, its territories, or possessions.

(d) CONSULTATION REQUIRED.—The President shall consult with the chief executive of the State, the District of Columbia, or the territory or possession of the United States to which the disposition in subsection (c)(2) includes transfer to that State, District of Columbia, or territory or possession. President.

(e) DETAINEES DESCRIBED.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1042. ADDITIONAL SUBPOENA AUTHORITY FOR THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (5 U.S.C. App. 8) is amended by adding at the end the following new subsection:

"(i)(1) The Inspector General of the Department of Defense is authorized to require by subpoena the attendance and testimony of witnesses as necessary in the performance of functions assigned to the Inspector General by this Act, except that the Inspector

General shall use procedures other than subpoenas to obtain attendance and testimony from Federal employees.

"(2) A subpoena issued under this subsection, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

Notification. Deadline.

"(3) The Inspector General shall notify the Attorney General 7 days before issuing any subpoena under this section.".

10 USC 2353 note.

SEC. 1043. LIMITATIONS ON MODIFICATIONS OF CERTAIN GOVERNMENT FURNISHED EQUIPMENT; ONE-TIME AUTHORITY TO TRANSFER CERTAIN MILITARY PROTOTYPE.

Certification.

(a) LIMITATION.—An article of military equipment that is an end item of a major weapon system may not be furnished or transferred to a private entity for the conduct of research, development, test and evaluation under contractual agreement with the Department of Defense, if such research, development, test, and evaluation necessitates significantly modifying the military equipment, until the senior acquisition official of a military department, or his designee, submits to the congressional defense committees certification in writing—

(1) that the modification of such article of military equipment is necessary to execute the contractual scope of work and there is no suitable alternative to modifying such article;

(2) that the research, development, test, and evaluation effort is of sufficient interest to the military department to warrant the modification of such article of military equipment;

(3) that—

(A) prior to the end of the period of performance of such a contractual agreement, the article of military equipment will be restored to its original condition; or

(B) it is not necessary to restore the article of military equipment to its original condition because the military department intends to dispose of the equipment or operate the equipment in its modified form.

(4) that the private entity has sufficient resources and capability to fully perform the contractual research, development, test, and evaluation; and

(5) that the military department has—

(A) identified the scope of future test and evaluation likely to be required prior to transition of the associated technology to a program of record; and

(B) a plan for the conduct of such future test and evaluation, including the anticipated roles and responsibilities of government and the private entity, as applicable.

(b) CERTIFICATION.—No military equipment that is an end item of a major weapons system may be transferred or furnished to a private entity for purposes of research and development as authorized under subsection (a) unless the senior officer of the military service concerned certifies to the congressional defense committees that such equipment is not essential to the defense of the United States.

Pennsylvania.

(c) ONE-TIME AUTHORITY TO TRANSFER.—The Secretary of the Navy may transfer, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as "transferee"), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number

163283), also known as the X–49A aircraft, and associated components and test equipment, previously specified as Government-furnished equipment in contract N00019–00–C–0284. The transferee shall provide consideration for the transfer of such military equipment to the transferor of an amount not to exceed fair value, as determined, on a non-delegable basis, by the Secretary.

(d) APPLICABLE LAW.—The transfer or use of military equipment is subject to all applicable Federal and State laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control Regulations (31 C.F.R. 500 et 13 seq.), and the Espionage Act.

(e) CONDITION OF EQUIPMENT TO BE TRANSFERRED.—

(1) AS-IS CONDITION.—The military equipment transferred under subsection (c) shall be transferred in its current "as-is" condition. The Secretary is not required to repair or alter the condition of any military equipment before transferring any interest in such equipment under subsection (c).

(2) SPARE PARTS OR EQUIPMENT.—The Secretary of the Navy is not required to provide spare parts or equipment as a result of the transfer authorized under subsection (c).

(f) TRANSFER AT NO COST TO THE UNITED STATES.—The transfer of military equipment under subsection (c) shall be made at no cost to the United States. Any costs associated with the transfer shall be borne by the transferee.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary shall require that the transfer authorized by section (c) be carried out by means of a written agreement and shall require, at a minimum, the following conditions to the transfer: Contracts.

(1) A condition stipulating that the transfer of the X-49A aircraft is for the sole purpose of further development, test, and evaluation of vectored thrust ducted propeller (hereinafter in this section referred to as "VTDP") technology.

(2) A condition providing the Government the right to procure the VTDP technology demonstrated under this program at a discounted cost based on the value of the X-49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(3) A condition that the transferee not transfer any interest in, or transfer possession of, the military equipment transferred under subsection (b) to any other party without the prior written approval of the Secretary.

(4) A condition that if the Secretary determines at any time that the transferee has failed to comply with a condition set forth in paragraphs (1) through (3), all items referred to in subsection (b) shall be transferred back to the Navy, at no cost to the United States.

(5) A condition that the transferee acknowledges sole responsibility of the X-49A aircraft and associated equipment and assumes all liability for operation of the X-49A aircraft and associated equipment.

(h) NO LIABILITY FOR THE UNITED STATES.—Upon the transfer of military equipment under subsection (b), the United States shall not be liable for any death, injury, loss, or damage that results

from the use of such military equipment by any person other than the United States.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with a transfer under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(j) DEFINITIONS.—In this subsection:

(1) The term "major system" has the meaning provided in section 2302 of title 10, United States Code.

(2) The term "contractual agreement" includes contracts, grants, cooperative agreements, and other transactions.

Subtitle E—Studies and Reports

SEC. 1051. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) COMPTROLLER GENERAL REPORT.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review addresses each of the items required by subsection (d) of section 118 of title 10, United States Code.

Determination.

(b) SECRETARY OF DEFENSE REPORT.—If the Comptroller General determines that the report on the 2009 quadrennial defense review fails to directly address items required by subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report directly addressing those items not later than 30 days after the submission of the report by the Comptroller General required by paragraph (1).

SEC. 1052. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

Classified information.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term "major military capabilities" includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.

SEC. 1053. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time as the President submits to Congress the budget under section 1105(a) of title 31, United States Code, for each of fiscal years 2011 through 2015, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff and the Secretary of each of the military

departments, shall submit to the congressional defense committees an annual report on the electronic warfare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the electronic warfare strategy of the Department of Defense;

(B) how such strategy supports the National Defense Strategy; and

(C) the organizational structure assigned to oversee the development of the Department's electronic warfare strategy, requirements, capabilities, programs, and projects.

(2) A list of all the electronic warfare acquisition programs and research and development projects of the Department of Defense and a description of how each program or project supports the Department's electronic warfare strategy.

(3) For each unclassified program or project on the list required by paragraph (2)—

(A) the senior acquisition executive and organization responsible for oversight of the program or project;

(B) whether or not validated requirements exist for the program or project and, if such requirements do exist, the date on which the requirements were validated and the organizational authority that validated such requirements;

(C) the total amount of funding appropriated, obligated, and forecasted by fiscal year for the program or project, including the program element or procurement line number from which the program or project receives funding;

(D) the development or procurement schedule for the program or project;

(E) an assessment of the cost, schedule, and performance of the program or project as it relates to the program baseline for the program or project, as of the date of the submission of the report, and the original program baseline for such program or project, if such baselines are not the same;

(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) the capability gap that the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) of paragraph (3) for each classified program or project on the list required by paragraph (2).

SEC. 1054. STUDY ON A SYSTEM FOR CAREER DEVELOPMENT AND MANAGEMENT OF INTERAGENCY NATIONAL SECURITY PROFESSIONALS.

(a) STUDY REQUIRED.—

President.

(1) DESIGNATION OF EXECUTIVE AGENCY.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study of the matters described in subsection (b) by an appropriate independent, nonprofit organization. The designated Executive agency shall select the organization and commission the study not later than 90 days after the date of the enactment of this Act.

(2) QUALIFICATIONS OF ORGANIZATION SELECTED.—The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the designated Executive agency may determine.

(b) MATTERS TO BE EXAMINED.—The study required by subsection (a) shall examine matters pertaining to a system for the development and management of interagency national security professionals including, at a minimum, the following:

(1) PROFESSIONAL DEVELOPMENT.—The skills, education, training, and professional experiences desired in interagency national security professionals at various career stages, as well as the feasibility, benefits, and costs of developing a pool of personnel necessary to enable interagency national security professionals to undertake such professional development opportunities.

(2) COORDINATION.—Procedures for ensuring appropriate consistency and coordination among participating Executive agencies, such as methods for identifying positions and personnel that should be included in the system, and coordination of treatment in personnel and human resource systems, including performance review and promotion policies.

(3) FUNDING.—Potential mechanisms for funding an interagency national security professional development program.

(4) MILITARY AND STATE AND LOCAL GOVERNMENT PERSONNEL.—The feasibility of integrating, coordinating, or supplementing the systems and requirements regarding experience and education for military officers with an interagency national security professional system, as well as potential means of, and benefits and drawbacks of, including State and local government organizations and personnel in the system.

(5) INCENTIVES TO PARTICIPATE.—Incentives and requirements that could be implemented to encourage personnel and organizations to fully participate in the system across various career levels.

(6) CURRENT EFFORTS.—The effectiveness of, and lessons learned from, major current efforts at developing interagency national security professionals.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress not later than December 1, 2010.

(d) DEFINITIONS.—In this section:

(1) The term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code.

(2) The term "employee" has the meaning given such term by section 2105 of title 5, United States Code.

(3) The term "interagency national security professional" means an employee of an Executive agency who plans, coordinates, or participates in activities relating to the national security of the United States that require significant interaction and engagement with other Executive agencies.

SEC. 1055. REPORT ON NUCLEAR ASPIRATIONS OF NON-STATE ENTITIES, NUCLEAR WEAPONS AND RELATED PROGRAMS IN NON-NUCLEAR-WEAPONS STATES AND COUNTRIES NOT PARTIES TO THE NUCLEAR NON-PROLIFERATION TREATY, AND CERTAIN FOREIGN PERSONS.

50 USC 2371.

(a) IN GENERAL.—The Director of National Intelligence shall biennially submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report—

(1) on the nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty") and countries that are not parties to the Treaty;

(2) on the nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the report; and

(3) that identifies each foreign person that, during the period covered by the report, made a material contribution to the research, development, production, or acquisition by a country of proliferation concern of—

(A) weapons of mass destruction (including nuclear weapons, chemical weapons, or biological weapons); or

(B) ballistic or cruise missile systems.

(b) ELEMENTS.—The report required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to or by such country or non-state entity and, in the case of assistance provided by such country or non-state entity, a description of to whom such assistance was provided.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.

(7) A description of the type of fissile materials used in any nuclear weapons possessed by such country or non-state entity.

(8) An description of the location and production capability of any fissile materials production facilities in such country or controlled by such non-state entity, the current status of any such facilities, and any plans by such country or non-state entity to develop such facilities.

(9) An identification of the source of any fissile materials used by such country or non-state entity, if such materials are not produced in facilities referred to in paragraph (8).

(10) An assessment of the intentions of such country or non-state entity to leverage civilian nuclear capabilities for a nuclear weapons program.

(11) A description of any delivery systems available to such country or non-state entity and an assessment of whether nuclear warheads have been mated, or there are plans for such warheads to be mated, to any such delivery system.

(12) An assessment of the physical security of the storage facilities for nuclear weapons in such country or controlled by such non-state entity.

(13) An assessment of whether such country is modernizing or otherwise improving the safety, security, and reliability of the nuclear weapons stockpile of such country.

(14) An assessment of the industrial capability and capacity of such country or non-state entity to produce nuclear weapons.

(15) In the case of a country, an assessment of the policy of such country on the employment and use of nuclear weapons.

(c) REFERENCES TO OTHER REPORTS.—Each report submitted under subsection (a) shall include a copy of any other report that is incorporated by reference into the report submitted under subsection (a).

(d) UNCLASSIFIED SUMMARY.—Each report submitted under subsection (a) shall include an unclassified summary of such report.

(e) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of National Intelligence shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives the first report required under subsection (a) by not later than September 1, 2010.

Determination.

(2) NOTIFICATION OF DELAY IN SUBMITTAL.—If the Director of National Intelligence determines that it will not be possible for the Director to submit the first report required under subsection (a) by September 1, 2010, the Director shall, not later than August 1, 2010, submit to the committees specified in paragraph (1) a notice—

(A) that such report will not be submitted by September 1, 2010; and

(B) setting forth the date by which the Director will submit such report.

Repeal.

(f) CONFORMING AMENDMENT.—Section 722 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2369) is repealed.

(g) DEFINITIONS.—In this section:

(1) FOREIGN PERSON.—The term "foreign person" means any of the following:

(A) A natural person who is not a citizen of the United States.

(B) A corporation, business association, partnership, society, trust, or other nongovernmental entity, organization, or group that is organized under the laws of a foreign country or has its principal place of business in a foreign country.

(C) Any foreign government or foreign governmental entity operating as a business enterprise or in any other capacity.

(D) Any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(2) COUNTRY OF PROLIFERATION CONCERN.—The term "country of proliferation concern" means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

(A) in the most recent report under section 721 of the Combating Proliferation of Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2366); or

(B) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.

SEC. 1056. COMPTROLLER GENERAL REVIEW OF DEPARTMENT OF DEFENSE SPENDING IN FINAL FISCAL QUARTERS.

(a) REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.—The Comptroller General shall conduct a review of obligations incurred by the Department of Defense in the final quarter each covered fiscal year, as compared to the obligations so incurred in the first three quarters of that fiscal year, to determine if policies with respect to financial execution by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars. Such review shall include both one-year and multi-year appropriations for each covered fiscal year.

(b) COVERED FISCAL YEARS.—For purposes of this section, a covered fiscal year is fiscal year 2006, 2007, 2008, or 2009.

(c) REPORT.—Not later than March 31, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of a fiscal year.

SEC. 1057. REPORT ON AIR AMERICA.

(a) DEFINITIONS.—In this section:

(1) AIR AMERICA.—The term "Air America" means Air America, Incorporated.

(2) ASSOCIATED COMPANY.—The term "associated company" means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport, during the period

when such an entity was owned and controlled by the United States Government.

(b) REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) REPORT ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air America and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and

the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1058. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a comprehensive plan to simplify Department of Defense travel procedures.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel procedures that are most confusing, inefficient, and in need of revision.

(2) A critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) A discussion of any actions to incorporate permanent duty travel that are being undertaken by the Secretary of Defense as of the date of the enactment of this Act.

(4) A plan to gather data on the number of manual temporary duty vouchers processed by the Department of Defense.

(5) Options to leverage industry capabilities and technologies that could enhance management responsiveness to changing markets.

(6) A discussion of pilot programs that the Secretary of Defense could carry out to demonstrate the merit of improvements identified pursuant to preparing the report required by this section, including a discussion of—

(A) recommendations for legislative authority; and

(B) how the systems developed for purposes of such a pilot program would interact with the automated Defense Travel System in effect as of the date of the enactment of this Act.

(7) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SEC. 1059. REPORT ON MODELING AND SIMULATION TECHNOLOGICAL AND INDUSTRIAL BASE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, working

through the Director for Defense Research and Engineering, the Deputy Under Secretary of Defense for Industrial Policy, the Commander of the United States Joint Forces Command, and other appropriate organizations, shall submit to the congressional defense committees a report that describes current and planned efforts to support and enhance the defense modeling and simulation technological and industrial base, including in academia, industry, and government.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An assessment of the current and future domestic defense modeling and simulation technological and industrial base and its ability to meet current and future defense requirements.

(2) A description of current and planned programs and activities of the Department of Defense to enhance the ability of the domestic defense modeling and simulation technological and industrial base to meet current and future defense requirements.

(3) A description of current and planned Department of Defense activities in cooperation with Federal, State, and local government organizations that promote the enhancement of the ability of the domestic defense modeling and simulation technological and industrial base to meet current and future defense requirements.

(4) A comparative assessment of current and future global modeling and simulation capabilities relative to those of the United States in areas related to defense applications of modeling and simulation.

(5) An identification of additional authorities or resources related to technology transfer, establishment of public-private partnerships, coordination with regional, State, or local initiatives, or other activities that would be required to enhance efforts to support the domestic defense modeling and simulation technological and industrial base.

(6) Other matters as determined appropriate by the Secretary.

SEC. 1060. REPORT ON ENABLING CAPABILITIES FOR SPECIAL OPERATIONS FORCES.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Commander of the United States Special Operations Command, jointly with the commanders of the combatant commands and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall submit to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff a report on the availability of enabling capabilities to support special operations forces requirements.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An identification of the requirements for enabling capabilities for conventional forces and special operations forces globally, including current and projected needs in Iraq, Afghanistan, and other theaters of operation.

(2) A description of the processes used to prioritize and allocate enabling capabilities to meet the mission requirements of conventional forces and special operations forces.

(3) An identification and description of any shortfalls in enabling capabilities for special operations forces by function, region, and quantity, as determined by the Commander of the United States Special Operations Command and the commanders of the geographic combatant commands.

(4) An assessment of the current inventory of these enabling capabilities within the military departments and components and the United States Special Operations Command.

(5) An assessment of whether there is a need to create additional enabling capabilities by function and quantity.

(6) An assessment of the merits of creating additional enabling units, by type and quantity—

(A) within the military departments; and

(B) within the United States Special Operations Command.

(7) Recommendations for meeting the current and future enabling force requirements of the United States Special Operations Command, including an assessment of the increases in endstrength, equipment, funding, and military construction that would be required to support these recommendations.

(8) Any other matters the Commander of the United States Special Operations Command, the commanders of the combatant commands, and the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps consider useful and relevant.

(c) REPORT TO CONGRESS.—Not later than 30 days after receiving the report required under subsection (a), the Secretary of Defense shall forward the report to the congressional defense committees with any additional comments the Secretary considers appropriate.

SEC. 1061. ADDITIONAL MEMBERS AND DUTIES FOR THE INDEPENDENT PANEL TO ASSESS THE QUADRENNIAL DEFENSE REVIEW.

(a) ADDITIONAL MEMBERS.—

(1) IN GENERAL.—For purposes of conducting the assessment of the 2009 quadrennial defense review under section 118 of title 10, United States Code (in this section referred to as the "2009 QDR"), the independent panel established under subsection (f) of such section (in this section referred to as the "Panel") shall include eight additional members as follows:

(A) Two appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two appointed by the chairman of the Committee on Armed Services of the Senate.

(C) Two appointed by the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two appointed by the ranking member of the Committee on Armed Services of the Senate.

(2) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Panel appointed under paragraph (1) shall be appointed for the life of the Panel. Any vacancy in an appointment to the

Panel under paragraph (1) shall be filled in the same manner as the original appointment.

(b) ADDITIONAL DUTIES.—In addition to the duties of the Panel under section 118(f) of title 10, United States Code, the Panel shall, with respect to the 2009 QDR—

(1) review the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 QDR;

(2) conduct an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on the 2009 QDR, with particular attention paid to the risks described in that report;

(3) conduct an independent assessment of a variety of possible force structures for the Armed Forces, including the force structure identified in the report of the Secretary of Defense on the 2009 QDR; and

(4) review the resource requirements identified in the 2009 QDR pursuant to section 118(b)(3) of title 10, United States Code, and, to the extent practicable, make a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under paragraph (3).

(c) REPORTS.—

(1) INITIAL REPORT OF PANEL.—The report on the 2009 QDR that is submitted to Congress pursuant to section 118(f)(2) of title 10, United States Code, shall include, in addition to any other matters required by such section, the interim findings of the Panel with respect to the matters specified in subsection (b).

(2) FINAL REPORT OF PANEL.—Not later than July 15, 2010, the Panel shall submit to the Secretary of Defense, and to the congressional defense committees, the final report of the Panel on the matters specified in subsection (b). The report shall include such recommendations on such matters as the Panel considers appropriate.

(3) REPORT OF SECRETARY OF DEFENSE.—Not later than August 15, 2010, the Secretary of Defense shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the Secretary's response to the final report of the Panel under paragraph (2).

(d) TERMINATION OF PANEL.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (c)(2).

10 USC 2302 note.

SEC. 1062. CONGRESSIONAL EARMARKS RELATING TO THE DEPARTMENT OF DEFENSE.

(a) REPORT ON RECURRING EARMARKS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report regarding covered earmarks.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification of each covered earmark that has been included in a national defense authorization Act

for three or more consecutive fiscal years as of the date of the enactment of this Act.

(B) A description of the extent to which competitive or merit-based procedures were used to award funding, or to enter into a contract, grant, or other agreement, pursuant to each covered earmark.

(C) An identification of the specific contracting vehicle used for each covered earmark.

(D) In the case of any covered earmark for which competitive or merit-based procedures were not used to award funding, or to enter into the contract, grant, or other agreement, a statement of the reasons competitive or merit-based procedures were not used.

(b) DOD INSPECTOR GENERAL AUDIT OF CONGRESSIONAL EARMARKS.—The Inspector General of the Department of Defense shall conduct an audit of contracts, grants, or other agreements pursuant to congressional earmarks of Department of Defense funds to determine whether or not the recipients of such earmarks are complying with requirements of Federal law on the use of appropriated funds to influence, whether directly or indirectly, congressional action on any legislation or appropriation matter pending before Congress.

(c) DEFINITIONS.—In this section:

(1) The term "congressional earmark" means any congressionally directed spending item (Senate) or congressional earmark (House of Representatives) on a list published in compliance with rule XLIV of the Standing Rules of the Senate or rule XXI of the Rules of the House of Representatives.

(2) The term "covered earmark" means any congressional earmark identified in the joint explanatory statement to accompany the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) that was printed in the Congressional Record on September 23, 2008.

(3) The term "national defense authorization Act" means an Act authorizing funds for a fiscal year for the military activities of the Department of Defense, and for other purposes.

SEC. 1063. REPORT ON BASING PLANS FOR CERTAIN UNITED STATES GEOGRAPHIC COMBATANT COMMANDS.

10 USC 113 note.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report on the plan for basing of forces outside the United States.

(b) MATTERS COVERED.—The report required under subsection (a) shall contain a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan supports the security commitments undertaken by the United States pursuant to any international security treaty, including the North Atlantic Treaty, the Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America;

(3) how the plan addresses the current security environment in each geographic combatant command's area of responsibility, including United States participation in theater security

cooperation activities and bilateral partnership, exchanges, and training exercises;

(4) the impact that a permanent change in the basing of a unit currently stationed outside the United States would have on the matters described in paragraphs (1) through (3);

(5) the impact the plan will have on the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy and the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States;

(6) any recommendations for additional closures or realignments of military installations outside of the United States; and

(7) any comments resulting from an interagency review of the plan that includes the Department of State and other relevant Federal departments and agencies.

(c) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the United States as of the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) UNIT.—The term "unit" has the meaning determined by the Secretary of Defense for purposes of this section.

(2) GEOGRAPHIC COMBATANT COMMAND.—For purposes of this section, the term "geographic combatant command" means a combatant command with a geographic area of responsibility that does not include North America.

Subtitle F—Other Matters

SEC. 1071. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking "2009" and inserting "2010".

SEC. 1072. BUSINESS PROCESS REENGINEERING.

(a) NEW PROGRAMS.—Section 2222 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A) of this subsection, the following new paragraph (1):

"(1) the appropriate chief management officer for the defense business system modernization has determined whether or not—

"(A) the defense business system modernization is in compliance with the enterprise architecture developed under subsection (c); and

"(B) appropriate business process reengineering efforts have been undertaken to ensure that—

"(i) the business process to be supported by the defense business system modernization will be as streamlined and efficient as practicable; and

"(ii) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable;";

(C) in paragraph (2), as redesignated by subparagraph (A) of this subsection, by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) has been determined by the appropriate chief management officer to be in compliance with the requirements of paragraph (1);"; and

(D) in paragraph (3), as redesignated by subparagraph (A) of this paragraph, by striking "the certification by the approval authority is" and inserting "the certification by the approval authority and the determination by the chief management officer are"; and

(2) in subsection (f)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(B) by inserting "(1)" before "The Secretary of Defense";

(C) in subparagraph (E) of paragraph (1), as designated by this paragraph, by striking "paragraphs (1) through (4)" and inserting "subparagraphs (A) through (D)"; and

(D) by adding at the end the following new paragraph (2):

"(2) For purposes of subsection (a), the appropriate chief management officer for a defense business system modernization is as follows:

"(A) In the case of an Army program, the Chief Management Officer of the Army.

"(B) In the case of a Navy program, the Chief Management Officer of the Navy.

"(C) In the case of an Air Force program, the Chief Management Officer of the Air Force.

"(D) In the case of a program of a Defense Agency, the Deputy Chief Management Officer of the Department of Defense.

"(E) In the case of a program that will support the business processes of more than one military department or Defense Agency, the Deputy Chief Management Officer of the Department of Defense.".

(b) ONGOING PROGRAMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the appropriate chief management officer for each defense business system modernization approved by the Defense Business Systems Management Committee before the date of the enactment of this Act that will have a total cost in excess of $100,000,000 shall review such defense business system modernization to determine whether or not appropriate business process reengineering efforts have been undertaken to ensure that— Deadline. Review. 10 USC 2222 note.

(A) the business process to be supported by such defense business system modernization will be as streamlined and efficient as practicable; and

(B) the need to tailor commercial-off-the-shelf systems to meet unique requirements or incorporate unique interfaces has been eliminated or reduced to the maximum extent practicable.

(2) ACTION ON FINDING OF LACK OF REENGINEERING EFFORTS.—If the appropriate chief management officer determines that appropriate business process reengineering efforts have not been undertaken with regard to a defense business system modernization as described in paragraph (1), that chief management officer—

Plans.

(A) shall develop a plan to undertake business process reengineering efforts with respect to the defense business system modernization; and

(B) may direct that the defense business system modernization be restructured or terminated, if necessary to meet the requirements of paragraph (1).

(3) DEFINITIONS.—In this subsection:

(A) The term "appropriate chief management officer", with respect to a defense business system modernization, has the meaning given that term in paragraph (2) of subsection (f) of section 2222 of title 10, United States Code (as amended by subsection (a)(2) of this section).

(B) The term "defense business system modernization" has the meaning given that term in subsection (j)(3) of section 2222 of title 10, United States Code.

SEC. 1073. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) The table of chapters at the beginning of subtitle A is amended—

(A) in the item relating to chapter 81, by striking "1581" and inserting "1580"; and

(B) in the item relating to chapter 152, by striking "2541" and inserting "2551".

(2) Section 118(g) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" in paragraphs (1) and (2) and inserting "January 28, 2008,".

(3) Section 184(b)(3) is amended by striking "the date of the enactment of this section" and inserting "October 17, 2006".

(4) Section 438 at the end of subchapter I of chapter 21 is redesignated as section 428.

(5) The item relating to section 438 in the table of sections at the beginning of subchapter I of chapter 21 is redesignated as section 428.

(6) Section 490(b)(1) is amended by striking "180 days after date of the enactment of this section, and every even-numbered year thereafter" and inserting "July 28 of every even-numbered year".

(7) The table of chapters at the beginning of part II of subtitle A is amended by striking "1581" in the item relating to chapter 81 and inserting "1580".

(8) Section 992(b)(4) is amended by striking the period after "under this section".

(9) Section 1074f(f)(3) is amended by striking "continency" and inserting "contingency".

(10) Section 1074g(f) is amended by striking "on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" and inserting "after January 28, 2008".

(11) The section heading for section 1076d is amended by striking "**standard**" and inserting "**Standard**".

(12) Section 1079(f)(2)(B) is amended by striking the period after "year".

(13) Section 1142(b) is amended—

(A) in paragraph (4)(C), by striking "the Troops-to-Teachers Program Act of 1999 (20 U.S.C. 9301 et seq.)" and inserting "the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)"; and

(B) in paragraph (15), by striking "federal" both places it appears and inserting "Federal".

(14) Section 1175a(h)(1) is amended by striking "qualities" and inserting "qualifies".

(15) Section 1408(h)(2) is amended by striking "and" at the end of subparagraph (A).

(16) The heading of section 1567 is amended to read as follows:

"§ 1567. Duration of military protective orders".

(17) The heading of section 1567a is amended to read as follows:

"§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement".

(18) Section 2004a is amended—

(A) in subsection (b)(1), by striking "pay grade 0-3" and inserting "pay grade O-3"; and

(B) in subsection (i), by adding a period at the end.

(19) Section 2127(e) is amended by striking "of" after "an annual grant".

(20) Section 2200a(e)(1) is amended by striking "section (b)" and inserting "subsection (b)".

(21) The table of chapters at the beginning of part IV of subtitle A is amended by striking "2541" in the item relating to chapter 152 and inserting "2551".

(22) Section 2306c(h) is amended by striking "section 2801(c)(2)" and inserting "section 2801(c)(4)".

(23) Section 2333 is amended—

(A) in subsection (d)(1)(D)(ii), by striking "indefinite delivery indefinite quantity" and inserting "indefinite delivery-indefinite quantity";

(B) in subsection (d)(2), by striking "this Act" and inserting "the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2388)"; and

(C) in subsection (f)(3), by striking "section 101(13)" and inserting "section 101(a)(13)".

(24) Section 2401(f)(2) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006" and inserting "January 6, 2006".

(25) Section 2461(c)(3)(A) is amended by striking "public private competition" both places it appears in the first sentence and inserting "public-private competition".

(26) Section 2667(g)(1) is amended by striking "law," and all that follows through "may" and inserting "law, the Secretary concerned may".

(27) Section 2684a(g)(2) is amended by striking "the following the following" and inserting "the following".

(28) Section 2701(d)(5) is amended by striking "6920)" and inserting "9620)".

(29) Sections 4348(f), 6959(f), and 9348(f) are amended by striking "section (a)" and inserting "subsection (a)".

(30) The item relating to section 7317 in the table of sections at the beginning of chapter 633 is amended by inserting a period after "thereof".

(31) Section 7306b(b)(1) is amended by striking "1802(14))" and inserting "1802(14)))".

(32) The item relating to section 9515 in the table of sections at the beginning of chapter 941 is transferred to appear after the item relating to section 9514 in the table of sections at the beginning of chapter 931.

(33) The item relating to chapter 1409 in the table of chapters at the beginning of subtitle E is amended by striking "Reserve-Active Status List" and inserting "Reserve Active-Status List".

(34) Section 12310(c)(1)(A) is amended by striking "section 12304(i)(2) of this title" and inserting "section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1))".

(35) Section 12731(f)(2)(A) is amended by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008" and inserting "January 28, 2008".

(36) Section 16163(e)(1) is amended by striking "programs" and inserting "program".

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

Effective date.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

6 USC 121 note.

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking "Secretary" and inserting "Secretary of Defense".

10 USC 662.

(2) Section 523(1) (122 Stat. 4446) is amended by striking "serving or" and inserting "serving in or".

10 USC 2130a, 16201.

(3) Section 616 (122 Stat. 4486) is amended by striking "of title" in subsections (b) and (c) and inserting "of such title".

10 USC 2433.

(4) Section 811(c)(6)(A)(iv)(I) (122 Stat. 4524) is amended by striking "after of 'the program'" and inserting "after 'of the program'".

10 USC 2302 note.

(5) Section 813(d)(3) (122 Stat. 4527) is amended by striking "each of subsections (c)(2)(A) and (d)(2)" and inserting "subsection (c)(2)(A)".

(6) Section 834(a)(2) (122 Stat. 4537) is amended by inserting "subchapter II of" before "chapter 87".

(7) Section 855 (122 Stat. 4545) is repealed. Repeal.

(8) Section 921(1) (122 Stat. 4573) is amended by striking "subsections (f) and (g) as subsections (g) and (h)" and inserting "subsections (f), (g), and (h) as subsections (g), (h), and (i)". 18 USC 3287. 50 USC 1521 note.

(9) Section 931(b)(5) (122 Stat. 4575) is amended— 6 USC 121.

(A) by striking "Section 201(e)(2)" and inserting "Section 201(f)(2)(E)"; and

(B) by striking "(6 U.S.C. 121(e)(2))" and inserting "(6 U.S.C. 121(f)(2)(E))".

(10) Section 932 (122 Stat. 4576) is repealed. Repeal.

(11) Section 1059 (122 Stat. 4611) is amended by striking "Act of" and inserting "Act for". 10 USC 193, 201, 425, 431, 441, 443, 444, 2273, 2723.

(12) Section 1061(b)(3) (122 Stat. 4613) is amended by striking "103" and inserting "188". 10 USC 113 note.

(13) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by striking "section 2401" and inserting "section 2101". 10 USC 1074g note.

(14) Section 3508(b) (122 Stat. 4769) is amended to read as follows: 46 USC 53101, 54101.

"(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.". Repeal.

(15) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: ", and by striking 'CALENDAR' and inserting 'FISCAL' in the heading for paragraph (2)". 46 USC 55314.

(d) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.—Section 1107(e)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public 110–181; 10 U.S.C. 2358 note) is amended by striking "Not later than" and all that follows through "subsection is submitted," and inserting "Not later than November 29, 2008, and not later than March 1 of each year thereafter,".

SEC. 1074. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062(g) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended by striking "September 30, 2009" and inserting "December 31, 2009".

SEC. 1075. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 30-day period beginning on the date the Secretary of the Air Force submits a report in accordance with subsection (b), the following provisions apply: Deadline. Time period. Reports. Applicability.

(1) PROHIBITION ON RETIREMENT OF AIRCRAFT.—The Secretary of the Air Force may not retire any fighter aircraft pursuant to the Combat Air Forces restructuring plan announced by the Secretary on May 18, 2009.

(2) PROHIBITION ON PERSONNEL REASSIGNMENTS.—The Secretary of the Air Force may not reassign any Air Force personnel (whether on active duty or a member of a reserve component, including the National Guard) associated with such restructuring plan.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.

(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1076. SENSE OF CONGRESS REGARDING CARRIER AIR WING FORCE STRUCTURE.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 5062(b) of title 10, United States Code, requires the Department of the Navy to maintain not less than 11 operational aircraft carriers.

(2) In repeated testimony before Congress, the Navy has pledged its long-term commitment to naval combat forces that include 11 operational aircraft carriers and 10 carrier air wings, composed of 44 strike-fighter aircraft per wing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in addition to the forces described in section 5062(b) of title 10, United States Code, the Navy should meet its current requirement for 10 carrier air wings (even if the number of aircraft carriers is temporarily reduced) that are comprised of not less than 44 strike-fighter aircraft, in addition to any other aircraft associated with the air wing; and

(2) the Congress and the Secretary of the Navy should take all appropriate actions necessary to achieve the current requirement for such carrier air wings until such time that modifications to the carrier air wing force structure are warranted and the Secretary of the Navy provides Congress with a justification of any proposed modifications, supported by rigorous and sufficient warfighting analysis.

SEC. 1077. DEPARTMENT OF VETERANS AFFAIRS USE OF SERVICE DOGS FOR THE TREATMENT OR REHABILITATION OF VETERANS WITH PHYSICAL OR MENTAL INJURIES OR DISABILITIES.

Deadline.
Study.

(a) PROGRAM REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a three-year study to assess the benefits, feasibility, and advisability of using service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities, including post-traumatic stress disorder.

(b) PARTNERSHIPS.—

(1) IN GENERAL.—The Secretary shall carry out the study by partnering with nonprofit 501(c)(3) organizations that—

(A) would not charge veterans who participate in the study fees for the dogs, services, or lodging that they provide; and

(B) are accredited by, or adhere to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(2) REIMBURSEMENT OF COSTS.—The Secretary shall reimburse partners $10,000 for each dog provided to a veteran who enrolls in the study and successfully completes a training program offered by one of the partners.

(c) PARTICIPATION.—

(1) IN GENERAL.—As part of the study, the Secretary shall, subject to paragraph (2), arrange for the provision of a service dog to the greater of the following:

(A) 200 veterans.

(B) A sufficient number of such veterans to produce scientifically valid results with respect to assessing the benefits and costs of the use of such dogs for the treatment or rehabilitation of such veterans.

(2) NUMBER OF VETERANS.—The Department of Veterans Affairs may provide dogs to fewer than 200 veterans if, despite its sustained and repeated efforts, it is unable to recruit 200 veterans to participate in the study referred to in subsection (d).

(3) ELIGIBLE VETERANS.—A veteran is eligible to enroll and participate in the study on an ongoing basis if:

(A) The veteran has physical disabilities (other than blindness or hearing impairment) or mental injuries or disabilities.

(B) A Department of Veterans Affairs provider determines, based on clinical evaluation of efficacy, that the veteran is an appropriate candidate for the study and may potentially benefit from a service dog.

(C) The veteran agrees to successfully complete a training program arranged by the Department of Veterans Affairs and offered by a nonprofit 501(c)(3) organization that is accredited by, or adheres to standards comparable to those of, an accrediting organization with demonstrated experience, national scope, and recognized leadership and expertise in the training of service dogs and education in the use of service dogs.

(4) COMPOSITION.—The Secretary shall ensure that at least half of the participants in the study are veterans who suffer primarily from a mental health injury or disability.

(5) AUTHORIZED BENEFITS.—The Department of Veterans Affairs will provide to a veteran participating in this study:

(A) Veterinary treatment to maintain the health of the dog and keep it functioning in its prescribed role.

(B) Hardware required by the dog to perform its tasks, and repairs to such hardware.

(C) Payments and allowances for travel incurred in becoming adjusted to the service dogs, to be paid in the same manner that payments and allowances are authorized under section 111 of title 38, United States Code, and its implementing regulations.

(6) ADDITIONAL BENEFIT FOR ASSOCIATED EXPENSES.—As an incentive for participation in the study, veterans participating in the study will receive from the Department of Veterans Affairs a monthly payment of $75 to offset costs associated with the dog in addition to those identified in paragraph (5), such as services not prescribed or performed by a veterinarian, including but not limited to, license tags (if required), food, grooming, nail trimming, boarding, and over-the-counter medications.

(7) OPTION FOR OWNERSHIP OF, AND RESPONSIBILITY FOR, THE DOG AFTER THE COMPLETION OF THE STUDY.—At the end of the study the veteran will have the option of ownership of the dog. If the veteran does not wish to retain the dog, the 501(c)(3) organization that provided the dog will be responsible for caring for or appropriately placing the dog. In any case after completion of the study, or if and when the veteran chooses to not participate in the study until completion, further responsibility by the Department of Veterans Affairs for any benefits in this provision will cease. Further, the Department of Veterans Affairs' liability related to the dog will cease.

(d) STUDY.—The Secretary shall conduct a scientifically valid research study of the costs and benefits associated with the use of service dogs for the treatment or rehabilitation of veterans with physical or mental injuries or disabilities. The matters studied shall include the following:

(1) The therapeutic benefits to such veterans, including the quality of life benefits reported by the veterans partaking in the study.

(2) The economic benefits of using service dogs for the treatment or rehabilitation of such veterans, including—

(A) savings on health care costs, including savings related to reductions in hospitalization and reductions in the use of prescription drugs; and

(B) productivity and employment gains for the veterans.

(e) REPORTS.—

(1) ANNUAL REPORT OF THE SECRETARY.—After each year of the study, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the study.

(2) FINAL REPORT BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 180 days after the date of the completion of the study, the National Academy of Sciences shall submit to Congress a report on the results of the study.

(f) FUNDING.—The study under this section is subject to the availability of appropriations provided to the Department of Veterans Affairs for such purpose.

SEC. 1078. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID ROCKET MOTOR INDUSTRIAL BASE.

(a) IN GENERAL.—The Secretary of Defense shall review and establish a plan to sustain the solid rocket motor industrial base, including the ability to maintain and sustain currently deployed strategic and missile defense systems and to maintain an intellectual and engineering capacity to support next generation rocket motors, as needed. Review.

(b) SUBMISSION OF PLAN.—Not later than June 1, 2010, the Secretary of Defense shall submit to the congressional defense committees the plan required under subsection (a).

SEC. 1079. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

It is the sense of Congress that the claims of American victims of torture and hostage taking by the Government of Iraq during the regime of Saddam Hussein that are subject to Presidential Determination Number 2008-9 of January 28, 2008, which waived application of section 1083 of the National Defense Authorization Act for Fiscal Year 2008, should be resolved by a prompt and fair settlement negotiated between the Government of Iraq and the Government of the United States, taking note of the provisions of H.R. 5167 of the 110th Congress, which was adopted by the United States House of Representatives.

SEC. 1080. REQUIREMENT FOR VIDEOTAPING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE. 10 USC 801 note.

(a) VIDEOTAPING OR OTHER ELECTRONIC RECORDING REQUIRED.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall ensure that each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility is videotaped or otherwise electronically recorded.

(b) CLASSIFICATION OF INFORMATION.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (a), the Secretary of Defense shall provide for the appropriate classification of videotapes or other electronic recordings made pursuant to subsection (a). The use of such classified videotapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), as amended by section 1802 of this Act, or at any other judicial or administrative forum under any other provision of law shall be governed by applicable rules, regulations, and laws that protect classified information.

(c) STRATEGIC INTELLIGENCE INTERROGATION DEFINED.—For purposes of this section, the term "strategic intelligence interrogation" means an interrogation of a person described in subsection (a) conducted at a theater-level detention facility.

(d) EXCLUSION.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record an interrogation of a person described in subsection (a); or

(2) the videotaping of or otherwise electronically recording of tactical questioning, as such term is defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto.

(e) WAIVER.—

(1) WAIVERS AUTHORIZED.—The Secretary of Defense may, as an exceptional measure, as part of a specific interrogation plan for a specific person described in subsection (a), waive the requirement in that subsection on a case-by-case basis for a period not to exceed 30 days, if the Secretary—

Determination.

(A) makes a determination in writing that such a waiver is necessary to the national security interests of the United States; and

Deadline.
Notice.

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(2) SUSPENSIONS AUTHORIZED.—The Secretary may temporarily suspend the requirement under subsection (a) at a specific theater-level detention facility for a period not to exceed 30 days, if the Secretary—

Determination.

(A) makes a determination in writing that such a suspension is vital to the national security interests of the United States; and

Deadline.
Notice.

(B) by not later than five days after the date on which such a determination is made, submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination.

(3) LIMITATION ON DELEGATION OF AUTHORITY.—This authority of the Secretary under this subsection may only be delegated as follows:

(A) In the case of the authority under paragraph (1), such authority may not be delegated below the level of the combatant commander of the theater in which the detention facility holding the person is located.

(B) In the case of the authority under paragraph (2), such authority may not be delegated below the level of the Deputy Secretary of Defense.

(4) EXTENSIONS.—The Secretary may extend a waiver under paragraph (1) for one additional 30-day period, or a

suspension under paragraph (2) for one additional 30-day period, if—

(A) the Secretary— Determination.

(i) in the case of such a waiver, makes a determination in writing that such an extension is necessary to the national security interests of the United State; or

(ii) in the case of such a suspension, makes a determination in writing that such an extension is vital to the national security interests of the United States; and

(B) by not later than five days after the date on which such a determination is made, the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence notice of that determination, including a justification for that determination. Deadline.

(f) GUIDELINES.—

(1) DEVELOPMENT OF GUIDELINES.—The Secretary of Defense, acting through the Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)), shall develop and adopt uniform guidelines for videotaping or otherwise electronically recording strategic intelligence interrogations as required under subsection (a). Such guidelines shall, at a minimum—

(A) promote full compliance with the laws of the United States;

(B) promote the exploitation of intelligence;

(C) address the retention, maintenance, and disposition of videotapes or other electronic recordings, consistent with subparagraphs (A) and (B) and with the interests of justice; and

(D) ensure the safety of all participants in the interrogations.

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex. Deadline. Reports.

SEC. 1081. MODIFICATION OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.

Section 1081(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 335; 10 U.S.C. 2461 note) is amended by inserting before the period at the end of the first sentence the following: ", unless the Secretary of Defense submits notification to the congressional defense committees that pursuing such a program is not in the national interest".

SEC. 1082. MULTIYEAR CONTRACTS UNDER PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE. 10 USC 2461 note.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may enter into one or more multiyear contracts, beginning with the fiscal year 2011 program year, for purposes of conducting

the pilot program on utilizing commercial fee-for-service air refueling tanker aircraft for Air Force operations required by section 1081 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 335).

(b) COMPLIANCE WITH LAW APPLICABLE TO MULTIYEAR CONTRACTS.—Any contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2306c of title 10, United States Code, except that—

(1) the term of the contract may not be more than 8 years; and

(2) notwithstanding section 2306c(b) of such title, the authority under section 2306c(a) of such title shall apply to the fee-for-service air refueling pilot program.

(c) COMPLIANCE WITH LAW APPLICABLE TO SERVICE CONTRACTS.—A contract entered into under subsection (a) shall be entered into in accordance with the provisions of section 2401 of title 10, United States Code, except that—

(1) the Secretary shall not be required to certify to the congressional defense committees that the contract is the most cost-effective means of obtaining commercial fee-for-service air refueling tanker aircraft for Air Force operations; and

(2) the Secretary shall not be required to certify to the congressional defense committees that there is no alternative for meeting urgent operational requirements other than making the contract.

(d) LIMITATION ON AMOUNT.—The amount of a contract under subsection (a) may not exceed $999,999,999.

(e) PROVISION OF GOVERNMENT INSURANCE.—A commercial air operator contracting with the Department of Defense under the pilot program referred to in subsection (a) shall be eligible to receive Government-provided insurance pursuant to chapter 443 of title 49, United States Code, if commercial insurance is unavailable on reasonable terms and conditions.

SEC. 1083. DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

(a) DISCLOSURE.—

Public information.

(1) IN GENERAL.—The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2009 and 2010.

(2) CONTENT.—The information to be released under paragraph (1) shall include, with respect to the fiscal year covered, the entire name, including the first, middle, and surnames, with respect to each student and instructor at the Western Hemisphere Institute for Security Cooperation.

(b) WAIVER.—The Secretary of Defense may waive the requirement under subsection (a) if the Secretary determines it to be in the national interest.

SEC. 1084. SENSE OF CONGRESS REGARDING THE WESTERN HEMISPHERE INSTITUTE FOR SECURITY COOPERATION.

It is the sense of Congress that—

(1) the Western Hemisphere Institute for Security Cooperation—

(A) offers quality professional military bilingual instruction for military officers and noncommissioned officers that promotes democracy, subordination to civilian authority, and respect for human rights; and

(B) is uniquely positioned to support the modernization of Latin America security forces as they work to transcend their own controversial pasts;

(2) the Western Hemisphere Institute for Security Cooperation is building partner capacity which enhances regional and global security while encouraging respect for human rights and promoting democratic principles among eligible military personnel, law enforcement officials, and civilians of nations of the Western Hemisphere;

(3) the Western Hemisphere Institute for Security Cooperation is an invaluable education and training facility the curriculum of which is not duplicated in any of the military departments and is not replaceable by professional military education funded by appropriations for International Military Education and Training, for which education is not conducted in Spanish and does not concentrate on regional challenges; and

(4) the Western Hemisphere Institute for Security Cooperation is an essential tool to educate future generations of Latin American leaders and improve United States relationships with partner nations that are working with the United States to promote democracy, prosperity, and stability in the Western Hemisphere.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—Personnel

Sec. 1101. Authority to employ individuals completing the National Security Education Program.
Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.
Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.
Sec. 1104. Extension and modification of experimental personnel management program for scientific and technical personnel.
Sec. 1105. Modification to Department of Defense laboratory personnel authority.
Sec. 1106. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1107. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Pilot program for the temporary exchange of information technology personnel.
Sec. 1111. Availability of funds for compensation of certain civilian employees of the Department of Defense.
Sec. 1112. Department of defense civilian leadership program.
Sec. 1113. Provisions relating to the National Security Personnel System.
Sec. 1114. Provisions relating to the Defense Civilian Intelligence Personnel System.

Subtitle B—Provisions Relating to Reemployment of Annuitants

Sec. 1121. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.

Sec. 1122. Part-time reemployment.
Sec. 1123. Government Accountability Office report.

Subtitle A—Personnel

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

"(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

"(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a position in such Federal agency or office, in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to such Department or such Federal agency or office; and

"(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.".

SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

"(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

"(1) may, without regard to any provision of title 5 governing appointment of employees to competitive service positions within the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment, owes a service commitment to the Department; and

"(2) may, upon satisfactory completion of 2 years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.".

(b) CONFORMING AMENDMENT.—Subsection (c)(2) of such section is amended by striking "Except as provided in subsection (d), the" in the second sentence and inserting "The".

(c) TECHNICAL AMENDMENTS.—Subsection (f) of such section is amended—

(1) by striking the first sentence; and

(2) by striking "the authorities provided in such chapter" and inserting "the other authorities provided in this chapter".

(d) REPEAL OF OBSOLETE PROVISIONS.—(1) Such section is further amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subparagraph (B) of section 3304(a)(3) of title 5, United States Code, is amended to read as follows:

"(B) the Office of Personnel Management has determined that there exists a severe shortage of candidates or that there is a critical hiring need.".

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE DEPARTMENT OF DEFENSE INFORMATION ASSURANCE SCHOLARSHIP PROGRAM.

(a) IN GENERAL.—Section 2200a of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense—

"(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

"(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.".

(b) TECHNICAL AMENDMENT.—Subsection (a) of such section is amended by striking "subsection (g)," and inserting "subsection (f),".

SEC. 1104. EXTENSION AND MODIFICATION OF EXPERIMENTAL PERSONNEL MANAGEMENT PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL.

(a) THREE-YEAR EXTENSION.—Subsection (e)(1) of section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "September 30, 2011" and inserting "September 30, 2014".

(b) LIMITATIONS ON ADDITIONAL PAYMENTS.—Such section is further amended—

(1) in subsection (b)(3), by striking "under subsection (d)(1)" and inserting "under subsection (d)"; and

(2) by striking subsection (d) and inserting the following:

"(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1) Subject to paragraph (3), the total amount of additional payments paid to

an employee under subsection (b)(3) for any 12-month period may not exceed the lesser of the following amounts:

"(A) $50,000 in fiscal year 2010, which may be adjusted annually thereafter by the Secretary, with a percentage increase equal to one-half of 1 percentage point less than the percentage by which the Employment Cost Index, published quarterly by the Bureau of Labor Statistics, for the base quarter of the year before the preceding calendar year exceeds the Employment Cost Index for the base quarter of the second year before the preceding calendar year.

"(B) The amount equal to 50 percent of the employee's annual rate of basic pay.

"(2) In paragraph (1), the term 'base quarter' has the meaning given that term in section 5302(3) of title 5, United States Code.

"(3) Notwithstanding any other provision of this section or section 5307 of title 5, United States Code, no additional payments may be paid to an employee under subsection (b)(3) in any calendar year if, or to the extent that, the employee's total annual compensation in such calendar year will exceed the maximum amount of total annual compensation payable at the salary set in accordance with section 104 of title 3, United States Code.

"(4) An employee appointed under the program is not eligible for any bonus, monetary award, or other monetary incentive for service under the appointment other than payments authorized by this section.".

(c) REPORTING REQUIREMENTS.—Paragraph (1) of subsection (g) of such section is amended to read as follows:

"(1)(A) Not later than December 31 of each year in which the authority under this section is in effect, the Secretary of Defense shall submit to the committees of Congress specified in subparagraph (B) a report on the operation of this section. Each report shall cover the fiscal year that most recently ended before such December 31.

"(B) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

"(ii) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.".

10 USC 2358 note.

SEC. 1105. MODIFICATION TO DEPARTMENT OF DEFENSE LABORATORY PERSONNEL AUTHORITY.

(a) DESIGNATION OF LABORATORIES.—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as described in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001):

(1) The Aviation and Missile Research Development and Engineering Center.

(2) The Army Research Laboratory.

(3) The Medical Research and Materiel Command.

(4) The Engineer Research and Development Command.

(5) The Communications-Electronics Command.

(6) The Soldier and Biological Chemical Command.
(7) The Naval Sea Systems Command Centers.
(8) The Naval Research Laboratory.
(9) The Office of Naval Research.
(10) The Air Force Research Laboratory.
(11) The Tank and Automotive Research Development and Engineering Center.
(12) The Armament Research Development and Engineering Center.
(13) The Naval Air Warfare Center, Weapons Division.
(14) The Naval Air Warfare Center, Aircraft Division.
(15) The Space and Naval Warfare Systems Center, Pacific.
(16) The Space and Naval Warfare Systems Center, Atlantic.
(17) The laboratories within the Army Research Development and Engineering Command.

(b) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each Department of Defense science and technology reinvention laboratory, as so designated by subsection (a), from the personnel system which applies as of the date of the enactment of this Act to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this subsection—

(1) shall not adversely affect any employee with respect to pay or any other term or condition of employment;
(2) shall be consistent with section 4703(f) of title 5, United States Code;
(3) shall be completed within 18 months after the date of the enactment of this Act; and
(4) shall not apply to prevailing rate employees (as defined by section 5342(a)(2) of title 5, United States Code) or senior executives (as defined by section 3132(a)(3) of such title).

(c) LIMITATION.—The science and technology reinvention laboratories, as so designated by subsection (a), may not implement any personnel system, other than a personnel system under an appropriate demonstration project (as referred to in such section 342(b)), without prior congressional authorization.

SEC. 1106. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615) is amended by striking "calendar year 2009," and inserting "calendar years 2009 and 2010,".

(b) RELATED PROVISION.—Subsection (b) of such section 1101 is amended to read as follows:.

"(b) APPLICABILITY OF AGGREGATE LIMITATION ON PAY.—

"(1) IN GENERAL.—Section 5307 of title 5, United States Code, shall not apply to any employee in any calendar year in which that employee is granted a waiver under subsection (a).

"(2) OTHER LIMITATIONS.—In the case of any employees who (disregarding subparagraph (A)) would otherwise be subject to a limitation on premium pay similar to one set forth in section 5547 of title 5, United States Code (as determined by the head of the Executive agency in or under which such employees are employed)—

"(A) the agency head may waive that otherwise applicable limitation, to the same extent and in the same manner as would be allowable under subsection (a) if those employees were instead subject to such section 5547; and

"(B) if a waiver under subparagraph (A) is granted with respect to such employees, then, neither section 5307 of title 5, United States Code, nor any other similar limitation (as determined by the agency head) shall apply with respect to such employees for purposes of any calendar year for which such waiver is so granted.".

SEC. 1107. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

Section 1603(a)(2) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as amended by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616), is amended by inserting "Pakistan or" after "is on official duty in".

SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) CODIFICATION OF REQUIREMENT FOR STRATEGIC WORKFORCE PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

"§ 115b. Annual strategic workforce plan

"(a) ANNUAL PLAN REQUIRED.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

"(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(b) CONTENTS.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

"(1) An assessment of—

"(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security requirements and effectively manage the Department during the seven-year period following the year in which the plan is submitted;

"(B) the appropriate mix of military, civilian, and contractor personnel capabilities;

"(C) the critical skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

"(D) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraphs (A) and (C).

"(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(D), including—

"(A) specific recruiting and retention goals, especially in areas identified as critical skills and competencies under paragraph (1), including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals;

"(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies;

"(C) any incentives necessary to attract or retain any civilian personnel possessing the skills and competencies identified under paragraph (1);

"(D) any changes in the number of personnel authorized in any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address such gaps and effectively meet the needs of the Department;

"(E) any changes in resources or in the rates or methods of pay for any category of personnel listed in subsection (f)(1) or in the acquisition workforce that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department; and

"(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

"(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

"(4) Any additional matters the Secretary of Defense considers necessary to address.

"(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the senior management, functional, and technical workforce (including scientists and engineers) of the Department of Defense.

"(2) For purposes of paragraph (1), each plan shall include, with respect to such senior management, functional, and technical workforce—

"(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

"(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

"(C) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities; and

"(D) specific steps that the Department has taken or plans to take to ensure that such workforce is managed in compliance with the requirements of section 129 of this title.

"(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce plan under subsection (a) shall include a separate chapter to specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

"(2) For purposes of paragraph (1), each plan shall include, with respect to the defense acquisition workforce—

"(A) an assessment of the matters set forth in subparagraphs (A) through (D) of subsection (b)(1);

"(B) a plan of action meeting the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

"(C) specific steps that the Department has taken or plans to take to develop appropriate career paths for civilian employees in the acquisition field and to implement the requirements of section 1722a of this title with regard to members of the armed forces in the acquisition field; and

"(D) a plan for funding needed improvements in the acquisition workforce of the Department through the period of the future-years defense program, including—

"(i) the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title, along with a description of how such funding is being implemented and whether it is being fully used; and

"(ii) a description of any continuing shortfalls in funding available for the acquisition workforce.

Reports.

"(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section.

Deadline.

The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic workforce plan required by this section.

"(f) DEFINITIONS.—In this section:

"(1) The term 'senior management, functional, and technical workforce of the Department of Defense' includes the following categories of Department of Defense civilian personnel:

"(A) Appointees in the Senior Executive Service under section 3131 of title 5.

"(B) Persons serving in positions described in section 5376(a) of title 5.

"(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

"(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

"(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

"(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

"(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

"(2) The term 'acquisition workforce' includes individuals designated under section 1721 as filling acquisition positions.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

"115b. Annual strategic workforce plan.".

(b) COMPTROLLER GENERAL REPORTS.—

(1) REPORT ON STRATEGIC WORKFORCE PLAN.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(2) REPORT ON THE TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DEPARTMENT OF DEFENSE.—(A) Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the efficacy of Department of Defense training for acquisition and audit personnel of the Department of Defense.

(B) The report required under subparagraph (A) shall address the efficacy of training, the extent to which such training reaches appropriate personnel, and the extent to which the training recommendations of previous reviews (including the recommendations of the Commission on Army Acquisition and Program Management in Expeditionary Operations) have been implemented.

(c) CONFORMING REPEALS.—The following provisions are repealed:

(1) Section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

10 USC 1580 note prec.

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.

(a) AMENDMENTS.—Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4619) is amended— 10 USC 143 note.

(1) in subsection (b), by striking "for four";

(2) in paragraph (1) of subsection (b), by striking "requirements of—" and all that follows through the end of subparagraph (C) and inserting "the requirements of section 115b of this title; or";

(3) in paragraph (2) of subsection (b), by striking "purpose described in paragraphs (1) through (4) of subsection (c)." and inserting the following:

"any of the following purposes:

"(A) Performance of inherently governmental functions.

"(B) Performance of work pursuant to section 2463 of title 10, United States Code.

"(C) Ability to maintain sufficient organic expertise and technical capability.

"(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work."; and

(4) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

"(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:

"(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and subsequent fiscal years.

"(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

"(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

"(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National

Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.".

(2) TECHNICAL AMENDMENTS TO REFLECT NAME OF REPORT.—

(A) Subsection (a) of section 115a of such title is amended by inserting "defense" before "manpower requirements report.".

(B)(i) The heading of such section is amended to read as follows:

"§ 115a. Annual defense manpower requirements report".

(ii) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended to read as follows:

"115a. Annual defense manpower requirements report.".

(3) CONFORMING REPEAL.—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

SEC. 1110. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

5 USC 3702 note.

(a) ASSIGNMENT AUTHORITY.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered by the Secretary of Defense to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and

(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement among the Department of Defense, the private sector organization, and the employee concerned regarding the terms and conditions of the employee's assignment under this section. The agreement—

(1) shall require that employees of the Department of Defense, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the employee of the Department of Defense or of the private sector organization (as the case may be) fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason, as determined by the Secretary of Defense.

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated by the Department of Defense or the private sector organization concerned.

(d) DURATION.—An assignment under this section shall be for a period of not less than 3 months and not more than 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year; however, no assignment under this section may commence after September 30, 2013.

(e) TERMS AND CONDITIONS FOR PRIVATE SECTOR EMPLOYEES.—An employee of a private sector organization who is assigned to a Department of Defense organization under this section—

(1) may continue to receive pay and benefits from the private sector organization from which such employee is assigned;

(2) is deemed to be an employee of the Department of Defense for the purposes of—

(A) chapter 73 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) the Federal Tort Claims Act and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978;

(F) section 1043 of the Internal Revenue Code of 1986; and

(G) section 27 of the Office of Federal Procurement Policy Act; and

(3) may not have access to any trade secrets or to any other nonpublic information which is of commercial value to the private sector organization from which such employee is assigned.

(f) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private sector organization may not charge the Department of Defense or any other agency of the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to a Department of Defense organization under this section for the period of the assignment.

(g) CONSIDERATIONS.—In carrying out this section, the Secretary of Defense—

(1) shall ensure that, of the assignments made under this section each year, at least 20 percent are from small business concerns (as defined by section 3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of how assignments under this section might best be used to help meet the needs of the Department of Defense with respect to the training of employees in information technology management.

(h) NUMERICAL LIMITATION.—In no event may more than 10 employees be participating in assignments under this section at any given time.

(i) REPORTING REQUIREMENT.—For each of fiscal years 2010 through 2015, the Secretary of Defense shall submit to the congressional defense committees, not later than 1 month after the end of the fiscal year involved, a report on any activities carried out under this section during such fiscal year, including information concerning—

(1) the respective organizations (as referred to in subsection (a)) to and from which any employee was assigned under this section;

(2) the positions those employees held while they were so assigned;

(3) a description of the tasks they performed while they were so assigned; and

(4) a discussion of any actions that might be taken to improve the effectiveness of the program under this section, including any proposed changes in law.

(j) REPEAL OF SUPERSEDED SECTION.—Section 1109 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 358) is repealed, except that— 5 USC 3702 note.

(1) nothing in this subsection shall, in the case of any assignment commencing under such section 1109 on or before the date of the enactment of this Act, affect—

(A) the duration of such assignment or the authority to extend such assignment in accordance with subsection (d) of such section 1109, as last in effect; or

(B) the terms or conditions of the agreement governing such assignment, including with respect to any service obligation under subsection (b) thereof; and

(2) any employee whose assignment is allowed to continue by virtue of paragraph (1) shall be taken into account for purposes of—

(A) the numerical limitation under subsection (h); and

(B) the reporting requirement under subsection (i).

SEC. 1111. AVAILABILITY OF FUNDS FOR COMPENSATION OF CERTAIN CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE. 10 USC 1580 note prec.

(a) AVAILABILITY OF FUNDS.—Funds authorized to be appropriated for the Department of Defense that are available for the purchase of contract services to meet a requirement that is anticipated to continue for five years or more shall be available to provide compensation for civilian employees of the Department to meet the same requirement.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall prescribe regulations implementing the authority in subsection (a). Such regulations— Deadline.

(1) shall ensure that the authority in subsection (a) is utilized to build government capabilities that are needed to perform inherently governmental functions, functions closely associated with inherently governmental functions, and other critical functions;

(2) shall include a mechanism to ensure that follow-on funding to provide compensation for civilian employees of the Department to perform functions described in paragraph (1) is provided from appropriate accounts; and

(3) may establish additional criteria and levels of approval within the Department for the utilization of funds to provide

compensation for civilian employees of the Department pursuant to subsection (a).

(c) ANNUAL REPORT.—Not later than 60 days after the end of each fiscal year for which the authority in subsection (a) is in effect, the Secretary shall submit to the congressional defense committees a report on the use of such authority. Each report shall cover the preceding fiscal year and shall identify, at a minimum, the following:

(1) The amount of funds used under the authority in subsection (a) to provide compensation for civilian employees.

(2) The source or sources of the funds so used.

(3) The number of civilian employees employed through the use of such funds.

(4) The actions taken by the Secretary to ensure that follow-on funding for such civilian employees is provided through appropriate accounts.

Applicability.

(d) TEMPORARY AUTHORITY.—The authority in subsection (a) shall apply to funds authorized to be appropriated for the Department of Defense for fiscal years 2010 through 2019.

10 USC 1580 note prec.

SEC. 1112. DEPARTMENT OF DEFENSE CIVILIAN LEADERSHIP PROGRAM.

(a) LEADERSHIP PROGRAM REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a program of leadership recruitment and development for civilian employees of the Department of Defense, to be known as the "Department of Defense Civilian Leadership Program" (in this section referred to as the "program").

(2) OBJECTIVES.—The objectives of the program shall be as follows:

(A) To develop a new generation of civilian leaders for the Department of Defense.

(B) To recruit individuals with the academic merit, work experience, and demonstrated leadership skills to meet the future needs of the Department.

(C) To offer rapid advancement, competitive compensation, and leadership opportunities to highly qualified civilian employees of the Department.

(3) AVAILABLE AUTHORITIES.—In carrying out the program, the Secretary may exercise any authority available to the Office of Personnel Management under section 4703 of title 5, United States Code, except that the Secretary shall not be bound by the limitations in subsection (d) of such section. Nothing in this section shall be construed to authorize the waiver of any part of chapter 71 of title 5, United States Code, or any regulation implementing such chapter, in the carrying out of the program.

(b) ELIGIBLE INDIVIDUALS.—

(1) IN GENERAL.—The following individuals shall be eligible to participate in the program:

(A) Current employees of the Department of Defense.

(B) Appropriate individuals in the private sector.

(2) LIMITATION ON NUMBER OF PARTICIPANTS IN PROGRAM.—The total number of individuals who may participate in the program in any fiscal year may not exceed 5,000.

(3) LIMITATION ON PERIOD OF PARTICIPATION IN PROGRAM.—The maximum period of time that an individual may participate in the program is three years.

(c) ELEMENTS OF PROGRAM.—

(1) COMPETITIVE ENTRY.—The selection of individuals for entry into the program shall be made on the basis of a competition conducted at least twice each year. In each competition, participants in the program shall be selected from among applicants determined by the Secretary to be the most highly qualified in terms of academic merit, work experience, and demonstrated leadership skills. Each competition shall provide for entry-level participants and midcareer participants in the program. Determination.

(2) ALLOCATION OF POSITIONS.—The Secretary shall allocate positions in the program among the components of the Department of Defense that—

(A) offer the most challenging assignments;

(B) provide the greatest level of responsibility; and

(C) demonstrate the greatest need for participants in the program.

(3) ASSIGNMENTS TO POSITIONS.—Participants in the program shall be assigned to components of the Department that best match their skills and qualifications. Participants in the program may be rotated among components of the Department of Defense at the discretion of the Secretary.

(4) INITIAL COMPENSATION.—The initial compensation of participants in the program shall be determined by the Secretary based on the qualifications of such participants and applicable market conditions. Determination.

(5) EDUCATION AND TRAINING.—The Secretary shall provide participants in the program with training, mentoring, and educational opportunities that are appropriate to facilitate the development of such participants into effective civilian leaders for the Department of Defense.

(6) OBJECTIVE, MERIT-BASED PRINCIPLES FOR PERSONNEL DECISIONS.—The Secretary shall make personnel decisions under the program in accordance with such objective, merit-based criteria as the Secretary shall prescribe in regulations for purposes of the program. Such criteria shall include, but not be limited to, criteria applicable to the following: Regulations.

(A) The selection of individuals for entry into the program.

(B) The assignment of participants in the program to positions in the Department of Defense.

(C) The initial compensation of participants in the program.

(D) The access of participants in the program to training, mentoring, and educational opportunities under the program.

(E) The consideration of participants in the program for selection into the senior management, functional, and technical workforce of the Department.

(7) CONSIDERATION FOR SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Any participant in the program who, as determined by the Secretary, demonstrates outstanding performance shall be afforded priority in consideration for selection into the appropriate element of the senior management, Determination.

functional, and technical workforce of the Department of Defense (as defined in section 115b(f) of title 10, United States Code).

SEC. 1113. PROVISIONS RELATING TO THE NATIONAL SECURITY PERSONNEL SYSTEM.

5 USC 9902 note.

(a) DEFINITIONS.—For purposes of this section—

(1) the term "National Security Personnel System" or "NSPS" refers to a human resources management system established under authority of section 9902 of title 5, United States Code (as in effect before the date of the enactment of this Act); and

(2) the term "statutory pay system" means a pay system under—

(A) subchapter III of chapter 53 of title 5, United States Code (relating to General Schedule pay rates); or

(B) such other provisions of law as would apply if section 9902 of title 5, United States Code, had never been enacted.

(b) REPEAL OF PROVISIONS RELATING TO NSPS.—

(1) IN GENERAL.—Section 9902 of title 5, United States Code, is amended—

(A) by striking subsections (a), (b), (c), (d), (e), (i) and (j); and

(B) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

Effective date.

(2) EXPANSION PROHIBITED.—The National Security Personnel System may not be extended to any organizational or functional unit of the Department of Defense (or any component thereof) not included in such System as of March 1, 2009.

(3) CURRENT RULES INVALID.—Any regulations in effect as of the day before the date of the enactment of this Act which were issued pursuant to any provision of law repealed by paragraph (1)(A)—

(A) may not be modified on or after the date of the enactment of this Act, except as necessary to implement this Act; and

Termination date.

(B) shall cease to be effective as of January 1, 2012.

(c) TERMINATION OF NSPS AND CONVERSION OF EMPLOYEES AND POSITIONS.—

Deadlines.

(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, beginning no later than 6 months after the date of enactment of this Act, for the orderly termination of the National Security Personnel System and conversion of all employees and positions from such System, by not later than January 1, 2012, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence, and, for purposes of carrying out such preceding sentence, any determination of the system that

last applied (or that would have applied) with respect to an employee or position shall take into account any modifications to such system pursuant to the provisions of subsections (a) and (b) of section 9902 of title 5, United States Code, as amended by subsection (d).

(2) TRANSITION PERIOD APPOINTMENTS.—To the extent practicable, any individual who, during the NSPS transition period, is appointed to any position within the Department of Defense which is subject to the NSPS shall be subject to the statutory pay system and all other aspects of the personnel system to which such individual or position is to be converted in accordance with the requirements of paragraph (1).

(3) TEMPORARY CONTINUATION OF NSPS.—Notwithstanding any other provision of this section, the National Security Personnel System, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any employees and positions remaining subject to the NSPS, in accordance with paragraph (1), during the NSPS transition period. Applicability.

(4) RESTORATION OF FULL ANNUAL PAY ADJUSTMENTS UNDER NSPS PENDING ITS TERMINATION.—Notwithstanding subsection (b)(1)(A), section 9902(e)(7) of title 5, United States Code, to the extent that it remains in force under paragraph (3), shall be applied by substituting "100 percent" for "no less than 60 percent". Applicability.

(5) NSPS TRANSITION PERIOD DEFINED.—For purposes of this subsection, the term "NSPS transition period" means the period beginning on the date of the enactment of this Act and ending on January 1, 2012.

(d) AUTHORITY RELATING TO PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES, HIRING FLEXIBILITIES, AND TRAINING OF SUPERVISORS.—Section 9902 of title 5, United States Code, as amended by subsection (b)(1), is further amended by inserting before subsection (e) (as so redesignated by subsection (b)(1)(B)) the following:

"(a) PERFORMANCE MANAGEMENT AND WORKFORCE INCENTIVES.—(1) The Secretary, in coordination with the Director, shall promulgate regulations providing for the following: Regulations.

"(A) A fair, credible, and transparent performance appraisal system for employees.

"(B) A fair, credible, and transparent system for linking employee bonuses and other performance-based actions to performance appraisals of employees.

"(C) A process for ensuring ongoing performance feedback and dialogue among supervisors, managers, and employees throughout the appraisal period and setting timetables for review.

"(D) Development of 'performance assistance plans' that are designed to give employees formal training, on-the-job training, counseling, mentoring, and other assistance.

"(2) In developing the regulations required by this subsection, the Secretary, in coordination with the Director, may waive the requirements of chapters 43 (other than sections 4302 and 4303(e)) and the regulations implementing such chapters, to the extent necessary to achieve the objectives of this subsection. Waiver authority.

"(3)(A) The Secretary may establish a fund, to be known as the 'Department of Defense Civilian Workforce Incentive Fund' (in this paragraph referred to as the 'Fund').

"(B) The Fund shall consist of the following:

"(i) Amounts appropriated to the Fund.

"(ii) Amounts available for compensation of employees that are transferred to the Fund.

"(C) Amounts in the Fund shall be available for the following:

"(i) Incentive payments for employees based on team or individual performance (which payments shall be in addition to basic pay).

"(ii) Incentive payments to attract or retain employees with particular or superior qualifications or abilities.

"(D) The authority provided in this paragraph is in addition to, and does not supersede or replace, any authority or source of funding otherwise available to the Secretary to pay bonuses or make incentive payments to civilian employees of the Department.

"(4)(A) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

"(B) Any rules or regulations promulgated pursuant to this subsection shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

Regulations.

"(b) FLEXIBILITIES RELATING TO APPOINTMENTS.—(1) The Secretary, in coordination with the Director, shall promulgate regulations to redesign the procedures which are applied by the Department of Defense in making appointments to positions within the competitive service in order to—

"(A) better meet mission needs;

"(B) respond to managers' needs and the needs of applicants;

"(C) produce high-quality applicants;

"(D) support timely decisions;

"(E) uphold appointments based on merit system principles; and

"(F) promote competitive job offers.

Waiver authority.

"(2) In redesigning the process by which such appointments shall be made, the Secretary, in coordination with the Director, may waive the requirements of chapter 33, and the regulations implementing such chapter, to the extent necessary to achieve the objectives of this section, while providing for the following:

"(A) Fair, credible, and transparent methods of establishing qualification requirements for, recruitment for, and appointments to positions.

"(B) Fair and open competition and equitable treatment in the consideration and selection of individuals to positions.

"(C) Fair, credible, and transparent methods of assigning, reassigning, detailing, transferring, or promoting employees.

"(3) In implementing this subsection, the Secretary shall comply with the provisions of section 2302(b)(11), regarding veterans' preference requirements, in a manner consistent with that in which such provisions are applied under chapter 33.

"(4)(A) Any action taken by the Secretary under this subsection, or to implement this subsection, shall be subject to the requirements of subsection (c) and chapter 71.

"(B) Any rules or regulations promulgated pursuant to this section shall be deemed an agency rule or regulation under section 7117(a)(2), and shall not be deemed a Government-wide rule or regulation under section 7117(a)(1).

"(c) CRITERIA FOR USE OF NEW PERSONNEL AUTHORITIES.—In establishing any new performance management and workforce incentive system under subsection (a) or utilizing appointment flexibilities under subsection (b), the Secretary shall—

"(1) adhere to merit principles set forth in section 2301;

"(2) include a means for ensuring employee involvement (for bargaining unit employees, through their exclusive representatives) in the design and implementation of such system;

"(3) provide for adequate training and retraining for supervisors, managers, and employees in the implementation and operation of such system;

"(4) develop—

"(A) a comprehensive management succession program to provide training to employees to develop managers for the agency; and

"(B) a program to provide training to supervisors on actions, options, and strategies a supervisor may use in administering such system;

"(5) include effective transparency and accountability measures and safeguards to ensure that the management of such system is fair, credible, and equitable, including appropriate independent reasonableness reviews, internal assessments, and employee surveys;

"(6) utilize the annual strategic workforce plan, required by section 115b of title 10; and

"(7) ensure that adequate agency resources are allocated for the design, implementation, and administration of such system.

"(d) DEVELOPMENT OF TRAINING PROGRAM FOR SUPERVISORS.—(1) The Secretary shall develop—

"(A) a program to provide training to supervisors on use of the new authorities provided in this section, including the actions, options, and strategies a supervisor may use in—

"(i) developing and discussing relevant goals and objectives with the employee, communicating and discussing progress relative to performance goals and objectives, and conducting performance appraisals;

"(ii) mentoring and motivating employees, and improving employee performance and productivity;

"(iii) fostering a work environment characterized by fairness, respect, equal opportunity, and attention to the quality of the work of employees;

"(iv) effectively managing employees with unacceptable performance;

"(v) addressing reports of a hostile work environment, reprisal, or harassment of or by another supervisor or employee; and

"(vi) otherwise carrying out the duties and responsibilities of a supervisor;

"(B) a program to provide training to supervisors on the prohibited personnel practices under section 2302 (particularly with respect to such practices described under subsections (b)(1) and (b)(8) of such section), employee collective bargaining and

union participation rights, and the procedures and processes used to enforce employee rights; and

"(C) a program under which experienced supervisors mentor new supervisors by—

"(i) sharing knowledge and advice in areas such as communication, critical thinking, responsibility, flexibility, motivating employees, teamwork, leadership, and professional development; and

"(ii) pointing out strengths and areas for development.

Deadline. "(2) Each supervisor shall be required to complete a program at least once every 3 years.".

Plans. (e) REPORTS.—The Secretary of Defense shall provide a report to the covered committees (as defined by subsection (g)(6))—

(1) no later than 6 months after the date of enactment of this Act, on the initial steps being taken to reclassify positions from the NSPS and the initial conversion plan to begin converting employees from the NSPS, which information shall be supplemented by reports describing the progress of the conversion process which shall be submitted to the same committees on a semiannual basis;

Effective date. (2) no later than 12 months after date of enactment, a plan for the personnel management system as authorized by section 9902(a) of title 5, United States Code, as amended by this section, which plan shall not take effect until 90 days after the submission of the plan to Congress; and

(3) no later than 12 months after date of enactment, a plan for the appointment procedures as authorized by section 9902(b) of title 5, United States Code, as amended by this section.

(f) CLERICAL AMENDMENTS.—

(1) The heading of section 9902 of title 5, United States Code, is amended to read as follows:

"§ 9902. Department of Defense personnel authorities".

(2) The table of sections at the beginning of chapter 99 of such title is amended by striking the item relating to section 9902 and inserting the following:

"9902. Department of Defense personnel authorities.".

(g) OTHER PERSONNEL FLEXIBILITIES.—

Determination. Deadline. Proposal. (1) IN GENERAL.—If the Secretary of Defense determines that it would be in the best interest of the Department of Defense to implement personnel flexibilities in addition to those authorized under section 9902 of title 5, as amended by this section, the Secretary, in coordination with the Director of the Office of Personnel Management, may develop and submit to the covered committees, not later than 6 months after the date of the enactment of this Act, a proposal to implement—

(A) additional personnel flexibilities and associated statutory waivers with respect to the application of the General Schedule (as defined in section 5332 of title 5, United States Code); or

(B) additional personnel flexibilities and associated statutory waivers, which would require exemption from the application of the General Schedule (as so defined).

(2) RATIONALE.—If the Secretary's proposal is to implement authorities described in paragraph (1)(B), the Secretary shall

provide a detailed rationale as to why implementation of authorities described in paragraph (1)(A) are not adequate or appropriate to meet the interests of the Department.

(3) REQUIREMENTS.—The Secretary's proposal (whether as described in paragraph (1)(A) or (1)(B))—

(A) shall be developed in a manner consistent with the requirements of subsections (c) and (d) of section 9902 of title 5, United States Code, as amended by this section;

(B) shall include a description of proposed regulations and implementing rules that the Secretary plans to adopt for the proposed system;

(C) shall identify and provide a rationale for any statutory waiver that would be required to implement the proposed system;

(D) shall describe the steps that the Department would take to avoid problems of the type described in the report of the Defense Business Board, dated August 2009, regarding the National Security Personnel System; and

(E) may not provide for the waiver of any provision of law that cannot be waived under paragraph (3) of section 9902(b) of title 5, United States Code (as in effect on the day before the date of the enactment of this Act), and shall be subject to the requirements in paragraphs (4) and (5) of such section (as then in effect).

(4) CONGRESSIONAL APPROVAL REQUIRED.—If Congress approves the Secretary's proposal in the National Defense Authorization Act for Fiscal Year 2011, the Secretary may implement the proposal (subject to any changes required by law) and begin the implementation of such proposal for personnel included in the National Security Personnel System, in lieu of the transition that would otherwise be required by subsection (b), subject to paragraph (5).

(5) RESTRICTIONS.—Notwithstanding any approval under paragraph (4), the provisions of subsection (b)(2) and (c)(4) shall apply with respect to any proposal approved under such paragraph, unless and until modified or repealed in legislation enacted after the date of the enactment of this Act. Applicability.

(6) DEFINITIONS.—For purposes of this subsection, the term "covered committees" means—

(A) the Committees on Armed Services of the Senate and the House of Representatives;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Oversight and Government Reform of the House of Representatives.

(h) MODIFICATION OF IMPLEMENTATION AUTHORITIES AND LIMITATIONS.—Section 1106 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 349) is amended—

(1) by striking subsection (b); 5 USC 9902 note.

(2) by redesignating subsection (c) as subsection (b); and

(3) in subsection (b) (as so redesignated by paragraph (2))—

(A) by striking paragraph (1) and inserting the following:

"(1) The Comptroller General shall conduct a review, in each of calendar years 2010, 2011, and 2012, of— Review. Deadlines.

"(A) employee satisfaction with any processes established pursuant to regulations promulgated by the Secretary of Defense pursuant to section 9902 of title 5, United States Code (as amended by section 1113 of the National Defense Authorization Act for Fiscal Year 2011; and

"(B) the extent to which any processes so established are fair, credible, and transparent, as required by such section 9902 (as so amended)."; and

(B) in paragraph (2), by striking "the National Security Personnel System" and inserting "any processes established pursuant to such regulations".

10 USC 1601 note.

SEC. 1114. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

Time period.

(a) SUSPENSION OF CERTAIN PAY AUTHORITY.—Effective with respect to amounts paid during the period beginning on the date of the enactment of this Act and ending on December 31, 2010, rates of basic pay for employees and positions within any element of the intelligence community (as defined by the National Security Act of 1947)—

(1) may not be fixed under the Defense Civilian Intelligence Personnel System; and

(2) shall instead be fixed in accordance with the provisions of law that (disregarding DCIPS) would then otherwise apply.

The preceding sentence shall not apply with respect to the National Geospatial-Intelligence Agency.

(b) RESPONSE TO GAO REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional oversight committees a written description of any actions taken or proposed to be taken by such Secretary in response to the review and recommendations of the Government Accountability Office regarding the Defense Civilian Intelligence Personnel System.

(c) INDEPENDENT ORGANIZATION.—

Deadline. Designation.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, the Director of the Office of Personnel Management, and the Director of National Intelligence shall jointly designate an independent organization to review the operation of the Defense Civilian Intelligence Personnel System, including—

(A) its impact on career progression;

(B) its appropriateness or inappropriateness in light of the complexities of the workforce affected;

(C) its sufficiency in terms of providing protections for diversity in promotion and retention of personnel; and

(D) the adequacy of the training, policy guidelines, and other preparations afforded in connection with transitioning to that system.

Reports.

(2) DEADLINE.—The independent organization shall, after appropriate consultation with employees and employee organizations, submit its findings and recommendations under this section to the Secretary of Defense and the congressional oversight committees, in a written report, not later than June 1, 2010.

(d) PROPOSED ACTIONS BASED ON REPORT.—Not later than 60 days after receiving the report of the independent organization under subsection (c), the Secretary of Defense, in coordination with

the Director of the Office of Personnel Management and the Director of National Intelligence, shall submit to the congressional oversight committees a written report describing any actions that the Secretary has taken or proposes to take in response to such report.

(e) HOLD-HARMLESS PROVISION.—No employee shall suffer any loss of or decrease in pay as a result of being converted from DCIPS in compliance with subsection (a).

(f) DEFINITIONS.—For purposes of this section—

(1) the terms "Defense Civilian Intelligence Personnel System" and "DCIPS" mean the civilian personnel system established by the Secretary of Defense under regulations—

(A) prescribed pursuant to sections 1601 through 1614 of title 10, United States Code; and

(B) taking effect in September 2008 or thereafter; and

(2) the term "congressional oversight committees" means—

(A) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

Subtitle B—Provisions Relating to Reemployment of Annuitants

SEC. 1121. AUTHORITY TO EXPAND SCOPE OF PROVISIONS RELATING TO UNREDUCED COMPENSATION FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Benefits similar to those provided by paragraphs (1) and (2) may be extended, in accordance with regulations prescribed by the President, so as to be made available with respect to reemployed annuitants within the Department of Defense who are subject to such other retirement systems for Government employees (whose annuities are payable under authorities other than subchapter III of chapter 83 or chapter 84 of title 5) as may be provided for under such regulations.". President. Regulations.

(b) CONFORMING AMENDMENT.—Paragraph (4) of section 9902(h) of such title 5 (as so designated by subsection (a)(1)) is amended by striking the period and inserting ", excluding paragraph (3).".

SEC. 1122. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

"(l)(1) For purposes of this subsection—

"(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

Waiver authority. Determination.

"(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

Reports.

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

Deadline. Succession plan.

"(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

"(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

"(B) Any regulations promulgated under subparagraph (A) may—

"(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

"(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

"(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

"(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

"(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

"(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

"(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

"(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010."; and

Termination date.

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking "(k)" and inserting "(l)"; and

(B) in paragraph (2), by striking "or (k)" and inserting "(k), or (l)".

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

"(i)(1) For purposes of this subsection—

"(A) the term 'head of an agency' means—

"(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

"(ii) the head of the United States Postal Service;

"(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

"(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

"(B) the term 'limited time appointee' means an annuitant appointed under a temporary appointment limited to 1 year or less.

Waiver authority. Determination.

"(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

"(A) fulfill functions critical to the mission of the agency, or any component of that agency;

"(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

"(C) assist in the development, management, or oversight of agency procurement actions;

"(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

"(E) promote appropriate training or mentoring programs of employees;

"(F) assist in the recruitment or retention of employees; or

"(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

"(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

"(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

"(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

"(C) for more than a total of 3120 hours of service performed by that annuitant.

"(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

"(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

Reports.

"(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

Deadline. Succession plan.

"(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

"(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

"(B) Any regulations promulgated under subparagraph (A) may—

"(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

"(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

"(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

"(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

"(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

"(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

"(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

"(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010."; and

Termination date.

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking "(h)" and inserting "(i)"; and

(B) in paragraph (2), by striking "or (h)" and inserting "(h), or (i)".

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

5 USC 8344 note.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking "(l)(2)" and inserting "(m)(2)"; and

(2) by striking "(i)(2)" and inserting "(j)(2)".

SEC. 1123. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1122.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (l) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1122 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. One-year extension of authority for security and stabilization assistance.
Sec. 1202. Expansion of authority and modification of notification and reporting requirements for use of authority for support of special operations to combat terrorism.
Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.
Sec. 1205. Authority to provide administrative services and support to coalition liaison officers of certain foreign nations assigned to United States Joint Forces Command.
Sec. 1206. Modification of authorities relating to program to build the capacity of foreign military forces.
Sec. 1207. Authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
Sec. 1208. Report on alternatives to use of acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1209. Enhancing Iraqi security through defense cooperation between the United States and Iraq.
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Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1221. Limitation on availability of funds for certain purposes relating to Iraq.
Sec. 1222. One-year extension and expansion of Commanders' Emergency Response Program.
Sec. 1223. Modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
Sec. 1224. Pakistan Counterinsurgency Fund.
Sec. 1225. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.
Sec. 1226. Reports on campaign plans for Iraq and Afghanistan.
Sec. 1227. Report on responsible redeployment of United States Armed Forces from Iraq.
Sec. 1228. Report on community-based security programs in Afghanistan.
Sec. 1229. Updates of report on command and control structure for military forces operating in Afghanistan.
Sec. 1230. Report on feasibility and desirability of establishing general uniform procedures and guidelines for the provision of monetary assistance by the United States to civilian foreign nationals for losses incident to combat activities of the armed forces.
Sec. 1231. Assessment and report on United States-Pakistan military relations and cooperation.
Sec. 1232. Report on progress toward security and stability in Pakistan.
Sec. 1233. Repeal of GAO war-related reporting requirement.
Sec. 1234. Authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan.
Sec. 1235. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.

Sec. 1236. Modification of report on progress toward security and stability in Afghanistan.
Sec. 1237. No permanent military bases in Afghanistan.

Subtitle C—Other Matters

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Sec. 1242. Annual counterterrorism status reports.
Sec. 1243. Report on United States contributions to the United Nations.
Sec. 1244. NATO Special Operations Coordination Center.
Sec. 1245. Annual report on military power of Iran.
Sec. 1246. Annual report on military and security developments involving the People's Republic of China.
Sec. 1247. Report on impacts of drawdown authorities on the Department of Defense.
Sec. 1248. Risk assessment of United States space export control policy.
Sec. 1249. Patriot air and missile defense battery in Poland.
Sec. 1250. Report on potential foreign military sales of the F–22A fighter aircraft.
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Sec. 1252. Map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo.
Sec. 1253. Sense of Congress relating to Israel.
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Subtitle D—VOICE Act

Sec. 1261. Short title.
Sec. 1262. Authorization of appropriations.
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Sec. 1264. Annual report.
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Subtitle A—Assistance and Training

SEC. 1201. ONE-YEAR EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

Section 1207(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1207 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by striking "September 30, 2009" and inserting "September 30, 2010".

SEC. 1202. EXPANSION OF AUTHORITY AND MODIFICATION OF NOTIFICATION AND REPORTING REQUIREMENTS FOR USE OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—Section 1208(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended by striking "$35,000,000" and inserting "$40,000,000".

(b) NOTIFICATION.—Section 1208(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086), as amended by section 1208(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4626), is further amended—

(1) by striking "Upon using" and inserting the following: "(1) IN GENERAL.—Upon using";

(2) by inserting after "support of an approved military operation" the following: "or changing the scope or funding level of any support for such an operation";

(3) by striking "Such a notification need be provided only once with respect to any such operation."; and

(4) by adding at the end the following new paragraph: "(2) CONTENT.—Notifications required under this subsection shall include the following information:

"(A) The type of support provided or to be provided to United States special operations forces.

"(B) The type of support provided or to be provided to the recipient of the funds.

"(C) The amount obligated under the authority to provide support.".

(c) ANNUAL REPORT.—Section 1208(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended in the second sentence by striking "shall describe the support" and all that follows through the period at the end and inserting "shall include the following information:

"(1) A description of supported operations.

"(2) A summary of operations.

"(3) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

"(4) The total amount obligated in the previous fiscal year, including budget details.

"(5) The total amount obligated in prior fiscal years.

"(6) The intended duration of support.

"(7) A description of support or training provided to the recipients of support.

"(8) A value assessment of the operational support provided.".

SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking "180 days after the date of the enactment of this Act" and inserting "February 1 of each year through February 1, 2013"; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking "and" at the end; and

(B) by adding at the end the following new subparagraph:

"(I) subsection (b)(6) of section 166a of title 10, United States Code; and".

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information

required under such section with respect to fiscal years 2008 and 2009.

SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(3) The changes, if any, that should be made to the provisions of law described in paragraph (2) that would improve the ability of the United States Government to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(4) The organizational and procedural changes, if any, that should be made in the Department of Defense and the Department of State and other foreign assistance agencies to improve the ability of such departments and agencies to conduct programs to train and equip, or otherwise build the capacity of, foreign military forces, including to conduct counterterrorist operations or participate in or support military and stability operations in which the United State Armed Forces are a participant.

(5) The resources and funding mechanisms required to ensure adequate funding for such programs.

(b) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1205. AUTHORITY TO PROVIDE ADMINISTRATIVE SERVICES AND SUPPORT TO COALITION LIAISON OFFICERS OF CERTAIN FOREIGN NATIONS ASSIGNED TO UNITED STATES JOINT FORCES COMMAND.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1051a of title 10, United States Code, is amended—

(1) by striking "assigned temporarily" and inserting "assigned temporarily as follows:";

(2) by designating the remainder of the text of that subsection as paragraph (1) and indenting that text two ems from the left margin;

(3) in paragraph (1), as so designated, by striking "to the headquarters" and inserting "To the headquarters"; and

(4) by adding at the end the following new paragraph:

"(2) To the headquarters of the combatant command assigned by the Secretary of Defense the mission of joint warfighting experimentation and joint forces training.".

10 USC 1051a.

(b) EFFECTIVE DATE.—Paragraph (2) of section 1051a(a) of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1206. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY FOR MILITARY AND STABILITY OPERATIONS.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1206 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625), is further amended by adding at the end the following new paragraph:

"(5) TEMPORARY LIMITATION ON AMOUNT FOR BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT MILITARY AND STABILITY OPERATIONS.—Of the funds used to carry out a program under subsection (a), not more than $75,000,000 may be used during fiscal year 2010, and not more than $75,000,000 may be used during fiscal year 2011, for purposes described in subsection (a)(1)(B).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to programs under section 1206(a) of the National Defense Authorization Act for Fiscal Year 2006 that begin on or after that date.

10 USC 168 note.

SEC. 1207. AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) AUTHORITY TO ENTER INTO NON-RECIPROCAL INTERNATIONAL EXCHANGE AGREEMENTS.—

(1) IN GENERAL.—The Secretary of Defense may enter into non-reciprocal international defense personnel exchange agreements.

(2) INTERNATIONAL DEFENSE PERSONNEL EXCHANGE AGREEMENTS DEFINED.—For purposes of this section, an international defense personnel exchange agreement is an agreement with

the government of an ally of the United States or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

(b) ASSIGNMENT OF PERSONNEL.—

(1) IN GENERAL.—Pursuant to a non-reciprocal international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense.

(2) MUTUAL AGREEMENT REQUIRED.—An individual may not be assigned to a position pursuant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments.

(c) PAYMENT OF PERSONNEL COSTS.—

(1) IN GENERAL.—The foreign government with which the United States has entered into a non-reciprocal international defense personnel exchange agreement shall pay the salary, per diem, cost of living, travel costs, cost of language or other training, and other costs for its personnel under such agreement in accordance with the applicable laws and regulations of such government.

(2) EXCLUDED COSTS.—Paragraph (1) does not apply to the following costs:

(A) The cost of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the assignments of the exchanged personnel.

(B) Costs incident to the use of facilities of the United States Government in the performance of assigned duties.

(C) The cost of temporary duty of the exchanged personnel directed by the United States Government.

(d) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to a non-reciprocal agreement under this section may take or be required to take an oath of allegiance or to hold an official capacity in the government.

(e) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the end of the fiscal year in which the authority in subsection (a) has been exercised, the Secretary of Defense shall submit to the appropriate congressional committees a report on the use of the authority through the end of such fiscal year.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the number of non-reciprocal international defense personnel exchange agreements, the number of personnel assigned pursuant to such agreements, the Department of Defense component to which the personnel have been assigned, the duty title of each assignment, and the countries with which the agreements have been concluded.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(f) DURATION OF AUTHORITY.—The authority under this section shall expire on September 30, 2012.

SEC. 1208. REPORT ON ALTERNATIVES TO USE OF ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth and assessing various alternatives to the use of acquisition and cross-servicing agreements pursuant to the temporary authority in section 1202 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), for purposes of lending covered military equipment to military forces of nations as follows:

(1) A nation participating in combined operations with the United States in Iraq and Afghanistan.

(2) A nation participating in combined operations with the United States as part of a peacekeeping operation under the Charter of the United Nations or another international agreement.

(b) COVERED MILITARY EQUIPMENT DEFINED.—In this section, the term "covered military equipment" has the meaning given that term in section 1202(d)(1) of the John Warner National Defense Authorization Act for Fiscal Year 2007.

SEC. 1209. ENHANCING IRAQI SECURITY THROUGH DEFENSE COOPERATION BETWEEN THE UNITED STATES AND IRAQ.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate congressional committees a report on the role of Foreign Military Sales in meeting the requirements of the military and security forces of Iraq for restoring and maintaining peace and security in Iraq.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) A description of the minimum requirements of the military and security forces of Iraq to achieve and sustain internal security.

(2) A description of how Foreign Military Sales may be leveraged to ensure the timely delivery of training, equipment, and supplies beyond the December 2011 drawdown deadline and any recommendations for improving the Foreign Military Sales process with respect to Iraq.

(3) An assessment of the feasibility and desirability of treating an undertaking by the Government of Iraq between the date of the enactment of this Act and December 31, 2011, as a dependable undertaking described in section 22(a) of the Arms Export Control Act (22 U.S.C. 2762(a)) for the purpose of entering into contracts for the procurement of defense articles and defense services as provided for in that section.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should, with the concurrence of the Secretary of State, seek to increase the number of positions in professional military education courses, including courses at command and general staff colleges, war colleges, and the service academies,

that are made available annually to personnel of the security forces of the Government of Iraq.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1210. AVAILABILITY OF APPROPRIATED FUNDS FOR THE STATE PARTNERSHIP PROGRAM. 32 USC 107 note.

(a) REGULATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with Secretary of State, shall prescribe regulations regarding the use of funds appropriated to the Department of Defense to pay the costs incurred by the National Guard in conducting activities under the State Partnership Program. The Secretary of Defense shall transmit to the appropriate congressional committees a copy of the regulations not later than 15 days after the date on which the regulations are prescribed under this subsection. Deadline. Records. Deadline.

(b) LIMITATIONS.—

(1) APPROVAL BY COMMANDER OF COMBATANT COMMAND AND CHIEF OF MISSION.—Funds shall not be available under subsection (a) for activities conducted under the State Partnership Program in a foreign country unless such activities are jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

(2) PARTICIPATION BY MEMBERS.—Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities conducted under the State Partnership Program in a foreign country unless the member is on active duty in the Armed Forces at the time of such participation.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than the end of each of the fiscal years 2010 through 2013, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the civilian engagement activities conducted under the State Partnership Program, including a detailed description of the activities undertaken and funds expended in the previous fiscal year under the State Partnership Program.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1221. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

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

(2) To exercise United States control of the oil resources of Iraq.

SEC. 1222. ONE-YEAR EXTENSION AND EXPANSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—

(1) AUTHORITY FOR FISCAL YEAR 2010.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), as amended by section 1205 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 366) and section 1214 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4630), is further amended—

(A) in the heading, by striking "FISCAL YEARS 2008 AND 2009" and inserting "FISCAL YEAR 2010";

(B) by striking "each of fiscal years 2008 and 2009" and inserting "fiscal year 2010";

(C) by striking "for such fiscal year"; and

(D) by striking "$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009" and inserting "$1,300,000,000".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2009.

(b) EXTENSION OF DUE DATE FOR QUARTERLY REPORTS.—Subsection (b)(1) of such section is amended—

(1) by striking "15 days" and inserting "30 days"; and

(2) by striking "fiscal years 2008 and 2009" and inserting "any fiscal year during which the authority under subsection (a) is in effect".

(c) TECHNICAL AMENDMENTS.—Subsections (e)(1) and (f)(1) of such section are amended by striking "the date of the enactment of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009" and inserting "October 14, 2008,".

(d) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—

Determination.

(1) AUTHORITY.—If the Secretary of Defense determines that the use of Commanders' Emergency Response Program funds to support the Afghanistan National Solidarity Program would enhance counterinsurgency operations or stability operations in Afghanistan, the Secretary of Defense may transfer funds, from amounts available for the Commanders' Emergency Response Program for fiscal year 2010, to the Secretary of State for purposes of supporting the Afghanistan National Solidarity Program.

(2) LIMITATION.—The amount of funds transferrable under paragraph (1) may not exceed $50,000,000.

(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before transferring funds under paragraph (1), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's determination pursuant to paragraph (1) and a description of the amount of funds to be transferred under that paragraph. Deadline. Reports.

(4) EXPIRATION.—The authority to transfer funds under paragraph (1) shall expire at the close of September 30, 2010.

(e) USE OF FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.—

(1) AUTHORITY.—The Secretary of Defense, in coordination with the Government of Afghanistan and with the concurrence of the Secretary of State, may utilize such funds as necessary from amounts available for the Commanders' Emergency Response Program for fiscal year 2010 to support the reintegration into Afghan society of those individuals who have renounced violence against the Government of Afghanistan.

(2) QUARTERLY REPORTS.—

(A) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees a report on activities carried out utilizing the authority of paragraph (1). Such report shall be included in the report required under section 1202(b) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455), and shall be specifically identified as having been carried out under the authority of paragraph (1).

(B) COPY OF REPORT.—The Secretary of Defense shall provide the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate with a copy of that portion of the report required by section 1202 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3455) that pertains to expenditures carried out under the authority of paragraph (1).

(3) EXPIRATION.—The authority to utilize funds under paragraph (1) shall expire at the close of September 30, 2010.

(f) REVIEW OF PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a thorough review of the Commander's Emergency Response Program and submit to the congressional defense committees the results of such review. Deadline.

(g) DEFINITION.—In this section, the term "Commanders' Emergency Response Program" has the meaning given the term in section 1202(g) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456).

SEC. 1223. MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXPANSION OF AUTHORITY.—Section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393) is amended—

(1) in subsection (a)—

(A) by striking "section 1508" and inserting "section 1509(5) of the National Defense Authorization Act for Fiscal Year 2010";

(B) by striking "key cooperating nation for logistical" and inserting the following: "key cooperating nation for the following:

"(1) Logistical"; and

(C) by adding at the end the following:

"(2) Logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(3) by inserting after subsection (a) the following new subsection:

"(b) OTHER SUPPORT.—Using funds described in subsection (a)(2), the Secretary of Defense may also assist any key cooperating nation supporting United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom in Afghanistan through the following:

"(1) The provision of specialized training to personnel of that nation in connection with such operations, including training of such personnel before deployment in connection with such operations.

"(2) The procurement and provision of supplies to that nation in connection with such operations.

"(3) The procurement of specialized equipment and the loaning of such specialized equipment to that nation on a non-reimbursable basis in connection with such operations.".

(b) AMOUNTS OF SUPPORT.—Paragraph (2) of subsection (c) of such section (as redesignated) is amended to read as follows:

"(2) SUPPORT.—Support authorized by subsection (b) may be provided in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget considers appropriate.".

(c) LIMITATION ON AMOUNT.—Paragraph (1) of subsection (d) of such section (as redesignated) is amended by adding at the end the following: "The aggregate amount of reimbursements made under subsection (a) and support provided under subsection (b) during fiscal year 2010 may not exceed $1,600,000,000.".

Deadline.

(d) NOTICE TO CONGRESS.—Subsection (e) of such section (as redesignated) is amended by striking "shall—" and all that follows and inserting "shall notify the appropriate congressional committees not later than 15 days before making any reimbursement under the authority in subsection (a) or providing any support under the authority in subsection (b). In the case of any reimbursement to Pakistan under the authority of this section, such notice shall be made in accordance with the notice requirements under section 1232(b).".

(e) QUARTERLY REPORTS.—Such section is further amended by adding at the end the following new subsection:

"(f) QUARTERLY REPORTS.—The Secretary of Defense shall submit to the appropriate congressional committees on a quarterly basis a report on any reimbursements made under the authority in subsection (a), and any support provided under the authority in subsection (b), during such quarter.".

(f) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

"(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.".

(g) EXTENSION OF NOTICE REQUIREMENT RELATING TO REIMBURSEMENT OF PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Section 1232(b)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as amended by section 1217(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4635), is further amended by striking "September 30, 2010" and inserting "September 30, 2011".

SEC. 1224. PAKISTAN COUNTERINSURGENCY FUND.

(a) AVAILABILITY.—

(1) AMOUNTS IN THE FUND.—The Pakistan Counterinsurgency Fund (in this section referred to as the "Fund") shall consist of the following:

(A) Amounts appropriated to the Fund for fiscal year 2009.

(B) Amounts transferred to the Fund pursuant to subsection (d).

(2) INITIAL ASSESSMENT REQUIRED.—Concurrent with the initial use of funds available under this section, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth an assessment by the Secretary as to whether the Government of Pakistan is making concerted efforts to confront the threat posed by al Qa'ida, the Taliban, and other militant extremists based on the national security interests of Pakistan.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Amounts in the Fund shall be made available to the Secretary of Defense, with the concurrence of the Secretary of State, to provide assistance (including program management and the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction) to the security forces of Pakistan (including military forces, police forces, and the Frontier Corps) to build and maintain the counterinsurgency capability of such forces, and of which not more than $4,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for such forces receiving assistance under the Fund.

(2) RELATION TO OTHER AUTHORITIES.—Except as otherwise provided in section 1225 of this Act, amounts in the Fund are authorized to be made available subject only to the terms and conditions of this section and notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(c) TRANSFERS FROM FUND.—

(1) IN GENERAL.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal department or agency, to any other non-intelligence related Federal account,

for purposes consistent with this section.

(2) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsection (b)(2), amounts transferred to an account under the authority of paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(3) TRANSFERS BACK TO FUND.—Upon a determination by the Secretary of Defense with respect to funds transferred under paragraph (1)(A), or the head of the other Federal department or agency with the concurrence of the Secretary of State with respect to funds transferred under paragraph (1)(B), that all or part of amounts transferred from the Fund under paragraph (1) are not necessary for the purpose provided, such amounts may be transferred back to the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as originally applicable under subsection (b).

(d) TRANSFERS TO FUND.—

(1) IN GENERAL.—The Fund may include amounts transferred by the Secretary of State, with the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to the Fund under the authority of paragraph (1) shall be subject to any restriction relating to payments for Letters of Offer and Acceptance as a condition of the authority to transfer funds under paragraph (1), and merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

Time period.

(e) CONGRESSIONAL NOTIFICATION.—Amounts in the Fund may not be transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed transfer.

(f) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall submit to the appropriate congressional committees a report that summarizes, on a project-by-project basis, any transfer of funds from the Fund under this section during such fiscal quarter.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(h) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1225. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

22 USC 2785 note.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) The registration of the serial numbers of all small arms to be provided to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(3) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1).

(c) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and end-use monitoring requirements. The Secretary of Defense shall submit to the specified congressional committees the results of each review conducted under this paragraph.

Effective date. Notification.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term "defense article" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(2) DEFENSE SERVICE.—The term "defense service" has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(3) SMALL ARM.—The term "small arm" means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a sub-carbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term "specified congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect 180 days after the date of the enactment of this Act.

Time period. Certification.

(2) EXCEPTION.—The Secretary of Defense may delay the effective date of this section by an additional period of up to 120 days if the Secretary certifies in writing to the specified congressional committees for such additional period that it

is in the vital interest of the United States to do so and includes in the certification a description of such vital interest.

SEC. 1226. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND AFGHANISTAN.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine (as defined in the Department of Defense's Joint Publication 5–0, Joint Operation Planning), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be included in the assessments required under subsection (a) are as follows:

(1) The extent to which each campaign plan identifies and prioritizes the conditions that must be achieved in each phase of the campaign.

(2) The extent to which each campaign plan reports the number of combat brigade teams and other forces required for each campaign phase.

(3) The extent to which each campaign plan estimates the time needed to reach the desired end state and complete the military portion of the campaign.

(c) UPDATE OF REPORT.—The Comptroller General shall submit to the congressional defense committees an update of the report on the campaign plan for Iraq or the campaign plan for Afghanistan required under subsection (a) whenever the campaign plan for Iraq or the campaign plan for Afghanistan, as the case may be, is substantially updated or altered.

(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (c). Determination. Notification.

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1227. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ. 50 USC 1541 note.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces from Iraq in accordance with the policy announced by the President on February 27, 2009, and the Agreement Between the

United States of America and the Republic of Iraq On the Withdrawal of United States Forces From Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) The number of United States military personnel in Iraq by service and component for each month of the preceding 90-day period and an estimate of the personnel levels in Iraq for the 90-day period following submission of the report.

(2) The number and type of military installations in Iraq occupied by 100 or more United States military personnel and the number of such military installations closed, consolidated, or transferred to the Government of Iraq in the preceding 90-day period.

(3) An estimate of the number of military vehicles, containers of equipment, tons of ammunition, or other significant items belonging to the Department of Defense removed from Iraq during the preceding 90-day period, an estimate of the remaining amount of such items belonging to the Department of Defense, and an assessment of the likelihood of successfully removing, demilitarizing, or otherwise transferring all items belonging to the Department of Defense from Iraq on or before December 31, 2011.

(4) An assessment of United States detainee operations and releases. Such assessment should include the total number of detainees held by the United States in Iraq, the number of detainees in each threat level category, the number of detainees who are not nationals of Iraq, the number of detainees transferred to Iraqi authorities, the number of detainees who were released from United States custody and the reasons for their release, and the number of detainees who having been released in the past were recaptured or had their remains identified planning or after carrying out attacks on United States or Coalition forces.

(5) A listing of the objective and subjective factors utilized by the commander of Multi-National Force–Iraq, including any changes to that list in the case of an update to the report, to determine risk levels associated with the drawdown of United States Armed Forces, and the process and timing that will be utilized by the commander of Multi-National Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1228. REPORT ON COMMUNITY-BASED SECURITY PROGRAMS IN AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Afghan Public Protection Program and other similar programs for community-based security forces in Afghanistan (in this section collectively referred to as the "programs").

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the programs in Afghanistan, including, at a minimum, the following elements:

(A) A listing and short description of the programs, including major elements of each program.

(B) An evaluation of the changes in security conditions in the districts in which each program is located, from each program's inception to the date of the report.

(C) The extent to which the forces developed under the programs are generally representative of the ethnic groups in the respective districts in which the programs are located.

(D) If the forces developed under the programs are appropriately representative of the geographic area of responsibility.

(E) An assessment of the effectiveness of each program, including, to the extent practicable, the views of the local communities and Afghan national, provincial, and district governmental officials and leaders of the local communities.

(F) Any formal reviews of the programs that are planned for the future and the timelines on which the reviews would be conducted, by whom the reviews would be conducted, and the criteria that would be used.

(G) The selection criteria that were used to select members of the program in the initial pilot districts and how the members were vetted.

(H) The costs to the Department of Defense to support the program in the initial pilot districts, to include any Commanders' Emergency Response Program funds spent as formal or informal incentives.

(I) The roles of the Afghanistan National Security Forces (ANSF) in supporting and training forces under each program.

(J) Any other criteria used to evaluate the programs by the Commander of United States Forces–Afghanistan.

(2) An assessment of the future of the programs, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the programs or the establishment of similar programs.

(B) A description of how such expansions would support the functions of the Afghan National Police.

(C) A description of how districts or provinces will be chosen to participate in the programs, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies and of the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) will be taken into account by the Government of Afghanistan when choosing districts or provinces to participate in the programs.

(iii) What process will be used to evaluate any changes to the programs as executed in the past to account for different or unique circumstances in additional areas of expansion.

(D) An assessment of personnel, assets, or funding of the Department of Defense that would likely be required to support any expansion of the programs.

(E) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the programs, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.

(F) A description of whether members of the forces developed under the programs will be transitioned to the ANSF or to other employment in the future, including a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required; and

(iii) how decisions will be made to transition the forces to the ANSF or other employment.

(G) The Afghan chain of command that will be used to implement the programs and provide command and control over the units created by the programs.

10 USC 113 note.

SEC. 1229. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is amended by adding at the end the following new sentence: "Any update of the report required under subsection (c) may be included in the report required under section 1230 of

the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385).".

SEC. 1230. REPORT ON FEASIBILITY AND DESIRABILITY OF ESTABLISHING GENERAL UNIFORM PROCEDURES AND GUIDELINES FOR THE PROVISION OF MONETARY ASSISTANCE BY THE UNITED STATES TO CIVILIAN FOREIGN NATIONALS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the feasibility and the desirability of establishing general uniform procedures and guidelines for the provision by the United States of monetary assistance to civilian foreign nationals for losses, injuries, or death (hereafter "harm") incident to combat activities of the United States Armed Forces.

(b) MATTERS TO BE INCLUDED IN REPORT.—The Secretary shall include in the report the following:

(1) A description of the authorities under laws in effect as of the date of the enactment of this Act for the United States to provide compensation, monetary payments, or other assistance to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(2) A description of the practices in effect as of the date of enactment of this Act for the United States to provide ex gratia, solatia, or other types of condolence payments to civilians who incur harm due directly or indirectly to the combat activities of the United States Armed Forces.

(3) A discussion of the historic practice of the United States to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to combat activities of the United States Armed Forces.

(4) A discussion of the practice of the United States in Operation Enduring Freedom and Operation Iraqi Freedom to provide compensation, other monetary payments, or other assistance to civilian foreign nationals who incur harm due directly or indirectly to the combat activities of the United States Armed Forces, including the procedures and guidelines used and an assessment of its effectiveness. This discussion will also include estimates of the total amount of funds disbursed to civilian foreign nationals who have incurred harm since the inception of Operation Iraqi Freedom and Operation Enduring Freedom. This discussion will also include how such procedures and guidelines compare to the processing of claims filed under the Foreign Claims Act.

(5) A discussion of the positive and negative effects of using different authorities, procedures, and guidelines to provide monetary assistance to civilian foreign nationals, based upon the culture and economic circumstances of the local populace and the operational impact on the military mission. This discussion will also include whether the use of different authorities, procedures, and guidelines has resulted in disparate monetary assistance to civilian foreign nationals who have incurred substantially similar harm, and if so, the frequency and effect of such results.

(6) A discussion of the positive and negative effects of establishing general uniform procedures and guidelines for the

provision of such assistance, based upon the goals of timely commencement of a program of monetary assistance, efficient and effective implementation of such program, and consistency in the amount of assistance in relation to the harm incurred. This discussion will also include whether the implementation of general uniform procedures and guidelines would create a legally enforceable entitlement to "compensation" and, if so, any potential significant operational impact arising from such an entitlement.

(7) Assuming general uniform procedures and guidelines were to be established, a discussion of the following:

(A) Whether such assistance should be limited to specified types of combat activities or operations, e.g., such as during counterinsurgency operations.

(B) Whether such assistance should be contingent upon a formal determination that a particular combat activity/operation is a qualifying activity, and the criteria, if any, for such a determination.

(C) Whether a time limit from the date of loss for providing such assistance should be prescribed.

(D) Whether only monetary or other types of assistance should be authorized, and what types of nonmonetary assistance, if any, should be authorized.

(E) Whether monetary value limits should be placed on the assistance that may be provided, or whether the determination to provide assistance and, if so, the monetary value of such assistance, should be based, in whole or in part, on a legal advisor's assessment of the facts.

(F) Whether a written record of the determination to provide or to not provide such assistance should be maintained and a copy made available to the civilian foreign national.

(G) Whether in the event of a determination to not provide such assistance the civilian foreign national should be afforded the option of a review of the determination by a higher ranking authority.

(c) RECOMMENDATIONS.—The Secretary shall include in the report such recommendations as the Secretary considers appropriate for legislative or administrative action with respect to the matters discussed in the report.

(d) SUBMISSION OF REPORT.—The report shall be submitted not later than 180 days after the date of the enactment of this Act. The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 1231. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND COOPERATION.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to

the appropriate congressional committees a report on the assessment required under subsection (a).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

SEC. 1232. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) REPORT REQUIRED.—The President shall submit to Congress a report on the progress toward long-term security and stability in Pakistan. The report required under this subsection shall be submitted concurrent with the submission of each report under section 1232 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634), on or after the date of the enactment of this Act. President.

(b) ELEMENTS.—The report required under subsection (a) shall address, at a minimum, the following elements:

(1) The effectiveness of efforts to achieve the following strategic goals:

(A) To disrupt, dismantle, and defeat al Qa'ida, its affiliated networks, and other extremist forces in Pakistan.

(B) To eliminate the safe havens for such forces in Pakistan.

(C) To prevent the return of such forces to Pakistan or Afghanistan.

(2) The effectiveness of United States security assistance to Pakistan to achieve the strategic goals described in paragraph (1).

(3) For any strategic goal addressed under this subsection, a description of any additional goals and objectives, and the timelines for meeting such goals and objectives.

(4) A description of the metrics used to assess progress toward each goal and objective and along each timeline described in paragraph (3).

(c) FORM.—The report required under subsection (a) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

SEC. 1233. REPEAL OF GAO WAR-RELATED REPORTING REQUIREMENT.

Section 1221(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3462) is amended by striking the following: "Based on these reports, the Comptroller General shall provide to Congress quarterly updates on the costs of Operation Iraqi Freedom and Operation Enduring Freedom.". 10 USC 113 note.

SEC. 1234. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to transfer defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Iraq or the Government of Afghanistan, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided under subsection (a) may not exceed $750,000,000.

(2) SOURCE OF TRANSFERRED DEFENSE ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A)(i) were present in Iraq as of the date of the enactment of this Act;

(ii) immediately before the transfer were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq; or

(B)(i) were present in Kuwait as of the date of enactment of this Act;

(ii) prior to being transferred to Kuwait were in use to support operations in Iraq; and

(iii) are no longer required by United States forces in Iraq or Kuwait (as the case may be).

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided to Iraq or Afghanistan under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations contained in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT.—

Time period.

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 30 days after the Secretary of Defense, with the concurrence of the Secretary of State, provides the appropriate congressional committees a report on the plan for the disposition of equipment and other property of the Department of Defense in Iraq or Kuwait (as the case may be).

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of—

(i) the types and quantities of defense articles required by the military and security forces of Iraq to support the efforts of those military and security forces to restore and maintain peace and security in Iraq; and

(ii) the types and quantities of defense articles required by the military and security forces of Afghanistan to support the efforts of those military and security forces to restore and maintain peace and security in Afghanistan.

(B) A description of the authorities available for addressing the requirements identified in subparagraph (A).

(C) A description of the process for inventorying equipment and property, including defense articles, in Iraq or Kuwait owned by the Department of Defense, including equipment and property owned by the Department of Defense and under the control of contractors in Iraq.

(D) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Iraq and an estimate of the quantity of such defense articles to be transferred.

(E) A description of the types of defense articles that the Department of Defense intends to transfer to the military and security forces of Afghanistan and an estimate of the quantity of such defense articles to be transferred.

(F) A description of the process by which potential requirements, including requirements related to responding to natural disasters and other domestic emergencies in the continental United States, for defense articles to be transferred under the authority provided in subsection (a), other than the requirements of the security forces of Iraq or Afghanistan, are identified and the mechanism for resolving any potential conflicting requirements for such defense articles.

(G) A description of the plan, if any, for reimbursing military departments from which non-excess defense articles are transferred under the authority provided in subsection (a).

(H) An assessment of the efforts by the Government of Iraq to identify the requirements of the military and security forces of Iraq for defense articles to support the efforts of those forces to restore and maintain peace and security in that country.

(I) An assessment of the ability of the Governments of Iraq and Afghanistan to absorb the costs associated with possessing and using the defense articles to be transferred.

(J) A description of the steps taken by the Government of Iraq to procure or acquire defense articles to meet the requirements of the military and security forces of Iraq, including through military sales from the United States.

(e) NOTIFICATION.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, has provided notice of the proposed transfer of defense articles or provision of defense services to the appropriate congressional committees. Time period.

(2) CONTENTS.—Such notification shall include—

(A) a description of the amount and type of each defense article to be transferred or defense services to be provided;

(B) a statement describing the current value of such article and the estimated replacement value of such article;

(C) a description of whether the article is considered to be an excess defense article or a non-excess defense article;

(D) an identification of the military department from which the defense articles being transferred are drawn;

(E) an identification of the element of the military or security force that is the proposed recipient of each defense article to be transferred or defense service to be provided; and

Certification. Determination.

(F) a certification and determination by the Secretary of Defense that—

(i) the defense articles to be transferred are required by the military and security forces of Iraq or the military and security forces of Afghanistan, as applicable, to build their capacity to restore and maintain peace and security in their country;

(ii) the government of the recipient country has agreed to accept and take possession of the defense articles to be transferred and to receive the defense services in connection with that transfer; and

(iii) the proposed transfer of such defense articles and the provision of defense services in connection with such transfer is in the national interest of the United States.

(f) QUARTERLY REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the report provided under subsection (d), and every 90 days thereafter during fiscal year 2010, the Secretary of Defense shall report to the appropriate congressional committees on the implementation of the authority under subsection (a). The report shall include the replacement value of defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and services provided to Iraq and Afghanistan during the previous 90 days.

(2) INCLUSION IN OTHER REPORT.—The report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) DEFENSE ARTICLES.—The term "defense articles" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term "defense services" has the meaning given the term in section 644(f) of such Act (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term "military and security forces" means national armies, national air forces, national navies, national guard forces, police forces and border security forces, but does not include non-governmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after September 30, 2010.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) AGGREGATE VALUE.—The value of excess defense articles transferred to Iraq or Afghanistan during fiscal year 2010 pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such Act or against the limitation on the aggregate value of defense articles transferred contained in subsection (b)(1) of this section.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to provide the authority to refurbish, transport, or otherwise assist in the transfer to Iraq or Afghanistan of excess defense articles outside of Iraq or Kuwait as of the date of the enactment of this Act.

SEC. 1235. ANALYSIS OF REQUIRED FORCE LEVELS AND TYPES OF FORCES NEEDED TO SECURE SOUTHERN AND EASTERN REGIONS OF AFGHANISTAN.

(a) STUDY REQUIRED.—The Secretary of Defense may, in support of the Commander of United States Forces for Afghanistan (USFOR-A), enter into a contract with a Federally Funded Research Development Center (FFRDC) to provide an analysis of the required force levels and types of forces needed to implement the Commander's strategic objectives in Afghanistan, including securing the southern and eastern regions of Afghanistan in order to provide a space for the Government of Afghanistan to establish effective government control and provide the Afghan security forces with the required training and mentoring.

(b) FUNDING.—From funds made available for the Department of Defense by section 301(5) for operation and maintenance, Defense-wide activities, $3,000,000 may be used to carry out subsection (a).

SEC. 1236. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) REPORT REQUIRED.—Subsection (a) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended by striking "2010" and inserting "2011".

(b) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

"(B) A description of commitments or agreements by NATO ISAF countries regarding the following:

"(i) Mutually agreed upon goals.

"(ii) Strategies to achieve such goals.

"(iii) Resource and force requirements.

"(iv) Commitments and pledges of support regarding troops and resource levels.";

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of commitments or agreements with non-NATO ISAF troop-contributing countries regarding the following:

"(A) Mutually agreed upon goals.

"(B) Strategies to achieve such goals.

"(C) Resource and force requirements.

"(D) Commitments and pledges of support regarding troops and resource levels.".

(c) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A), by striking "individual NATO ISAF countries" and inserting "each individual NATO ISAF country";

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.";

(4) by redesignating subparagraphs (F) through (L) (as redesignated) as subparagraphs (G) through (M), respectively;

(5) by inserting after subparagraph (E) (as redesignated) the following new subparagraph:

"(F) An assessment of progress in ending the ability of the insurgency (including the Taliban, Al Qaeda, and other anti-government elements), to establish control over the population of Afghanistan or regions of Afghanistan and establish safe havens in Afghanistan, and to conduct attacks inside or outside Afghanistan from such safe havens."; and

(6) in subparagraph (J) (as redesignated)—

(A) by redesignating clause (ii) as clause (iv); and

(B) by inserting after clause (i) the following:

"(ii) The coordination of reconstruction and development activities in Afghanistan, including—

"(I) the roles of members of the Armed Forces and non-Armed Forces personnel within the staffing of United States-led Provincial Reconstruction Teams;

"(II) the use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense; and

"(III) the coordination between United States-led and other international-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

"(iii) Unfilled staffing and resource requirements for United States reconstruction, development, and civil institution capacity building programs.".

(d) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (K) (as redesignated) by striking "subsection (c)(4)" and inserting "subsection (c)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) after December 31, 2009.

SEC. 1237. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act may be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

Subtitle C—Other Matters

SEC. 1241. REPORT ON UNITED STATES ENGAGEMENT WITH IRAN.

(a) IN GENERAL.—Not later than January 31, 2010, the President shall submit to Congress a report on United States engagement with Iran. President.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) DIPLOMATIC ENGAGEMENT.—With respect to diplomatic engagement, the following:

(A) A description of areas of mutual interest to the Government of the United States and the Government of the Islamic Republic of Iran in which cooperation and discussion could be of mutual interest.

(B) A discussion and assessment of the commitment of the Government of the Islamic Republic of Iran to engage in good-faith discussions with the United States to resolve matters of concern through negotiation.

(C) An assessment of direct contacts between the Government of the United States and the Government of the Islamic Republic of Iran, including any direct discussions, exchange of letters, or other activities.

(2) SUPPORT FOR TERRORISM.—An assessment of the types and amount of support provided by Iran to groups designated by the United States as foreign terrorist organizations and

regional militant groups, including organizations and groups present in Iraq and Afghanistan.

(3) NUCLEAR ACTIVITIES.—With respect to nuclear activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has complied with United Nations Security Council Resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), and with any other applicable resolutions adopted by the United Nations Security Council as of the date of the report.

(4) MISSILE ACTIVITIES.—With respect to missile activities, an assessment of the extent to which the Government of the Islamic Republic of Iran has continued development of its ballistic missile program, including participation in any imports or exports of any items, materials, goods, and technologies related to that program and has complied with applicable United Nations Security Council Resolutions.

(5) SUPPORT TO NARCOTICS NETWORK IN AFGHANISTAN.—With respect to support to the narcotics network in Afghanistan, an assessment of the extent to which the Government of the Islamic Republic of Iran, or agencies under that government, has or have supported or facilitated the narcotics trade in Afghanistan.

(6) SANCTIONS AGAINST IRAN.—With regard to sanctions against Iran—

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a description and discussion of United States diplomatic efforts to enforce bilateral and multilateral sanctions against Iran and to strengthen international efforts to enforce such sanctions;

(C) an assessment of the impact and effectiveness of existing bilateral and multilateral sanctions against Iran in achieving United States goals;

(D) a list of all United States and foreign registered entities that the Secretary of State has determined to be engaged in activities in violation of existing United States bilateral or multilateral sanctions against Iran; and

(E) a summary of United States efforts to enforce sanctions against Iran, including—

(i) a list of all investigations initiated in the 18-month period ending on the date of the enactment of this Act that have resulted in a determination that activities subject to sanctions have occurred; and

(ii) a description of the actions taken by the United States Government pursuant to each such determination.

(c) SUBMITTAL OF SIMILAR REPORTS AND MATERIALS.—If any report or other material, whether required by law or not, submitted to Congress or any committee of Congress substantially responds to any requirement contained in this section, such requirement shall be considered to have been satisfied by including in the report required by subsection (a) a listing the title and date of the other such report or material so submitted.

(d) SUBMITTAL IN CLASSIFIED FORM.—The report required by subsection (a), or any part of such report, may be submitted in classified form if the President considers it appropriate.

SEC. 1242. ANNUAL COUNTERTERRORISM STATUS REPORTS.

Success in Countering Al Qaeda Reporting Requirements Act of 2009.

(a) SHORT TITLE.—This section may be cited as the "Success in Countering Al Qaeda Reporting Requirements Act of 2009".

(b) ANNUAL COUNTERTERRORISM STATUS REPORTS.—

President.

(1) IN GENERAL.—Not later than September 30, 2010, and every September 30 thereafter until September 30, 2012, the President shall submit to Congress a report that contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

Assessment.

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies and the balance of resource commitments among such departments and agencies;

(C) a delineation of the boundaries and integration between—

(i) the strategic operational planning role of the National Counterterrorism Center (NCTC) for counterterrorism;

(ii) the operational planning role of the Department of Defense and, if applicable, the Central Intelligence Agency, for counterinsurgency and foreign internal defense;

(iii) the operational planning role of the Department of State and other Federal departments and agencies for diplomacy and foreign assistance to promote stability, human rights, prosperity, and other general United States foreign policy goals; and

(iv) the role of the President's National Security Council staff to coordinate the national security interagency process;

Determination.

(D) a determination of whether the NCTC exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458);

(E) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President's highest global counterterrorism priorities;

(ii) a description of the most challenging areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(F) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through integrated military, financial, political, intelligence, paramilitary, economic, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(G) a description of United States Government activities to counter terrorist recruitment and radicalization, including coordinated interagency—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(H) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(I) activities by foreign governments to combat Al Qaeda and its related affiliates and undermine violent extremism, and the extent of their cooperation with the United States Government;

(J) an analysis of the extent to which specific Federal appropriations—

(i) have been mapped to agency tasks as directed in the NCTC's National Implementation Plan;

(ii) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(iii) contribute to investments that have expected payoffs in the medium- to long-term;

(K) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States and foreign government counterterrorism efforts as compared to estimates of the total number of personnel belonging to Al Qaeda and its related affiliates; and

(L) a concise summary of the methods used by all elements of the United States Government to assess and evaluate progress in the Nation's overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

President.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) the Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence, including the Central Intelligence Agency;

(H) the Office of Management and Budget;

(I) the United States Agency for International Development; and

(J) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be submitted in an unclassified form, to the maximum extent practicable, and accompanied by a classified appendix, as appropriate.

SEC. 1243. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking "until December 31, 2010, the President shall submit" and inserting "until September 30, 2011, the Director of the Office of Management and Budget shall submit"; and

(2) by adding at the end the following:

"(c) PUBLIC AVAILABILITY OF INFORMATION.—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet Web site.". Web posting.

SEC. 1244. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as "NATO") operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the "NSCC") to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and

(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) CERTIFICATION.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees Deadline.

on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1245. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, on the current and future military strategy of Iran.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the security posture of Iran, including at least the following:

(1) A description and assessment of Iranian grand strategy, security strategy, and military strategy, including—

(A) the goals of Iran's grand strategy, security strategy, and military strategy.

(B) trends in Iran's strategy that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world; and

(C) Iranian strategy regarding other countries in the region, including other specified countries.

(2) An assessment of the capabilities of Iran's conventional forces, including—

(A) the size and capabilities of Iran's conventional forces;

(B) an analysis of the effectiveness of Iran's conventional forces when facing United States forces in the region and other specified countries;

(C) a description of Iranian military doctrine; and

(D) an estimate of the funding provided for each branch of Iran's conventional forces.

(3) An assessment of Iran's unconventional forces and related activities, including—

(A) the size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force;

(B) the types and amount of support, including funding, lethal and non-lethal supplies, and training, provided to groups designated by the United States as foreign terrorist organizations and regional militant groups, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran;

(C) an analysis of the effectiveness of Iran's unconventional forces when facing United States forces in the region and other specified countries in the region; and

(D) an estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including—

(A) a summary of nuclear weapons capabilities and developments in the preceding year;

(B) a summary of the capabilities of Iran's ballistic missile forces, including developments in the preceding year, the size of Iran's ballistic missile forces and Iran's cruise missile forces, and the locations of missile launch sites;

(C) a detailed analysis of the effectiveness of Iran's ballistic missile forces and Iran's cruise missile forces when facing United States forces in the region and other specified countries; and

(D) an estimate of the amount of funding expended by Iran since 2004 on programs to develop a capability to build nuclear weapons or to enhance Iran's ballistic missile forces.

(c) DEFINITIONS.—In this section:

(1) IRAN'S CONVENTIONAL FORCES.—The term "Iran's conventional forces"—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran's ballistic missile forces and Iran's cruise missile forces; and

(B) includes Iran's Army, Iran's Air Force, Iran's Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(2) IRAN'S UNCONVENTIONAL FORCES.—The term "Iran's unconventional forces"—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

(3) IRAN'S BALLISTIC MISSILE FORCES.—The term "Iran's ballistic missile forces" means those elements of the military forces of Iran that employ ballistic missiles.

(4) IRAN'S CRUISE MISSILE FORCES.—The term "Iran's cruise missile forces" means those elements of the military forces of Iran that employ cruise missiles capable of flights less than 500 kilometers.

(5) SPECIFIED COUNTRIES.—The term "specified countries" means the countries in the same geographic region as Iran, including Israel, Lebanon, Syria, Jordan, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2014.

SEC. 1246. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking "on the current and future military strategy of the People's Republic of China" and inserting "on military and security developments involving the People's Republic of China";

(2) in the second sentence—

(A) by striking "on the People's Liberation Army" and inserting "of the People's Liberation Army"; and

(B) by striking "Chinese grand strategy, security strategy," and inserting "Chinese security strategy"; and

(3) by adding at the end the following new sentence: "The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.".

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking "goals of" inserting "goals and factors shaping"; and

(B) by striking "Chinese grand strategy, security strategy," and inserting "Chinese security strategy";

(2) by amending paragraph (2) to read as follows:

"(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).";

(3) in paragraph (6)—

(A) by inserting "and training" after "military doctrine"; and

(B) by striking ", focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes"; and

(4) by adding at the end the following new paragraphs:

"(10) In consultation with the Secretary of Energy and the Secretary of State, developments regarding United States-China engagement and cooperation on security matters.

"(11) The current state of United States military-to-military contacts with the People's Liberation Army, which shall include the following:

"(A) A comprehensive and coordinated strategy for such military-to-military contacts and updates to the strategy.

"(B) A summary of all such military-to-military contacts during the period covered by the report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

"(C) A description of such military-to-military contacts scheduled for the 12-month period following the period covered by the report and the plan for future contacts.

"(D) The Secretary's assessment of the benefits the Chinese expect to gain from such military-to-military contacts.

"(E) The Secretary's assessment of the benefits the Department of Defense expects to gain from such military-to-military contacts, and any concerns regarding such contacts.

"(F) The Secretary's assessment of how such military-to-military contacts fit into the larger security relationship between the United States and the People's Republic of China.

"(12) Other military and security developments involving the People's Republic of China that the Secretary of Defense considers relevant to United States national security.".

(c) CONFORMING AMENDMENT.—Such section is further amended in the heading by striking "**MILITARY POWER OF**" and inserting "**MILITARY AND SECURITY DEVELOPMENTS INVOLVING**".

(d) REPEALS.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by striking subsections (e) and (f).

(e) EFFECTIVE DATE.—

Applicability.
10 USC 113 note.

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) STRATEGY AND UPDATES FOR MILITARY-TO-MILITARY CONTACTS WITH PEOPLE'S LIBERATION ARMY.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.

SEC. 1247. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.

(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;

(D) the ability of both the active and Reserve forces to conduct necessary training; and

(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term "drawdown" means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term "drawdown authority"—

(A) means an authority under—

(i) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(ii) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2)); or

(iii) any other substantially similar provision of law; but

(B) does not include the authority provided under section 1234 (relating to authority to transfer defense articles and provide defense services to the military and security forces of Iraq and Afghanistan).

(d) TERMINATION.—The requirement to submit the report required under subsection (a) shall terminate on December 31, 2013.

SEC. 1248. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—

(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(c) CONSULTATION.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assessment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) DEFINITION.—In this section, the term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1249. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

(a) FINDINGS.—Congress makes the following findings:

(1) On August 20, 2008, representatives of the governments of the United States and Poland signed the "Declaration on Strategic Cooperation between the United States of America and the Republic of Poland".

(2) The Declaration on Strategic Cooperation states, among other things, that the "United States and Poland intend to expand air and missile defense cooperation. In this regard, we have agreed on an important new area of such cooperation involving the deployment of a U.S. Army Patriot air and missile defense battery in Poland. We intend to begin this cooperation next year and to expand it with the aim of establishing by 2012 a garrison to support the U.S. Army Patriot battery. The Government of Poland intends to provide an appropriate

site, infrastructure, and facilities for this garrison acceptable to both parties. Our cooperation in this area will include joint training opportunities that will enhance Polish air defense capabilities. In the coming months, we intend to reach agreement on the specific arrangements that will enable this cooperation to begin. These steps reflect the commitment of the United States to an expanded defense relationship with Poland.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States and Poland should seek to implement the terms of the Declaration on Strategic Cooperation, including cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland.

(c) REPORT.—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status of cooperation on the deployment of a United States Army Patriot air and missile defense battery in Poland. The report shall be in unclassified form, but may include a classified annex.

SEC. 1250. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F–22A FIGHTER AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on potential foreign military sales of the F–22A fighter aircraft.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the costs to the United States Government, industry, and any foreign military sales customer of developing an exportable version of the F–22A fighter aircraft.

(2) An assessment whether an exportable version of the F–22A fighter aircraft is technically feasible and executable, and, if so, a timeline for achieving an exportable version of the aircraft.

(3) An assessment of the potential strategic implications of permitting foreign military sales of the F-22A fighter aircraft.

(4) An identification of any modifications to current law that are required to authorize foreign military sales of the F–22A fighter aircraft.

Contracts.

(c) ADDITIONAL REPORT REQUIRED.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center to submit, not later than 180 days after the date of the enactment of this Act, to the committees identified in subsection (a), through the Secretary of Defense, a report on the impact of foreign military sales of the F-22A fighter aircraft on the United States aerospace and aviation industry, and the advantages and disadvantages of such sales for sustaining that industry.

SEC. 1251. REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS AND SENSE OF CONGRESS ON FOLLOW-ON NEGOTIATIONS TO START TREATY.

(a) REPORT ON THE PLAN FOR THE NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COMPLEX, AND DELIVERY PLATFORMS.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act or at the time a follow-on treaty to the Strategic Arms Reduction Treaty (START Treaty) is submitted by the President to the Senate for its advice and consent, whichever is later, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the plan to— President.

(A) enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States;

(B) modernize the nuclear weapons complex; and

(C) maintain the delivery platforms for nuclear weapons.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the plan to enhance the safety, security, and reliability of the nuclear weapons stockpile of the United States.

(B) A description of the plan to modernize the nuclear weapons complex, including improving the safety of facilities, modernizing the infrastructure, and maintaining the key capabilities and competencies of the nuclear weapons workforce, including designers and technicians.

(C) A description of the plan to maintain delivery platforms for nuclear weapons.

(D) An estimate of budget requirements, including the costs associated with the plans outlined under subparagraphs (A) through (C), over a 10-year period.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should maintain the stated position of the United States that the follow-on treaty to the START Treaty not include any limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons systems of the United States;

(2) the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of the nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States; and

(3) the President should submit budget requests for fiscal year 2011 and subsequent fiscal years for the programs of the National Nuclear Security Administration of the Department of Energy that are adequate to sustain the needed capabilities to support the long-term maintenance of the nuclear stockpile of the United States.

SEC. 1252. MAP OF MINERAL-RICH ZONES AND AREAS UNDER THE CONTROL OF ARMED GROUPS IN THE DEMOCRATIC REPUBLIC OF THE CONGO.

Deadline.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, should, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of the Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(1) to produce a map of mineral-rich zones and areas under the control of armed groups in the Democratic Republic of the Congo;

(2) to make such map available to the public; and

(3) to provide to the appropriate congressional committees, in classified form if necessary, an explanatory note describing in general terms the sources of information on which the map is based, the definition of the term "control of armed groups" utilized (for example, physical control of mines or forced labor of civilians, control of trade routes, and taxation or extortion of goods in transit), and the identification where possible of the armed groups or other forces in control of the mines depicted.

(b) UPDATES.—The Secretary of State should continue cooperation with the international community and sustain the intent of the report of the United Nations Group of Experts on the Democratic Republic of the Congo by assisting in the regular updating of the map required by subsection (a).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1253. SENSE OF CONGRESS RELATING TO ISRAEL.

It is the sense of Congress that—

(1) Israel is one of the strongest allies of the United States;

(2) the United States remains vigorously committed to supporting Israel's welfare, security, and survival as a democratic state;

(3) Israel and the United States face common enemies; and

(4) the United States should continue to provide critical security assistance needed to address existential threats.

SEC. 1254. SENSE OF CONGRESS ON IMPOSING SANCTIONS WITH RESPECT TO IRAN.

It is the sense of Congress that—

(1) the Government of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, as directed by the United Nations Security Council; and

(C) come into full compliance with Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the "Nuclear Non-Proliferation Treaty"), including the additional protocol to the Treaty; and

(2) the President should consider the imposition of additional, more restrictive sanctions on Iran if—

(A) the Government of Iran fails to enter into good faith talks which result in progress toward compliance with applicable United Nations Security Council resolutions; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of Iran.

SEC. 1255. REPORT AND SENSE OF CONGRESS ON NORTH KOREA.

(a) REPORT ON CONDUCT OF NORTH KOREA.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a detailed report examining the conduct of the Government of North Korea since June 26, 2008, based on all available information, to determine whether North Korea meets the statutory criteria for listing as a state sponsor of terrorism. The report shall— President.

(1) present any credible evidence of support by the Government of North Korea for acts of terrorism, terrorists, or terrorist organizations;

(2) examine what steps the Government of North Korea has taken to fulfill its June 10, 2008, pledge to prevent weapons of mass destruction from falling into the hands of terrorists; and

(3) if North Korea does not meet the statutory criteria for being listed as a state sponsor of terrorism, examine whether re-listing North Korea as a state sponsor of terrorism would undermine the effectiveness of the state sponsor of terrorism designation in general and undermine United States efforts regarding existing state sponsors of terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should—

(A) vigorously enforce United Nations Security Council Resolutions 1718 (2006) and 1874 (2009) and other sanctions in place with respect to North Korea under United States law;

(B) urge all member states of the United Nations to fully implement the sanctions imposed by United Nations Security Council Resolutions 1718 and 1874; and

(C) explore the imposition of additional unilateral and multilateral sanctions against North Korea in furtherance of United States national security;

(2) the conduct of North Korea constitutes a threat to the northeast Asian region and to international peace and security; and

(3) if the United States determines that the Government of North Korea has provided assistance to terrorists or engaged in state sponsored acts of terrorism, the Secretary of State should immediately list North Korea as a state sponsor of terrorism.

(c) STATE SPONSOR OF TERRORISM DEFINED.—For purposes of this section, the term "state sponsor of terrorism" means a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.));

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SEC. 1256. REPORT ON POTENTIAL MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report setting forth potential options for cooperation among or between the United States, the North Atlantic Treaty Organization, and the Russian Federation on ballistic missile defense.

(2) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of proposals made by the United States, the North Atlantic Treaty Organization, or the Russian Federation since January 1, 2007, for potential missile defense cooperation among or between such countries and that organization, including data sharing, cooperative regional missile defense architectures, joint exercises, and transparency and confidence building measures.

(2) A description of options for the sharing by such countries and that organization of ballistic missile surveillance or early warning data, including data from the Russian early warning radars at Gabala in Azerbaijan and Armavir in southern Russia or other radars.

(3) An assessment of the potential for implementation of the agreement between the United States and the Russian Federation on the establishment of a Joint Data Exchange Center.

(4) An assessment of whether there is mutual interest in modifying the agreement on the establishment of the Joint Data Exchange Center to encompass other forms of cooperation.

(5) An assessment of the potential for missile defense cooperation between the Russian Federation and the North Atlantic Treaty Organization, including through the NATO-Russia Council.

(6) An assessment of the potential security benefits to the United States, Russia, and the North Atlantic Treaty Organization of the cooperation described in paragraph (5).

(7) Such other matters as the Secretary considers appropriate.

Subtitle D—VOICE Act

Victims of Iranian Censorship Act. 22 USC 6201 note.

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the "Victims of Iranian Censorship Act"or the "VOICE Act".

22 USC 6204 note.

SEC. 1262. AUTHORIZATION OF APPROPRIATIONS.

(a) INTERNATIONAL BROADCASTING OPERATIONS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' International Broadcasting Operations Fund, there is authorized to be appropriated $15,000,000 to expand Farsi language programming and to provide for the dissemination of accurate and independent information to the Iranian people through radio, television, Internet, cellular telephone, short message service, and other communications.

(b) BROADCASTING CAPITAL IMPROVEMENTS FUND.—In addition to amounts otherwise authorized for the Broadcasting Board of Governors' Broadcasting Capital Improvements Fund, there is authorized to be appropriated $15,000,000 to expand transmissions of Farsi language programs to Iran.

(c) USE OF AMOUNTS.—In pursuit of the objectives described in subsections (a) and (b), amounts in the International Broadcasting Operations Fund and the Capital Improvements Fund may be used to—

(1) develop additional transmission capability for Radio Farda and the Persian News Network to counter ongoing efforts to jam transmissions, including through additional shortwave and medium wave transmissions, satellite, and Internet mechanisms;

(2) develop additional proxy server capability and anti-censorship software to counter efforts to block Radio Farda and Persian News Network Web sites;

(3) develop technologies to counter efforts to block SMS text message exchange over cellular phone networks;

(4) expand program coverage and analysis by Radio Farda and the Persian News Network, including the development of broadcast platforms and programs, on the television, radio and Internet, for enhanced interactivity with and among the people of Iran;

(5) hire, on a permanent or short-term basis, additional staff for Radio Farda and the Persian News Network; and

(6) develop additional Internet-based, Farsi-language television programming, including a Farsi-language, Internet-based news channel.

22 USC 6204 note.

SEC. 1263. IRANIAN ELECTRONIC EDUCATION, EXCHANGE, AND MEDIA FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States the Iranian Electronic Education, Exchange, and Media Fund (referred to in this section as the "Fund"), consisting of amounts appropriated to the Fund pursuant to subsection (f).

(b) ADMINISTRATION.—The Fund shall be administered by the Secretary of State.

(c) OBJECTIVE.—The objective of the Fund shall be to support the development of technologies, including Internet Web sites, that will aid the ability of the Iranian people to—

(1) gain access to and share information;

(2) exercise freedom of speech, freedom of expression, and freedom of assembly through the Internet and other electronic media;

(3) engage in Internet-based education programs and other exchanges between Americans and Iranians; and

(4) counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text exchanges.

(d) USE OF AMOUNTS.—In pursuit of the objective described in subsection (c), amounts in the Fund may be used for grants to United States or foreign universities, nonprofit organizations, or companies for targeted projects that advance the purpose of the Fund, including projects that—

(1) develop Farsi-language versions of existing social-networking Web sites;

(2) develop technologies, including Internet-based applications, to counter efforts—

(A) to block, censor, and monitor the Internet; and

(B) to disrupt or monitor cellular phone networks or SMS text message exchanges;

(3) develop Internet-based, distance learning programs for Iranian students at United States universities; and

(4) promote Internet-based, people-to-people educational, professional, religious, or cultural exchanges and dialogues between United States citizens and Iranians.

(e) TRANSFERS.—Amounts in the Fund may be transferred to the United States Agency for International Development, the Broadcasting Board of Governors, or any other agency of the Federal Government to the extent that such amounts are used to carry out activities that will further the objective described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to the Fund.

SEC. 1264. ANNUAL REPORT.

President. Iran.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the President shall submit a report to Congress that provides a detailed description of—

(1) United States-funded international broadcasting efforts in Iran;

(2) efforts by the Government of Iran to block broadcasts sponsored by the United States or other non-Iranian entities;

(3) efforts by the Government of Iran to monitor or block Internet access, and gather information about individuals;

(4) plans by the Broadcasting Board of Governors for the use of the amounts appropriated pursuant to section 1244, including—

(A) the identification of specific programs and platforms to be expanded or created; and

(B) satellite, radio, or Internet-based transmission capacity to be expanded or created;

(5) plans for the use of the Iranian Electronic Education, Exchange, and Media Fund;

(6) a detailed breakdown of amounts obligated and disbursed from the Iranian Electronic Media Fund and an assessment of the impact of such amounts;

(7) the percentage of the Iranian population and of Iranian territory reached by shortwave and medium-wave radio broadcasts by Radio Farda and Voice of America and any other relevant demographic information that can be ascertained about the audience for such broadcasts;

(8) the Internet traffic from Iran to Radio Farda and Voice of America Web sites; and

(9) the Internet traffic to proxy servers sponsored by the Broadcasting Board of Governors, and the provisioning of surge capacity.

(b) CLASSIFIED ANNEX.—The report submitted under subsection (a) may include a classified annex.

SEC. 1265. REPORT ON ACTIONS BY NON-IRANIAN COMPANIES.

President.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on non-Iranian persons, including corporations with United States subsidiaries, that, after the date of the enactment of this Act, have knowingly or negligently provided hardware, software, or other forms of assistance to the Government of Iran that has furthered Iran's efforts to—

(1) filter online political content;

(2) disrupt cell phone and Internet communications; and

(3) monitor the online activities of Iranian citizens.

(b) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

SEC. 1266. HUMAN RIGHTS DOCUMENTATION.

There are authorized to be appropriated $5,000,000 to the Secretary of State to document, collect, and disseminate information about human rights in Iran, including abuses of human rights that have taken place since the Iranian presidential election conducted on June 12, 2009.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. Metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction Program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

22 USC 5964 note.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2010 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2010 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2010, 2011, and 2012.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $424,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $3,000,000.

(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $17,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2010 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2010 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose

may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

22 USC 5952 note.

(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available to be obligated or expended without further appropriation.

(c) RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—

(1) IN GENERAL.—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees a notice—

(A) specifying the value of the contribution and the purpose for which the contribution was made; and

(B) identifying the person who made the contribution.

(2) LIMITATION ON USE OF AMOUNTS.—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

Time period.

(e) ANNUAL REPORT.—Not later than October 31 each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each

such amount, the purposes for which the amount was obligated or expended.

(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit to the appropriate congressional committees an implementation plan for the authority provided under this section prior to obligating or expending any amounts contributed pursuant to subsection (a). The Secretary shall submit updates to such plan as needed.

(g) TERMINATION.—The authority provided under this section shall terminate on December 31, 2015.

(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

22 USC 5964.

SEC. 1304. METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) METRICS REQUIRED.—The Secretary of Defense shall develop and implement metrics to measure the impact and effectiveness of activities of the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) SECRETARY OF DEFENSE REPORT ON METRICS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the metrics developed and implemented under subsection (a).

(c) NATIONAL ACADEMY OF SCIENCES ASSESSMENT AND REPORT ON METRICS.—

(1) ASSESSMENT.—Not later than 30 days after the date on which the report is submitted by the Secretary of Defense under subsection (b), the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out an assessment to review the metrics developed and implemented under subsection (a) and identify possible additional or alternative metrics, if necessary.

(2) REPORT.—The National Academy of Sciences shall submit to the appropriate congressional committees and the Secretary of Defense a report on the results of the assessment carried out under paragraph (1).

(3) SECRETARY OF DEFENSE REPORT.—

(A) Not later than 90 days after receipt of the report required by paragraph (2), the Secretary shall submit to the appropriate congressional committees a report on the assessment carried out by the National Academy of Sciences.

(B) The report under subparagraph (A) shall include the following:

(i) A summary of the results of the assessment carried out under paragraph (1).

(ii) An evaluation by the Secretary of the assessment.

(iii) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the assessment.

(C) The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out paragraphs (1) and (2) of subsection (c).

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

22 USC 5965.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Defense, with the concurrence of the Secretary of State and the Secretary of Energy, may make a written determination that—

(A) threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

Deadline.

(A) the determination;

(B) the activities to be undertaken by the Cooperative Threat Reduction Program;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

22 USC 5952 note.

(a) IN GENERAL.—The Secretary of Defense shall ensure that the Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(1) is executed pursuant to a well-developed strategy for advancing the mission of the Cooperative Threat Reduction Program;

(2) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

(3) is directly administered as part of the Cooperative Threat Reduction Program; and

(4) includes cooperation and coordination with—

(A) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(B) related diplomatic efforts.

(b) COOPERATIVE THREAT REDUCTION ANNUAL REPORT.—Paragraph (8) of section 1308(c) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–341; 22 U.S.C. 5959) is amended—

(1) by inserting ", including under the Defense and Military Contacts program," after "programs"; and

(2) in subparagraph (B), by striking "the purposes" and inserting "the strategy".

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical agents and munitions destruction, defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.
Sec. 1407. Relation to funding table.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.
Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

Sec. 1421. Authorization of appropriations for Armed Forces Retirement Home.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $141,388,00.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,642,758,000.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,054,234,000.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $288,100,000, of which—

(1) $287,100,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $28,033,093,000, of which—

(1) $27,094,849,000 is for Operation and Maintenance;

(2) $616,102,000 is for Research, Development, Test, and Evaluation; and

(3) $322,142,000 is for Procurement.

SEC. 1407. RELATION TO FUNDING TABLE.

The amounts authorized to be appropriated by sections 1401, 1402, 1403, 1404, 1405, and 1406 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4401.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2010, the National Defense Stockpile Manager may obligate up to $41,179,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

Time period.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DISPOSAL OF COBALT FROM NATIONAL DEFENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 50 U.S.C. 98d note), as most recently amended by section 1412(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4648), is further amended by striking "during fiscal year 2009" and inserting "by the end of fiscal year 2011".

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations contained in the report entitled "Reconfiguration of the National Defense Stockpile Report to Congress" dated April 2009 and submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109–89, House Report 109–452, and Senate Report 110–115.

(b) CONTENTS OF REPORT.— The report required by subsection (a) shall include the Secretary's recommendations for changes, based on the findings of the April 2009 report, to statutes, regulations, and policies, which the Secretary determines are necessary to enable the implementation of the recommendations contained in the April 2009 report or to improve Federal Government management of the National Defense Stockpile in the interest of the National Security Strategy.

(c) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required by subsection (a) until 45 days after the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives such report.

Subtitle C—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Joint Improvised Explosive Device Defeat Fund.
Sec. 1504. Navy and Marine Corps procurement.
Sec. 1505. Air Force procurement.
Sec. 1506. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Research, development, test, and evaluation.
Sec. 1509. Operation and maintenance.
Sec. 1510. Limitations on availability of funds in Afghanistan Security Forces Fund.
Sec. 1511. Limitations on Iraq Security Forces Fund.
Sec. 1512. Military personnel.
Sec. 1513. Working capital funds.
Sec. 1514. Defense Health Program.
Sec. 1515. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1516. Defense Inspector General.
Sec. 1517. Relation to funding tables.
Sec. 1518. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1519. Treatment as additional authorizations.
Sec. 1520. Special transfer authority.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,636,229,000.
(2) For missile procurement, $481,570,000.
(3) For weapons and tracked combat vehicles procurement, $759,466,000.
(4) For ammunition procurement, $370,635,000.
(5) For other procurement, $5,600,326,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,099,850,000.

Applicability.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

(d) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by section 1503(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4650), is amended by striking subsection (e).

SEC. 1504. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:
(1) For aircraft procurement, Navy, $903,197,000.
(2) For weapons procurement, Navy, $50,700,000.
(3) For ammunition procurement, Navy and Marine Corps, $681,957,000.
(4) For other procurement, Navy, $293,018,000.
(5) For procurement, Marine Corps, $1,060,268,000.

SEC. 1505. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:
(1) For aircraft procurement, $780,441,000.
(2) For ammunition procurement, $256,819,000.
(3) For missile procurement, $36,625,000.
(4) For other procurement, $2,321,549,000.

SEC. 1506. MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the Mine Resistant Ambush Protected Vehicle Fund in the amount of $6,056,000,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide activities in the amount of $489,980,000.

SEC. 1508. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $57,962,000.
(2) For the Navy, $90,180,000.
(3) For the Air Force, $29,286,000.
(4) For Defense-wide activities, $115,826,000.

SEC. 1509. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $52,166,761,000.
(2) For the Navy, $6,219,583,000.
(3) For the Marine Corps, $3,701,600,000.
(4) For the Air Force, $10,026,868,000.
(5) For Defense-wide activities, $7,583,400,000.
(6) For the Army Reserve, $204,326,000.
(7) For the Navy Reserve, $68,059,000.
(8) For the Marine Corps Reserve, $86,667,000.
(9) For the Air Force Reserve, $125,925,000.
(10) For the Army National Guard, $321,646,000.
(11) For the Air National Guard, $289,862,000.
(12) For the Afghanistan Security Forces Fund, $7,462,769,000.

SEC. 1510. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

Funds appropriated pursuant to the authorization of appropriations for the Afghanistan Security Forces Fund in section 1509(12) shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428).

SEC. 1511. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).

SEC. 1512. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $14,146,341,000.

SEC. 1513. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $396,915,000.

SEC. 1514. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program in the amount of $1,256,675,000 for operation and maintenance.

SEC. 1515. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $356,603,000.

SEC. 1516. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000.

SEC. 1517. RELATION TO FUNDING TABLES.

(a) AMOUNTS FOR PROCUREMENT.—The amounts authorized to be appropriated by sections 1502, 1503, 1504, 1505, 1506, and 1507 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4102.

(b) AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amounts authorized to be appropriated by section 1508 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4202.

(c) AMOUNTS FOR OPERATION AND MAINTENANCE.—The amounts authorized to be appropriated by section 1509 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4302.

(d) OTHER AMOUNTS.—The amounts authorized to be appropriated by sections 1513, 1514, 1515, and 1516 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4402.

SEC. 1518. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Applicability.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1520. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

Determination.

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest,

the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2010 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

TITLE XVII—DEPARTMENT OF DEFENSE–DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION PROJECT

Sec. 1701. Demonstration project authority.
Sec. 1702. Transfer of property.
Sec. 1703. Transfer of civilian personnel of the Department of Defense.
Sec. 1704. Joint funding authority.
Sec. 1705. Eligibility of members of the uniformed services for care and services.
Sec. 1706. Extension of DOD–VA Health Care Sharing Incentive Fund.

SEC. 1701. DEMONSTRATION PROJECT AUTHORITY.

(a) EXECUTIVE AGREEMENT AUTHORIZED.—Subject to subsection (b), the Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs may execute a signed executive agreement pursuant to section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) for the joint use by the Department of Defense and the Department of Veterans Affairs of the following:

(1) A new Navy ambulatory care center (on which construction commenced in July 2008), parking structure, and supporting structures and facilities in North Chicago, Illinois, and Great Lakes, Illinois.

(2) Medical personal property and equipment relating to the center, structures, and facilities described in paragraph (1).

(b) DEADLINE FOR ENTRY INTO AGREEMENT.—The executive agreement authorized by subsection (a) shall be entered into, if at all, by not later than 180 days after the date of the enactment of this Act.

(c) SCOPE.—The executive agreement under subsection (a) shall—

(1) be a binding operational agreement on matters under the areas specified in section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009; and

(2) contain additional terms and conditions as required by the provisions of this title.

(d) REPORTS.—

(1) NOTICE ON AGREEMENT.—Not later than seven days before executing an executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth a copy of the proposed executive agreement.

(2) FINAL REPORT.—Not later than 180 days after the fifth anniversary of the date of the execution of the executive agreement under subsection (a), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report on the exercise of the authorities in this title at the facility (as defined in section 1702(a)(1)). The report shall include the following:

(A) A comprehensive description and assessment of the exercise of the authorities in this title.

(B) The recommendation of the Secretaries as to whether the exercise of the authorities in this title should continue.

(3) REPORT ON ADDITIONAL LOCATIONS FOR SIMILAR AGREEMENTS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the appropriate committees of Congress a report setting forth such recommendations as the Secretaries jointly consider appropriate for additional locations, if any, at which executive agreements like the executive agreement under subsection (a) would be advisable.

(e) COMPTROLLER GENERAL REVIEWS.—

Deadlines.

(1) IN GENERAL.—Not later than one year after the execution of an executive agreement under subsection (a), and annually thereafter, the Comptroller General shall conduct a review and assessment of the following:

(A) The progress made in implementing the agreement.

(B) The effects of the agreement on the provision of care and operation of the facility (as so defined).

(2) REPORTS.—Not later than 90 days after the commencement of each review and assessment conducted under paragraph (1), the Comptroller General shall submit to the appropriate committees of Congress a report on such review and assessment. Each report shall set forth the following:

(A) The results of such review and assessment.

(B) Such recommendations for modifications of the executive agreement, or the authorities in this title, as the Comptroller General considers appropriate in light of the results of such review and assessment.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Veterans' Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans' Affairs of the House of Representatives.

SEC. 1702. TRANSFER OF PROPERTY.

(a) TRANSFER.—

(1) TRANSFER AUTHORIZED.—The Secretary of Defense, acting through the Administrator of General Services, may transfer, without reimbursement, to the Secretary of Veterans

Affairs jurisdiction, custody, and control over the center, structures, facilities, and property and equipment covered by the executive agreement under section 1701 (hereafter in this title referred to as the "facility").

(2) DATE OF TRANSFER.—The transfer authorized by paragraph (1) may not occur before the earlier of—

(A) the date that is five years after the date of the execution under section 1701 of the executive agreement under that section; or

(B) the date of the completion of such specific benchmarks relating to the joint use by the Department of Defense and the Department of Veterans Affairs of the Navy ambulatory care center described in section 1701(a)(1) as the Secretary of Defense (in consultation with the Secretary of the Navy) and Secretary of the Department of Veterans Affairs shall jointly establish for purposes of this section not later than 180 days after the date of the enactment of this Act. Deadline.

(3) DELAY OF TRANSFER FOR COMPLETION OF CONSTRUCTION.—If construction on the center, structures, and facilities described in paragraph (1) is not complete as of the date specified in subparagraph (A) or (B) of paragraph (2), as applicable, the transfer of the center, structures, and facilities under that paragraph may occur thereafter upon completion of the construction.

(4) DISCHARGE OF TRANSFER.—The Administrator of General Services shall complete the transfer as authorized by this subsection not later than 30 days after receipt of the request for the transfer. Deadline.

(b) REVERSION.— Real property. Determination. Deadlines.

(1) IN GENERAL.—If any of the real and related personal property transferred pursuant to subsection (a) is subsequently used for purposes other than those specified in the executive agreement under section 1701, or is otherwise jointly determined by the Secretary of Defense and the Secretary of Veterans Affairs to be excess to the needs of the facility, the Secretary of Veterans Affairs shall offer to transfer jurisdiction, custody, and control over such property, without reimbursement, to the Secretary of Defense. Any such transfer shall be carried out by the Administrator of General Services not later than one year after the acceptance of the offer of such transfer, plus such additional time as the Administrator may require to complete such transfer.

(2) REVERSION IN EVENT OF LACK OF FACILITIES INTEGRATION.—

(A) WITHIN INITIAL PERIOD.—During the five-year period beginning on the date of the transfer of real and related personal property pursuant to subsection (a), if the Secretary of Veterans Affairs, the Secretary of Defense, and the Secretary of Navy jointly determine that the integration of the facilities transferred pursuant to that subsection should not continue, jurisdiction, custody, and control over such real and related personal property shall be transferred, without reimbursement, to the Secretary of Defense. The transfer under this subparagraph shall be carried out by the Administrator of General Services not later than 180 days after the date of the determination

by the Secretaries, plus such additional time as the Administrator may require to complete such transfer.

(B) AFTER INITIAL PERIOD.—After the end of the five-year period described in subparagraph (A), if the Secretary of Veterans Affairs or the Secretary of Defense determines that the integration of the facilities transferred pursuant to subsection (a) should not continue, the Secretary of Veterans Affairs shall transfer, without reimbursement, to the Secretary of Defense jurisdiction, custody, and control over the real and related personal property described in subparagraph (A). Any transfer under this subparagraph shall be carried out by the Administrator of General Services not later than one year after the date of the determination by the applicable Secretary, plus such additional time as the Administrator may require to complete such transfer.

(C) REVERSION PROCEDURES.—The executive agreement under section 1701 shall provide the following:

(i) Specific procedures for the reversion of real and related personal property, as appropriate, transferred pursuant to subsection (a) to ensure the continuing accomplishment by the Department of Defense and the Department of Veterans Affairs of their missions in the event that the integration of facilities described transferred pursuant to that subsection (a) is not completed or a reversion of property occurs under subparagraph (A) or (B).

(ii) In the event of a reversion under this paragraph, the transfer from the Department of Veterans Affairs to the Department of Defense of associated functions including appropriate resources, civilian positions, and personnel, in a manner that will not result in adverse impact to the missions of Department of Defense or the Department of Veterans Affairs.

SEC. 1703. TRANSFER OF CIVILIAN PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) TRANSFER OF FUNCTIONS.—The Secretary of Defense and the Secretary of the Navy may transfer to the Secretary of Veterans Affairs functions necessary for the effective operation of the facility. The Secretary of Veterans Affairs may accept any functions so transferred.

(b) TERMS.—

(1) EXECUTIVE AGREEMENT.—Any transfer of functions under subsection (a) shall be carried out as provided in the executive agreement under section 1701. The functions to be so transferred shall be identified utilizing the provisions of section 3503 of title 5, United States Code.

(2) ELEMENTS.—In providing for the transfer of functions under subsection (a), the executive agreement under section 1701 shall provide for the following:

(A) The transfer of civilian employee positions of the Department of Defense identified in the executive agreement to the Department of Veterans Affairs, and of the incumbent civilian employees in such positions, and the transition of the employees so transferred to the pay, benefits, and personnel systems that apply to employees of

the Department of Veterans Affairs (to the extent that different systems apply).

(B) The transition of employees so transferred to the pay systems of the Department of Veterans Affairs in a manner which will not result in any reduction in an employee's regular rate of compensation (including basic pay, locality pay, any physician comparability allowance, and any other fixed and recurring pay supplement) at the time of transition.

(C) The continuation after transfer of the same employment status for employees so transferred who have already successfully completed or are in the process of completing a one-year probationary period under title 5, United States Code, notwithstanding the provisions of section 7403(b)(1) of title 38, United States Code.

(D) The extension of collective bargaining rights under title 5, United States Code, to employees so transferred in positions listed in subsection 7421(b) of title 38, United States Code, notwithstanding the provisions of section 7422 of title 38, United States Code, for a two-year period beginning on the effective date of the executive agreement.

(E) At the end of the two-year period beginning on the effective date of the executive agreement, for the following actions by the Secretary of Veterans Affairs with respect to the extension of collective bargaining rights under subparagraph (D):

(i) Consideration of the impact of the extension of such rights.

(ii) Consultation with exclusive employee representatives of the transferred employees about such impact. Consultation.

(iii) Determination, after consultation with the Secretary of Defense and the Secretary of the Navy, whether the extension of such rights should be terminated, modified, or kept in effect. Determination.

(iv) Submittal to Congress of a notice regarding the determination made under clause (iii). Notice.

(F) The recognition after transfer of each transferred physician's and dentist's total number of years of service as a physician or dentist in the Department of Defense for purposes of calculating such employee's rate of base pay, notwithstanding the provisions of section 7431(b)(3) of title 38, United States Code.

(G) The preservation of the seniority of the employees so transferred for all pay purposes.

(c) RETENTION OF DEPARTMENT OF DEFENSE EMPLOYMENT AUTHORITY.—Notwithstanding subsections (a) and (b), the Department of Defense may employ civilian personnel at the facility if the Secretary of the Navy, or a designee of the Secretary, determines it is necessary and appropriate to meet mission requirements of the Department of the Navy. Determination.

SEC. 1704. JOINT FUNDING AUTHORITY.

(a) JOINT MEDICAL FACILITY DEMONSTRATION FUND.—

(1) ESTABLISHMENT.—There is established on the books of the Treasury under the Department of Veterans Affairs a fund to be known as the "Joint Department of Defense–

Department of Veterans Affairs Medical Facility Demonstration Fund" (in this section referred to as the "Fund").

(2) ELEMENTS.—The Fund shall consist of the following:

(A) Amounts transferred to the Fund by the Secretary of Defense, in consultation with the Secretary of the Navy, from amounts authorized and appropriated for the Department of Defense specifically for that purpose.

(B) Amounts transferred to the Fund by the Secretary of Veterans Affairs from amounts authorized and appropriated for the Department of Veterans Affairs specifically for that purpose.

(C) Amounts transferred to the Fund from medical care collections under paragraph (4).

(3) DETERMINATION OF AMOUNTS TRANSFERRED GENERALLY.—The amount transferred to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs under subparagraphs (A) and (B), as applicable, of paragraph (2) each fiscal year shall be such amount, as determined by a methodology jointly established by the Secretary of Defense and the Secretary of Veterans Affairs for purposes of this subsection, that reflects the mission-specific activities, workload, and costs of provision of health care at the facility of the Department of Defense and the Department of Veterans Affairs, respectively.

(4) TRANSFERS FROM MEDICAL CARE COLLECTIONS.—

(A) IN GENERAL.—Amounts collected under the authorities specified in subparagraph (B) for health care provided at the facility may be transferred to the Fund under paragraph (2)(C).

(B) AUTHORITIES.—The authorities specified in this subparagraph are the following:

(i) Section 1095 of title 10, United States Code.

(ii) Section 1729 of title 38, United States Code.

(iii) Public Law 87–693, popularly known as the "Federal Medical Care Recovery Act" (42 U.S.C. 2651 et seq.).

(5) ADMINISTRATION.—The Fund shall be administered in accordance with such provisions of the executive agreement under section 1701 as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly include in the executive agreement. Such provisions shall provide for an independent review of the methodology established under paragraph (3).

(b) AVAILABILITY.—

(1) IN GENERAL.—Funds transferred to the Fund under subsection (a) shall be available to fund the operations of the facility, including capital equipment, real property maintenance, and minor construction projects that are not required to be specifically authorized by law under section 2805 of title 10, United States Code, or section 8104 of title 38, United States Code.

(2) LIMITATION.—The availability of funds transferred to the Fund under subsection (a)(2)(C) shall be subject to the provisions of section 1729A of title 38, United States Code.

(3) PERIOD OF AVAILABILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), funds transferred to the Fund under subsection (a)

shall be available under paragraph (1) for one fiscal year after transfer.

(B) EXCEPTION.—Of an amount transferred to the Fund under subsection (a), an amount not to exceed two percent of such amount shall be available under paragraph (1) for two fiscal years after transfer.

(c) FINANCIAL RECONCILIATION.—The executive agreement under section 1701 shall provide for the development and implementation of an integrated financial reconciliation process that meets the fiscal reconciliation requirements of the Department of Defense, the Department of the Navy, and the Department of Veterans Affairs. The process shall permit each of the Department of Defense, the Department of Navy, and the Department of Veterans Affairs to identify their fiscal contributions to the Fund, taking into consideration accounting, workload, and financial management differences.

(d) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Secretary of the Navy, and the Secretary of Veterans Affairs shall jointly provide for an annual independent review of the Fund for at least three years after the date of the enactment of this Act. Such review shall include detailed statements of the uses of amounts of the Fund and an evaluation of the adequacy of the proportional share contributed to the Fund by each of the Secretary of Defense and the Secretary of Veterans Affairs.

(e) TERMINATION.—The authorities in this section shall terminate on September 30, 2015.

SEC. 1705. ELIGIBILITY OF MEMBERS OF THE UNIFORMED SERVICES FOR CARE AND SERVICES.

(a) IN GENERAL.—For purposes of eligibility for health care under chapter 55 of title 10, United States Code, the facility may be treated as a facility of the uniformed services to the extent provided in the executive agreement under section 1701.

(b) PRIORITY OF TREATMENT.—The executive agreement under section 1701 shall provide an integrated priority list for access to health care at the facility, which list shall—

(1) integrate the respective health care priority lists of the Secretary of Defense and the Secretary of Veterans Affairs, giving first priority of care to members of the Armed Forces on active duty; and

(2) take into account categories of beneficiaries, enrollment program status, and such other matters as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(c) ADDITIONAL ELEMENTS.—The executive agreement under section 1701 may include provisions as follows:

(1) To incorporate any resource-related limitations for access to health care at the facility that the Secretary of Defense may establish for purposes of administering space-available eligibility for care in facilities of the uniformed services under chapter 55 of title 10, United States Code.

(2) To waive the applicability to the facility of any provision of section 8111(e) of title 38, United States Code, that the Secretary of Defense and the Secretary of Veterans Affairs shall jointly specify.

(3) To allocate financial responsibility for care provided at the facility for individuals who are eligible for care under

both chapter 55 of title 10, United States Code, and title 38, United States Code.

SEC. 1706. EXTENSION OF DOD–VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking "September 30, 2010" and inserting "September 30, 2015".

Military Commissions Act of 2009.

TITLE XVIII—MILITARY COMMISSIONS

Sec. 1801. Short title.
Sec. 1802. Military commissions.
Sec. 1803. Conforming amendments.
Sec. 1804. Proceedings under prior statute.
Sec. 1805. Submittal to Congress of revised rules for military commissions.
Sec. 1806. Annual reports to Congress on trials by military commission.
Sec. 1807. Sense of Congress on military commission system.

10 USC 948a note.

SEC. 1801. SHORT TITLE.

This title may be cited as the "Military Commissions Act of 2009".

SEC. 1802. MILITARY COMMISSIONS.

Chapter 47A of title 10, United States Code, is amended to read as follows:

"CHAPTER 47A—MILITARY COMMISSIONS

"SUBCHAPTER Sec.
"I. General Provisions ..... 948a.
"II. Composition of Military Commissions ..... 948h.
"III. Pre-Trial Procedure ..... 948q.
"IV. Trial Procedure ..... 949a.
"V. Classified Information Procedures ..... 949p–1.
"VI. Sentences ..... 949s.
"VII. Post-Trial Procedures and Review of Military Commissions ..... 950a.
"VIII. Punitive Matters ..... 950p.

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"948a. Definitions.
"948b. Military commissions generally.
"948c. Persons subject to military commissions.
"948d. Jurisdiction of military commissions.

"§ 948a. Definitions

"In this chapter:

"(1) ALIEN.—The term 'alien' means an individual who is not a citizen of the United States.

"(2) CLASSIFIED INFORMATION.—The term 'classified information' means the following:

"(A) Any information or material that has been determined by the United States Government pursuant to statute, Executive order, or regulation to require protection against unauthorized disclosure for reasons of national security.

"(B) Any restricted data, as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

"(3) COALITION PARTNER.—The term 'coalition partner', with respect to hostilities engaged in by the United States, means any State or armed force directly engaged along with the United States in such hostilities or providing direct operational support to the United States in connection with such hostilities.

"(4) GENEVA CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR.—The term 'Geneva Convention Relative to the Treatment of Prisoners of War' means the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316).

"(5) GENEVA CONVENTIONS.—The term 'Geneva Conventions' means the international conventions signed at Geneva on August 12, 1949.

"(6) PRIVILEGED BELLIGERENT.—The term 'privileged belligerent' means an individual belonging to one of the eight categories enumerated in Article 4 of the Geneva Convention Relative to the Treatment of Prisoners of War.

"(7) UNPRIVILEGED ENEMY BELLIGERENT.—The term 'unprivileged enemy belligerent' means an individual (other than a privileged belligerent) who—

"(A) has engaged in hostilities against the United States or its coalition partners;

"(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

"(C) was a part of al Qaeda at the time of the alleged offense under this chapter.

"(8) NATIONAL SECURITY.—The term 'national security' means the national defense and foreign relations of the United States.

"(9) HOSTILITIES.—The term 'hostilities' means any conflict subject to the laws of war.

"§ 948b. Military commissions generally

"(a) PURPOSE.—This chapter establishes procedures governing the use of military commissions to try alien unprivileged enemy belligerents for violations of the law of war and other offenses triable by military commission.

"(b) AUTHORITY FOR MILITARY COMMISSIONS UNDER THIS CHAPTER.—The President is authorized to establish military commissions under this chapter for offenses triable by military commission as provided in this chapter.

"(c) CONSTRUCTION OF PROVISIONS.—The procedures for military commissions set forth in this chapter are based upon the procedures for trial by general courts-martial under chapter 47 of this title (the Uniform Code of Military Justice). Chapter 47 of this title does not, by its terms, apply to trial by military commission except as specifically provided therein or in this chapter, and many of the provisions of chapter 47 of this title are by their terms inapplicable to military commissions. The judicial construction and application of chapter 47 of this title, while instructive, is therefore not of its own force binding on military commissions established under this chapter.

"(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—(1) The following provisions of this title shall not apply to trial by military commission under this chapter:

"(A) Section 810 (article 10 of the Uniform Code of Military Justice), relating to speedy trial, including any rule of courts-martial relating to speedy trial.

"(B) Sections 831(a), (b), and (d) (articles 31(a), (b), and (d) of the Uniform Code of Military Justice), relating to compulsory self-incrimination.

"(C) Section 832 (article 32 of the Uniform Code of Military Justice), relating to pretrial investigation.

Applicability.

"(2) Other provisions of chapter 47 of this title shall apply to trial by military commission under this chapter only to the extent provided by the terms of such provisions or by this chapter.

"(e) GENEVA CONVENTIONS NOT ESTABLISHING PRIVATE RIGHT OF ACTION.—No alien unprivileged enemy belligerent subject to trial by military commission under this chapter may invoke the Geneva Conventions as a basis for a private right of action.

"§ 948c. Persons subject to military commissions

"Any alien unprivileged enemy belligerent is subject to trial by military commission as set forth in this chapter.

"§ 948d. Jurisdiction of military commissions

"A military commission under this chapter shall have jurisdiction to try persons subject to this chapter for any offense made punishable by this chapter, sections 904 and 906 of this title (articles 104 and 106 of the Uniform Code of Military Justice), or the law of war, whether such offense was committed before, on, or after September 11, 2001, and may, under such limitations as the President may prescribe, adjudge any punishment not forbidden by this chapter, including the penalty of death when specifically authorized under this chapter. A military commission is a competent tribunal to make a finding sufficient for jurisdiction.

"SUBCHAPTER II—COMPOSITION OF MILITARY COMMISSIONS

"Sec.
"948h. Who may convene military commissions.
"948i. Who may serve on military commissions.
"948j. Military judge of a military commission.
"948k. Detail of trial counsel and defense counsel.
"948l. Detail or employment of reporters and interpreters.
"948m. Number of members; excuse of members; absent and additional members.

"§ 948h. Who may convene military commissions

"Military commissions under this chapter may be convened by the Secretary of Defense or by any officer or official of the United States designated by the Secretary for that purpose.

"§ 948i. Who may serve on military commissions

"(a) IN GENERAL.—Any commissioned officer of the armed forces on active duty is eligible to serve on a military commission under this chapter, including commissioned officers of the reserve components of the armed forces on active duty, commissioned officers of the National Guard on active duty in Federal service, or retired commissioned officers recalled to active duty.

"(b) DETAIL OF MEMBERS.—When convening a military commission under this chapter, the convening authority shall detail as members thereof such members of the armed forces eligible under subsection (a) who, in the opinion of the convening authority, are

best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member of an armed force is eligible to serve as a member of a military commission when such member is the accuser or a witness for the prosecution or has acted as an investigator or counsel in the same case.

"(c) EXCUSE OF MEMBERS.—Before a military commission under this chapter is assembled for the trial of a case, the convening authority may excuse a member from participating in the case.

"§ 948j. Military judge of a military commission

"(a) DETAIL OF MILITARY JUDGE.—A military judge shall be detailed to each military commission under this chapter. The Secretary of Defense shall prescribe regulations providing for the manner in which military judges are so detailed to military commissions. The military judge shall preside over each military commission to which such military judge has been detailed. Regulations.

"(b) ELIGIBILITY.—A military judge shall be a commissioned officer of the armed forces who is a member of the bar of a Federal court, or a member of the bar of the highest court of a State, and who is certified to be qualified for duty under section 826 of this title (article 26 of the Uniform Code of Military Justice) as a military judge of general courts-martial by the Judge Advocate General of the armed force of which such military judge is a member.

"(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person is eligible to act as military judge in a case of a military commission under this chapter if such person is the accuser or a witness or has acted as investigator or a counsel in the same case.

"(d) CONSULTATION WITH MEMBERS; INELIGIBILITY TO VOTE.—A military judge detailed to a military commission under this chapter may not consult with the members except in the presence of the accused (except as otherwise provided in section 949d of this title), trial counsel, and defense counsel, nor may such military judge vote with the members.

"(e) OTHER DUTIES.—A commissioned officer who is certified to be qualified for duty as a military judge of a military commission under this chapter may perform such other duties as are assigned to such officer by or with the approval of the Judge Advocate General of the armed force of which such officer is a member or the designee of such Judge Advocate General.

"(f) PROHIBITION ON EVALUATION OF FITNESS BY CONVENING AUTHORITY.—The convening authority of a military commission under this chapter may not prepare or review any report concerning the effectiveness, fitness, or efficiency of a military judge detailed to the military commission which relates to such judge's performance of duty as a military judge on the military commission.

"§ 948k. Detail of trial counsel and defense counsel

"(a) DETAIL OF COUNSEL GENERALLY.—(1) Trial counsel and military defense counsel shall be detailed for each military commission under this chapter.

"(2) Assistant trial counsel and assistant and associate defense counsel may be detailed for a military commission under this chapter.

"(3) Military defense counsel for a military commission under this chapter shall be detailed as soon as practicable.

Regulations.

"(4) The Secretary of Defense shall prescribe regulations providing for the manner in which trial counsel and military defense counsel are detailed for military commissions under this chapter and for the persons who are authorized to detail such counsel for such military commissions.

"(b) TRIAL COUNSEL.—Subject to subsection (e), a trial counsel detailed for a military commission under this chapter shall be—

"(1) a judge advocate (as that term is defined in section 801 of this title (article 1 of the Uniform Code of Military Justice)) who is—

"(A) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as trial counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member; or

"(2) a civilian who is—

"(A) a member of the bar of a Federal court or of the highest court of a State; and

"(B) otherwise qualified to practice before the military commission pursuant to regulations prescribed by the Secretary of Defense.

"(c) DEFENSE COUNSEL.—(1) Subject to subsection (e), a military defense counsel detailed for a military commission under this chapter shall be a judge advocate (as so defined) who is—

"(A) a graduate of an accredited law school or a member of the bar of a Federal court or of the highest court of a State; and

"(B) certified as competent to perform duties as defense counsel before general courts-martial by the Judge Advocate General of the armed force of which such judge advocate is a member.

Regulations.

"(2) The Secretary of Defense shall prescribe regulations for the appointment and performance of defense counsel in capital cases under this chapter.

"(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUNSEL.—(1) The Chief Prosecutor in a military commission under this chapter shall meet the requirements set forth in subsection (b)(1).

"(2) The Chief Defense Counsel in a military commission under this chapter shall meet the requirements set forth in subsection (c)(1).

"(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No person who has acted as an investigator, military judge, or member of a military commission under this chapter in any case may act later as trial counsel or military defense counsel in the same case. No person who has acted for the prosecution before a military commission under this chapter may act later in the same case for the defense, nor may any person who has acted for the defense before a military commission under this chapter act later in the same case for the prosecution.

"§ 948l. Detail or employment of reporters and interpreters

"(a) COURT REPORTERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter shall detail to or employ for the military commission qualified court reporters, who shall prepare

a verbatim record of the proceedings of and testimony taken before the military commission.

"(b) INTERPRETERS.—Under such regulations as the Secretary of Defense may prescribe, the convening authority of a military commission under this chapter may detail to or employ for the military commission interpreters who shall interpret for the military commission, and, as necessary, for trial counsel and defense counsel for the military commission, and for the accused.

"(c) TRANSCRIPT; RECORD.—The transcript of a military commission under this chapter shall be under the control of the convening authority of the military commission, who shall also be responsible for preparing the record of the proceedings of the military commission.

"§ 948m. Number of members; excuse of members; absent and additional members

"(a) NUMBER OF MEMBERS.—(1) Except as provided in paragraph (2), a military commission under this chapter shall have at least five members.

"(2) In a case in which the accused before a military commission under this chapter may be sentenced to a penalty of death, the military commission shall have the number of members prescribed by section 949m(c) of this title.

"(b) EXCUSE OF MEMBERS.—No member of a military commission under this chapter may be absent or excused after the military commission has been assembled for the trial of a case unless excused—

"(1) as a result of challenge;

"(2) by the military judge for physical disability or other good cause; or

"(3) by order of the convening authority for good cause.

"(c) ABSENT AND ADDITIONAL MEMBERS.—Whenever a military commission under this chapter is reduced below the number of members required by subsection (a), the trial may not proceed unless the convening authority details new members sufficient to provide not less than such number. The trial may proceed with the new members present after the recorded evidence previously introduced before the members has been read to the military commission in the presence of the military judge, the accused (except as provided in section 949d of this title), and counsel for both sides.

"SUBCHAPTER III—PRE-TRIAL PROCEDURE

"Sec.
"948q. Charges and specifications.
"948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused.
"948s. Service of charges.

"§ 948q. Charges and specifications

"(a) CHARGES AND SPECIFICATIONS.—Charges and specifications against an accused in a military commission under this chapter shall be signed by a person subject to chapter 47 of this title under oath before a commissioned officer of the armed forces authorized to administer oaths and shall state—

"(1) that the signer has personal knowledge of, or reason to believe, the matters set forth therein; and

"(2) that such matters are true in fact to the best of the signer's knowledge and belief.

"(b) NOTICE TO ACCUSED.—Upon the swearing of the charges and specifications in accordance with subsection (a), the accused shall be informed of the charges and specifications against the accused as soon as practicable.

"§ 948r. Exclusion of statements obtained by torture or cruel, inhuman, or degrading treatment; prohibition of self-incrimination; admission of other statements of the accused

"(a) EXCLUSION OF STATEMENTS OBTAIN BY TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT.—No statement obtained by the use of torture or by cruel, inhuman, or degrading treatment (as defined by section 1003 of the Detainee Treatment Act of 2005 (42 U.S.C. 2000dd)), whether or not under color of law, shall be admissible in a military commission under this chapter, except against a person accused of torture or such treatment as evidence that the statement was made.

"(b) SELF-INCRIMINATION PROHIBITED.—No person shall be required to testify against himself or herself at a proceeding of a military commission under this chapter.

"(c) OTHER STATEMENTS OF THE ACCUSED.—A statement of the accused may be admitted in evidence in a military commission under this chapter only if the military judge finds—

"(1) that the totality of the circumstances renders the statement reliable and possessing sufficient probative value; and

"(2) that—

"(A) the statement was made incident to lawful conduct during military operations at the point of capture or during closely related active combat engagement, and the interests of justice would best be served by admission of the statement into evidence; or

"(B) the statement was voluntarily given.

"(d) DETERMINATION OF VOLUNTARINESS.—In determining for purposes of subsection (c)(2)(B) whether a statement was voluntarily given, the military judge shall consider the totality of the circumstances, including, as appropriate, the following:

"(1) The details of the taking of the statement, accounting for the circumstances of the conduct of military and intelligence operations during hostilities.

"(2) The characteristics of the accused, such as military training, age, and education level.

"(3) The lapse of time, change of place, or change in identity of the questioners between the statement sought to be admitted and any prior questioning of the accused.

"§ 948s. Service of charges

"The trial counsel assigned to a case before a military commission under this chapter shall cause to be served upon the accused and military defense counsel a copy of the charges upon which trial is to be had in English and, if appropriate, in another language that the accused understands, sufficiently in advance of trial to prepare a defense.

"SUBCHAPTER IV—TRIAL PROCEDURE

"Sec.
"949a. Rules.
"949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review.
"949c. Duties of trial counsel and defense counsel.
"949d. Sessions.
"949e. Continuances.
"949f. Challenges.
"949g. Oaths.
"949h. Former jeopardy.
"949i. Pleas of the accused.
"949j. Opportunity to obtain witnesses and other evidence.
"949k. Defense of lack of mental responsibility.
"949l. Voting and rulings.
"949m. Number of votes required.
"949n. Military commission to announce action.
"949o. Record of trial.

"§ 949a. Rules

"(a) PROCEDURES AND RULES OF EVIDENCE.—Pretrial, trial, and post-trial procedures, including elements and modes of proof, for cases triable by military commission under this chapter may be prescribed by the Secretary of Defense. Such procedures may not be contrary to or inconsistent with this chapter. Except as otherwise provided in this chapter or chapter 47 of this title, the procedures and rules of evidence applicable in trials by general courts-martial of the United States shall apply in trials by military commission under this chapter.

Applicability.

"(b) EXCEPTIONS.—(1) In trials by military commission under this chapter, the Secretary of Defense, in consultation with the Attorney General, may make such exceptions in the applicability of the procedures and rules of evidence otherwise applicable in general courts-martial as may be required by the unique circumstances of the conduct of military and intelligence operations during hostilities or by other practical need consistent with this chapter.

"(2) Notwithstanding any exceptions authorized by paragraph (1), the procedures and rules of evidence in trials by military commission under this chapter shall include, at a minimum, the following rights of the accused:

"(A) To present evidence in the accused's defense, to cross-examine the witnesses who testify against the accused, and to examine and respond to all evidence admitted against the accused on the issue of guilt or innocence and for sentencing, as provided for by this chapter.

"(B) To be present at all sessions of the military commission (other than those for deliberations or voting), except when excluded under section 949d of this title.

"(C)(i) When none of the charges preferred against the accused are capital, to be represented before a military commission by civilian counsel if provided at no expense to the Government, and by either the defense counsel detailed or the military counsel of the accused's own selection, if reasonably available.

"(ii) When any of the charges preferred against the accused are capital, to be represented before a military commission in accordance with clause (i) and, to the greatest extent practicable, by at least one additional counsel who is learned in applicable law relating to capital cases and who, if necessary, may be a civilian and compensated in accordance with regulations prescribed by the Secretary of Defense.

"(D) To self-representation, if the accused knowingly and competently waives the assistance of counsel, subject to the provisions of paragraph (4).

"(E) To the suppression of evidence that is not reliable or probative.

"(F) To the suppression of evidence the probative value of which is substantially outweighed by—

"(i) the danger of unfair prejudice, confusion of the issues, or misleading the members; or

"(ii) considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

"(3) In making exceptions in the applicability in trials by military commission under this chapter from the procedures and rules otherwise applicable in general courts-martial, the Secretary of Defense may provide the following:

"(A) Evidence seized outside the United States shall not be excluded from trial by military commission on the grounds that the evidence was not seized pursuant to a search warrant or authorization.

"(B) A statement of the accused that is otherwise admissible shall not be excluded from trial by military commission on grounds of alleged coercion or compulsory self-incrimination so long as the evidence complies with the provisions of section 948r of this title.

"(C) Evidence shall be admitted as authentic so long as—

"(i) the military judge of the military commission determines that there is sufficient evidence that the evidence is what it is claimed to be; and

"(ii) the military judge instructs the members that they may consider any issue as to authentication or identification of evidence in determining the weight, if any, to be given to the evidence.

"(D) Hearsay evidence not otherwise admissible under the rules of evidence applicable in trial by general courts-martial may be admitted in a trial by military commission only if—

"(i) the proponent of the evidence makes known to the adverse party, sufficiently in advance to provide the adverse party with a fair opportunity to meet the evidence, the proponent's intention to offer the evidence, and the particulars of the evidence (including information on the circumstances under which the evidence was obtained); and

Determination.

"(ii) the military judge, after taking into account all of the circumstances surrounding the taking of the statement, including the degree to which the statement is corroborated, the indicia of reliability within the statement itself, and whether the will of the declarant was overborne, determines that—

"(I) the statement is offered as evidence of a material fact;

"(II) the statement is probative on the point for which it is offered;

"(III) direct testimony from the witness is not available as a practical matter, taking into consideration the physical location of the witness, the unique circumstances of military and intelligence operations during hostilities, and the adverse impacts on military

or intelligence operations that would likely result from the production of the witness; and

"(IV) the general purposes of the rules of evidence and the interests of justice will best be served by admission of the statement into evidence.

"(4)(A) The accused in a military commission under this chapter who exercises the right to self-representation under paragraph (2)(D) shall conform the accused's deportment and the conduct of the defense to the rules of evidence, procedure, and decorum applicable to trials by military commission.

"(B) Failure of the accused to conform to the rules described in subparagraph (A) may result in a partial or total revocation by the military judge of the right of self-representation under paragraph (2)(D). In such case, the military counsel of the accused or an appropriately authorized civilian counsel shall perform the functions necessary for the defense.

"(c) DELEGATION OF AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary of Defense may delegate the authority of the Secretary to prescribe regulations under this chapter.

"(d) NOTICE TO CONGRESS OF MODIFICATION OF RULES.—Not later than 60 days before the date on which any proposed modification of the rules in effect for military commissions under this chapter goes into effect, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the proposed modification. Deadline. Reports.

"§ 949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review

"(a) MILITARY COMMISSIONS.—(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

"(2) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;

"(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or

"(C) the exercise of professional judgment by trial counsel or defense counsel.

"(3) The provisions of this subsection shall not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by a military judge or counsel.

"(b) UNITED STATES COURT OF MILITARY COMMISSION REVIEW.—(1) No person may attempt to coerce or, by any unauthorized means, influence—

"(A) the action of a military appellate judge or other duly appointed judge under this chapter on the United States Court of Military Commissions Review in reaching a decision on the findings or sentence on appeal in any case; or

"(B) the exercise of professional judgment by trial counsel or defense counsel appearing before the United States Court of Military Commission Review.

"(2) No person may censure, reprimand, or admonish a military appellate judge on the United States Court of Military Commission Review, or counsel thereof, with respect to any exercise of their functions in the conduct of proceedings under this chapter.

"(3) The provisions of this subsection shall not apply with respect to—

"(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or

"(B) statements and instructions given in open proceedings by an appellate military judge or a duly appointed appellate judge on the United States Court of Military Commission Review, or counsel.

"(4) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

"(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

"(B) The appellate military judge retires or otherwise separates from the armed forces.

"(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, based on military necessity and such reassignment is consistent with service rotation regulations (to the extent such regulations are applicable).

"(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, for good cause consistent with applicable procedures under chapter 47 of this title (the Uniform Code of Military Justice).

"(c) PROHIBITION ON CONSIDERATION OF ACTIONS ON COMMISSION IN EVALUATION OF FITNESS.—In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used in whole or in part for the purpose of determining whether a commissioned officer of the armed forces is qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or whether any such officer should be retained on active duty, no person may—

"(1) consider or evaluate the performance of duty of any member of a military commission under this chapter; or

"(2) give a less favorable rating or evaluation to any commissioned officer because of the zeal with which such officer,

in acting as counsel, represented any accused before a military commission under this chapter.

"§ 949c. Duties of trial counsel and defense counsel

"(a) TRIAL COUNSEL.—The trial counsel of a military commission under this chapter shall prosecute in the name of the United States.

"(b) DEFENSE COUNSEL.—(1) The accused shall be represented in the accused's defense before a military commission under this chapter as provided in this subsection.

"(2) The accused may be represented by military counsel detailed under section 948k of this title or by military counsel of the accused's own selection, if reasonably available.

"(3) The accused may be represented by civilian counsel if retained by the accused, provided that such civilian counsel—

"(A) is a United States citizen;

"(B) is admitted to the practice of law in a State, district, or possession of the United States, or before a Federal court;

"(C) has not been the subject of any sanction of disciplinary action by any court, bar, or other competent governmental authority for relevant misconduct;

"(D) has been determined to be eligible for access to information classified at the level Secret or higher; and

"(E) has signed a written agreement to comply with all applicable regulations or instructions for counsel, including any rules of court for conduct during the proceedings.

"(4) If the accused is represented by civilian counsel, military counsel shall act as associate counsel.

"(5) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under section 948k of this title to detail counsel, in such person's sole discretion, may detail additional military counsel to represent the accused.

"(6) Defense counsel may cross-examine each witness for the prosecution who testifies before a military commission under this chapter.

"(7) Civilian defense counsel shall protect any classified information received during the course of representation of the accused in accordance with all applicable law governing the protection of classified information, and may not divulge such information to any person not authorized to receive it.

"§ 949d. Sessions

"(a) SESSIONS WITHOUT PRESENCE OF MEMBERS.—(1) At any time after the service of charges which have been referred for trial by military commission under this chapter, the military judge may call the military commission into session without the presence of the members for the purpose of—

"(A) hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty;

"(B) hearing and ruling upon any matter which may be ruled upon by the military judge under this chapter, whether or not the matter is appropriate for later consideration or decision by the members;

"(C) if permitted by regulations prescribed by the Secretary of Defense, receiving the pleas of the accused; and

Regulations.

"(D) performing any other procedural function which may be performed by the military judge under this chapter or under rules prescribed pursuant to section 949a of this title and which does not require the presence of the members.

Records. "(2) Except as provided in subsections (b), (c), and (d), any proceedings under paragraph (1) shall be conducted in the presence of the accused, defense counsel, and trial counsel, and shall be made part of the record.

"(b) DELIBERATION OR VOTE OF MEMBERS.—When the members of a military commission under this chapter deliberate or vote, only the members may be present.

"(c) CLOSURE OF PROCEEDINGS.—(1) The military judge may close to the public all or part of the proceedings of a military commission under this chapter.

"(2) The military judge may close to the public all or a portion of the proceedings under paragraph (1) only upon making a specific finding that such closure is necessary to—

"(A) protect information the disclosure of which could reasonably be expected to cause damage to the national security, including intelligence or law enforcement sources, methods, or activities; or

"(B) ensure the physical safety of individuals.

"(3) A finding under paragraph (2) may be based upon a presentation, including a presentation ex parte or in camera, by either trial counsel or defense counsel.

"(d) EXCLUSION OF ACCUSED FROM CERTAIN PROCEEDINGS.—
Determination. The military judge may exclude the accused from any portion of a proceeding upon a determination that, after being warned by the military judge, the accused persists in conduct that justifies exclusion from the courtroom—

"(1) to ensure the physical safety of individuals; or

"(2) to prevent disruption of the proceedings by the accused.

"§ 949e. Continuances

"The military judge in a military commission under this chapter may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

"§ 949f. Challenges

Determination. "(a) CHALLENGES AUTHORIZED.—The military judge and members of a military commission under this chapter may be challenged by the accused or trial counsel for cause stated to the military commission. The military judge shall determine the relevance and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by trial counsel shall ordinarily be presented and decided before those by the accused are offered.

"(b) PEREMPTORY CHALLENGES.—The accused and trial counsel are each entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

"(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—Whenever additional members are detailed to a military commission under this chapter, and after any challenges for cause against such additional members are presented and decided, the accused and trial counsel are each entitled to one peremptory challenge against members not previously subject to peremptory challenge.

"§ 949g. Oaths

"(a) IN GENERAL.—(1) Before performing their respective duties in a military commission under this chapter, military judges, members, trial counsel, defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully.

"(2) The form of the oath required by paragraph (1), the time and place of the taking thereof, the manner of recording thereof, and whether the oath shall be taken for all cases in which duties are to be performed or for a particular case, shall be as provided in regulations prescribed by the Secretary of Defense. The regulations may provide that— Regulations.

"(A) an oath to perform faithfully duties as a military judge, trial counsel, or defense counsel may be taken at any time by any judge advocate or other person certified to be qualified or competent for the duty; and

"(B) if such an oath is taken, such oath need not again be taken at the time the judge advocate or other person is detailed to that duty.

"(b) WITNESSES.—Each witness before a military commission under this chapter shall be examined on oath.

"(c) OATH DEFINED.—In this section, the term 'oath' includes an affirmation.

"§ 949h. Former jeopardy

"(a) IN GENERAL.—No person may, without the person's consent, be tried by a military commission under this chapter a second time for the same offense.

"(b) SCOPE OF TRIAL.—No proceeding in which the accused has been found guilty by military commission under this chapter upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

"§ 949i. Pleas of the accused

"(a) PLEA OF NOT GUILTY.—If an accused in a military commission under this chapter after a plea of guilty sets up matter inconsistent with the plea, or if it appears that the accused has entered the plea of guilty through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the military commission shall proceed as though the accused had pleaded not guilty.

"(b) FINDING OF GUILT AFTER GUILTY PLEA.—With respect to any charge or specification to which a plea of guilty has been made by the accused in a military commission under this chapter and accepted by the military judge, a finding of guilty of the charge or specification may be entered immediately without a vote. The finding shall constitute the finding of the military commission unless the plea of guilty is withdrawn prior to announcement of the sentence, in which event the proceedings shall continue as though the accused had pleaded not guilty.

"§ 949j. Opportunity to obtain witnesses and other evidence

"(a) IN GENERAL.—(1) Defense counsel in a military commission under this chapter shall have a reasonable opportunity to obtain witnesses and other evidence as provided in regulations prescribed by the Secretary of Defense. The opportunity to obtain witnesses and evidence shall be comparable to the opportunity available to Regulations.

a criminal defendant in a court of the United States under article III of the Constitution.

"(2) Process issued in military commissions under this chapter to compel witnesses to appear and testify and to compel the production of other evidence—

"(A) shall be similar to that which courts of the United States having criminal jurisdiction may lawfully issue; and

"(B) shall run to any place where the United States shall have jurisdiction thereof.

"(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—(1) As soon as practicable, trial counsel in a military commission under this chapter shall disclose to the defense the existence of any evidence that reasonably tends to—

"(A) negate the guilt of the accused of an offense charged; or

"(B) reduce the degree of guilt of the accused with respect to an offense charged.

"(2) The trial counsel shall, as soon as practicable, disclose to the defense the existence of evidence that reasonably tends to impeach the credibility of a witness whom the government intends to call at trial.

"(3) The trial counsel shall, as soon as practicable upon a finding of guilt, disclose to the defense the existence of evidence that is not subject to paragraph (1) or paragraph (2) but that reasonably may be viewed as mitigation evidence at sentencing.

"(4) The disclosure obligations under this subsection encompass evidence that is known or reasonably should be known to any government officials who participated in the investigation and prosecution of the case against the defendant.

"§ 949k. Defense of lack of mental responsibility

"(a) AFFIRMATIVE DEFENSE.—It is an affirmative defense in a trial by military commission under this chapter that, at the time of the commission of the acts constituting the offense, the accused, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of the acts. Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The accused in a military commission under this chapter has the burden of proving the defense of lack of mental responsibility by clear and convincing evidence.

"(c) FINDINGS FOLLOWING ASSERTION OF DEFENSE.—Whenever lack of mental responsibility of the accused with respect to an offense is properly at issue in a military commission under this chapter, the military judge shall instruct the members as to the defense of lack of mental responsibility under this section and shall charge the members to find the accused—

"(1) guilty;

"(2) not guilty; or

"(3) subject to subsection (d), not guilty by reason of lack of mental responsibility.

Determination.

"(d) MAJORITY VOTE REQUIRED FOR FINDING.—The accused shall be found not guilty by reason of lack of mental responsibility under subsection (c)(3) only if a majority of the members present at the time the vote is taken determines that the defense of lack of mental responsibility has been established.

"§ 949l. Voting and rulings

"(a) VOTE BY SECRET WRITTEN BALLOT.—Voting by members of a military commission under this chapter on the findings and on the sentence shall be by secret written ballot.

"(b) RULINGS.—(1) The military judge in a military commission under this chapter shall rule upon all questions of law, including the admissibility of evidence and all interlocutory questions arising during the proceedings.

"(2) Any ruling made by the military judge upon a question of law or an interlocutory question (other than the factual issue of mental responsibility of the accused) is conclusive and constitutes the ruling of the military commission. However, a military judge may change such a ruling at any time during the trial.

"(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote is taken of the findings of a military commission under this chapter, the military judge shall, in the presence of the accused and counsel, instruct the members as to the elements of the offense and charge the members—

"(1) that the accused must be presumed to be innocent until the accused's guilt is established by legal and competent evidence beyond a reasonable doubt;

"(2) that in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted;

"(3) that, if there is reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

"(4) that the burden of proof to establish the guilt of the accused beyond a reasonable doubt is upon the United States.

"§ 949m. Number of votes required

"(a) CONVICTION.—No person may be convicted by a military commission under this chapter of any offense, except as provided in section 949i(b) of this title or by concurrence of two-thirds of the members present at the time the vote is taken.

"(b) SENTENCES.—(1) Except as provided in paragraphs (2) and (3), sentences shall be determined by a military commission by the concurrence of two-thirds of the members present at the time the vote is taken. Determination.

"(2) No person may be sentenced to death by a military commission, except insofar as—

"(A) the penalty of death has been expressly authorized under this chapter, chapter 47 of this title, or the law of war for an offense of which the accused has been found guilty;

"(B) trial counsel expressly sought the penalty of death by filing an appropriate notice in advance of trial;

"(C) the accused was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

"(D) all members present at the time the vote was taken concurred in the sentence of death.

"(3) No person may be sentenced to life imprisonment, or to confinement for more than 10 years, by a military commission under this chapter except by the concurrence of three-fourths of the members present at the time the vote is taken.

"(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY OF DEATH.—(1) Except as provided in paragraph (2), in a case in which the penalty of death is sought, the number of members of the military commission under this chapter shall be not less than 12 members.

"(2) In any case described in paragraph (1) in which 12 members are not reasonably available for a military commission because of physical conditions or military exigencies, the convening authority shall specify a lesser number of members for the military commission (but not fewer than 9 members), and the military commission may be assembled, and the trial held, with not less than the number of members so specified. In any such case, the convening authority shall make a detailed written statement, to be appended to the record, stating why a greater number of members were not reasonably available.

"§ 949n. Military commission to announce action

"A military commission under this chapter shall announce its findings and sentence to the parties as soon as determined.

"§ 949o. Record of trial

"(a) RECORD; AUTHENTICATION.—Each military commission under this chapter shall keep a separate, verbatim, record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of death, disability, or absence, it shall be authenticated by the signature of the trial counsel or by a member of the commission if the trial counsel is unable to authenticate it by reason of death, disability, or absence. Where appropriate, and as provided in regulations prescribed by the Secretary of Defense, the record of a military commission under this chapter may contain a classified annex.

Regulations.

"(b) COMPLETE RECORD REQUIRED.—A complete record of the proceedings and testimony shall be prepared in every military commission under this chapter.

"(c) PROVISION OF COPY TO ACCUSED.—A copy of the record of the proceedings of the military commission under this chapter shall be given the accused as soon as it is authenticated. If the record contains classified information, or a classified annex, the accused shall receive a redacted version of the record consistent with the requirements of subchapter V of this chapter. Defense counsel shall have access to the unredacted record, as provided in regulations prescribed by the Secretary of Defense.

"SUBCHAPTER V—CLASSIFIED INFORMATION PROCEDURES

"Sec.
"949p–1. Protection of classified information: applicability of subchapter.
"949p–2. Pretrial conference.
"949p–3. Protective orders.
"949p–4. Discovery of, and access to, classified information by the accused.
"949p–5. Notice by accused of intention to disclose classified information.
"949p–6. Procedure for cases involving classified information.
"949p–7. Introduction of classified information into evidence.

"§ 949p–1. Protection of classified information: applicability of subchapter

"(a) PROTECTION OF CLASSIFIED INFORMATION.—Classified information shall be protected and is privileged from disclosure if disclosure would be detrimental to the national security. Under

no circumstances may a military judge order the release of classified information to any person not authorized to receive such information.

"(b) ACCESS TO EVIDENCE.—Any information admitted into evidence pursuant to any rule, procedure, or order by the military judge shall be provided to the accused.

"(c) DECLASSIFICATION.—Trial counsel shall work with the original classification authorities for evidence that may be used at trial to ensure that such evidence is declassified to the maximum extent possible, consistent with the requirements of national security. A decision not to declassify evidence under this section shall not be subject to review by a military commission or upon appeal.

"(d) CONSTRUCTION OF PROVISIONS.—The judicial construction of the Classified Information Procedures Act (18 U.S.C. App.) shall be authoritative in the interpretation of this subchapter, except to the extent that such construction is inconsistent with the specific requirements of this chapter.

"§ 949p–2. Pretrial conference

"(a) MOTION.—At any time after service of charges, any party may move for a pretrial conference to consider matters relating to classified information that may arise in connection with the prosecution.

"(b) CONFERENCE.—Following a motion under subsection (a), or sua sponte, the military judge shall promptly hold a pretrial conference. Upon request by either party, the court shall hold such conference ex parte to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

"(c) MATTERS TO BE ESTABLISHED AT PRETRIAL CONFERENCE.—

"(1) TIMING OF SUBSEQUENT ACTIONS.—At the pretrial conference, the military judge shall establish the timing of—

"(A) requests for discovery;

"(B) the provision of notice required by section 949p–5 of this title; and

"(C) the initiation of the procedure established by section 949p–6 of this title.

"(2) OTHER MATTERS.—At the pretrial conference, the military judge may also consider any matter—

"(A) which relates to classified information; or

"(B) which may promote a fair and expeditious trial.

"(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRETRIAL CONFERENCE.—No admission made by the accused or by any counsel for the accused at a pretrial conference under this section may be used against the accused unless the admission is in writing and is signed by the accused and by the counsel for the accused.

"§ 949p–3. Protective orders

"Upon motion of the trial counsel, the military judge shall issue an order to protect against the disclosure of any classified information that has been disclosed by the United States to any accused in any military commission under this chapter or that has otherwise been provided to, or obtained by, any such accused in any such military commission.

"§ 949p–4. Discovery of, and access to, classified information by the accused

"(a) LIMITATIONS ON DISCOVERY OR ACCESS BY THE ACCUSED.—

"(1) DECLARATIONS BY THE UNITED STATES OF DAMAGE TO NATIONAL SECURITY.—In any case before a military commission in which the United States seeks to delete, withhold, or otherwise obtain other relief with respect to the discovery of or access to any classified information, the trial counsel shall submit a declaration invoking the United States' classified information privilege and setting forth the damage to the national security that the discovery of or access to such information reasonably could be expected to cause. The declaration shall be signed by a knowledgeable United States official possessing authority to classify information.

"(2) STANDARD FOR AUTHORIZATION OF DISCOVERY OR ACCESS.—Upon the submission of a declaration under paragraph (1), the military judge may not authorize the discovery of or access to such classified information unless the military judge determines that such classified information would be noncumulative, relevant, and helpful to a legally cognizable defense, rebuttal of the prosecution's case, or to sentencing, in accordance with standards generally applicable to discovery of or access to classified information in Federal criminal cases. If the discovery of or access to such classified information is authorized, it shall be addressed in accordance with the requirements of subsection (b).

"(b) DISCOVERY OF CLASSIFIED INFORMATION.—

"(1) SUBSTITUTIONS AND OTHER RELIEF.—The military judge, in assessing the accused's discovery of or access to classified information under this section, may authorize the United States—

"(A) to delete or withhold specified items of classified information;

"(B) to substitute a summary for classified information; or

"(C) to substitute a statement admitting relevant facts that the classified information or material would tend to prove.

"(2) EX PARTE PRESENTATIONS.—The military judge shall permit the trial counsel to make a request for an authorization under paragraph (1) in the form of an ex parte presentation to the extent necessary to protect classified information, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.). If the military judge enters an order granting relief following such an ex parte showing, the entire presentation (including the text of any written submission, verbatim transcript of the ex parte oral conference or hearing, and any exhibits received by the court as part of the ex parte presentation) shall be sealed and preserved in the records of the military commission to be made available to the appellate court in the event of an appeal.

"(3) ACTION BY MILITARY JUDGE.—The military judge shall grant the request of the trial counsel to substitute a summary or to substitute a statement admitting relevant facts, or to provide other relief in accordance with paragraph (1), if the military judge finds that the summary, statement, or other

relief would provide the accused with substantially the same ability to make a defense as would discovery of or access to the specific classified information.

"(c) RECONSIDERATION.—An order of a military judge authorizing a request of the trial counsel to substitute, summarize, withhold, or prevent access to classified information under this section is not subject to a motion for reconsideration by the accused, if such order was entered pursuant to an ex parte showing under this section.

"§ 949p–5. Notice by accused of intention to disclose classified information

"(a) NOTICE BY ACCUSED.—

"(1) NOTIFICATION OF TRIAL COUNSEL AND MILITARY JUDGE.—If an accused reasonably expects to disclose, or to cause the disclosure of, classified information in any manner in connection with any trial or pretrial proceeding involving the prosecution of such accused, the accused shall, within the time specified by the military judge or, where no time is specified, within 30 days before trial, notify the trial counsel and the military judge in writing. Such notice shall include a brief description of the classified information. Whenever the accused learns of additional classified information the accused reasonably expects to disclose, or to cause the disclosure of, at any such proceeding, the accused shall notify trial counsel and the military judge in writing as soon as possible thereafter and shall include a brief description of the classified information. Deadline.

"(2) LIMITATION ON DISCLOSURE BY ACCUSED.—No accused shall disclose, or cause the disclosure of, any information known or believed to be classified in connection with a trial or pretrial proceeding until—

"(A) notice has been given under paragraph (1); and

"(B) the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 949p–6 of this title and the time for the United States to appeal such determination under section 950d of this title has expired or any appeal under that section by the United States is decided.

"(b) FAILURE TO COMPLY.—If the accused fails to comply with the requirements of subsection (a), the military judge—

"(1) may preclude disclosure of any classified information not made the subject of notification; and

"(2) may prohibit the examination by the accused of any witness with respect to any such information.

"§ 949p–6. Procedure for cases involving classified information

"(a) MOTION FOR HEARING.—

"(1) REQUEST FOR HEARING.—Within the time specified by the military judge for the filing of a motion under this section, either party may request the military judge to conduct a hearing to make all determinations concerning the use, relevance, or admissibility of classified information that would otherwise be made during the trial or pretrial proceeding.

"(2) CONDUCT OF HEARING.—Upon a request by either party under paragraph (1), the military judge shall conduct such

a hearing and shall rule prior to conducting any further proceedings.

"(3) IN CAMERA HEARING UPON DECLARATION TO COURT BY APPROPRIATE OFFICIAL OF RISK OF DISCLOSURE OF CLASSIFIED INFORMATION.—Any hearing held pursuant to this subsection (or any portion of such hearing specified in the request of a knowledgeable United States official) shall be held in camera if a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration that a public proceeding may result in the disclosure of classified information. Classified information is not subject to disclosure under this section unless the information is relevant and necessary to an element of the offense or a legally cognizable defense and is otherwise admissible in evidence.

"(4) MILITARY JUDGE TO MAKE DETERMINATIONS IN WRITING.—As to each item of classified information, the military judge shall set forth in writing the basis for the determination.

"(b) NOTICE AND USE OF CLASSIFIED INFORMATION BY THE GOVERNMENT.—

"(1) NOTICE TO ACCUSED.—Before any hearing is conducted pursuant to a request by the trial counsel under subsection (a), trial counsel shall provide the accused with notice of the classified information that is at issue. Such notice shall identify the specific classified information at issue whenever that information previously has been made available to the accused by the United States. When the United States has not previously made the information available to the accused in connection with the case the information may be described by generic category, in such forms as the military judge may approve, rather than by identification of the specific information of concern to the United States.

"(2) ORDER BY MILITARY JUDGE UPON REQUEST OF ACCUSED.—Whenever the trial counsel requests a hearing under subsection (a), the military judge, upon request of the accused, may order the trial counsel to provide the accused, prior to trial, such details as to the portion of the charge or specification at issue in the hearing as are needed to give the accused fair notice to prepare for the hearing.

"(c) SUBSTITUTIONS.—

"(1) IN CAMERA PRETRIAL HEARING.—Upon request of the trial counsel pursuant to the Military Commission Rules of Evidence, and in accordance with the security procedures established by the military judge, the military judge shall conduct a classified in camera pretrial hearing concerning the admissibility of classified information.

"(2) PROTECTION OF SOURCES, METHODS, AND ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—When trial counsel seeks to introduce evidence before a military commission under this chapter and the Executive branch has classified the sources, methods, or activities by which the United States acquired the evidence, the military judge shall permit trial counsel to introduce the evidence, including a substituted evidentiary foundation pursuant to the procedures described in subsection (d), while protecting from disclosure information identifying those sources, methods, or activities, if—

"(A) the evidence is otherwise admissible; and

"(B) the military judge finds that—

"(i) the evidence is reliable; and

"(ii) the redaction is consistent with affording the accused a fair trial.

"(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE OF CLASSIFIED INFORMATION.—

"(1) MOTION BY THE UNITED STATES.—Upon any determination by the military judge authorizing the disclosure of specific classified information under the procedures established by this section, the trial counsel may move that, in lieu of the disclosure of such specific classified information, the military judge order—

"(A) the substitution for such classified information of a statement admitting relevant facts that the specific classified information would tend to prove;

"(B) the substitution for such classified information of a summary of the specific classified information; or

"(C) any other procedure or redaction limiting the disclosure of specific classified information.

"(2) ACTION ON MOTION.—The military judge shall grant such a motion of the trial counsel if the military judge finds that the statement, summary, or other procedure or redaction will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(3) HEARING ON MOTION.—The military judge shall hold a hearing on any motion under this subsection. Any such hearing shall be held in camera at the request of a knowledgeable United States official possessing authority to classify information.

"(4) SUBMISSION OF STATEMENT OF DAMAGE TO NATIONAL SECURITY IF DISCLOSURE ORDERED.—The trial counsel may, in connection with a motion under paragraph (1), submit to the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information certifying that disclosure of classified information would cause identifiable damage to the national security of the United States and explaining the basis for the classification of such information. If so requested by the trial counsel, the military judge shall examine such declaration during an ex parte presentation. Certification.

"(e) SEALING OF RECORDS OF IN CAMERA HEARINGS.—If at the close of an in camera hearing under this section (or any portion of a hearing under this section that is held in camera), the military judge determines that the classified information at issue may not be disclosed or elicited at the trial or pretrial proceeding, the record of such in camera hearing shall be sealed and preserved for use in the event of an appeal. The accused may seek reconsideration of the military judge's determination prior to or during trial.

"(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

"(1) ORDER TO PREVENT DISCLOSURE BY ACCUSED.—Whenever the military judge denies a motion by the trial counsel that the judge issue an order under subsection (a), (c), or (d) and the trial counsel files with the military judge a declaration signed by a knowledgeable United States official possessing authority to classify information objecting to disclosure of the classified information at issue, the military judge shall order

that the accused not disclose or cause the disclosure of such information.

"(2) RESULT OF ORDER UNDER PARAGRAPH (1).—Whenever an accused is prevented by an order under paragraph (1) from disclosing or causing the disclosure of classified information, the military judge shall dismiss the case, except that, when the military judge determines that the interests of justice would not be served by dismissal of the case, the military judge shall order such other action, in lieu of dismissing the charge or specification, as the military judge determines is appropriate. Such action may include, but need not be limited to, the following:

"(A) Dismissing specified charges or specifications.

"(B) Finding against the United States on any issue as to which the excluded classified information relates.

"(C) Striking or precluding all or part of the testimony of a witness.

"(3) TIME FOR THE UNITED STATES TO SEEK INTERLOCUTORY APPEAL.—An order under paragraph (2) shall not take effect until the military judge has afforded the United States—

"(A) an opportunity to appeal such order under section 950d of this title; and

"(B) an opportunity thereafter to withdraw its objection to the disclosure of the classified information at issue.

"(g) RECIPROCITY.—

"(1) DISCLOSURE OF REBUTTAL INFORMATION.—Whenever the military judge determines that classified information may be disclosed in connection with a trial or pretrial proceeding, the military judge shall, unless the interests of fairness do not so require, order the United States to provide the accused with the information it expects to use to rebut the classified information. The military judge may place the United States under a continuing duty to disclose such rebuttal information.

"(2) SANCTION FOR FAILURE TO COMPLY.—If the United States fails to comply with its obligation under this subsection, the military judge—

"(A) may exclude any evidence not made the subject of a required disclosure; and

"(B) may prohibit the examination by the United States of any witness with respect to such information.

"§ 949p–7. Introduction of classified information into evidence

"(a) PRESERVATION OF CLASSIFICATION STATUS.—Writings, recordings, and photographs containing classified information may be admitted into evidence in proceedings of military commissions under this chapter without change in their classification status.

"(b) PRECAUTIONS BY MILITARY JUDGES.—

"(1) PRECAUTIONS IN ADMITTING CLASSIFIED INFORMATION INTO EVIDENCE.—The military judge in a trial by military commission, in order to prevent unnecessary disclosure of classified information, may order admission into evidence of only part of a writing, recording, or photograph, or may order admission into evidence of the whole writing, recording, or photograph with excision of some or all of the classified information contained therein, unless the whole ought in fairness be considered.

"(2) CLASSIFIED INFORMATION KEPT UNDER SEAL.—The military judge shall allow classified information offered or accepted into evidence to remain under seal during the trial, even if such evidence is disclosed in the military commission, and may, upon motion by the United States, seal exhibits containing classified information for any period after trial as necessary to prevent a disclosure of classified information when a knowledgeable United States official possessing authority to classify information submits to the military judge a declaration setting forth the damage to the national security that the disclosure of such information reasonably could be expected to cause.

"(c) TAKING OF TESTIMONY.—

"(1) OBJECTION BY TRIAL COUNSEL.—During the examination of a witness, trial counsel may object to any question or line of inquiry that may require the witness to disclose classified information not previously found to be admissible.

"(2) ACTION BY MILITARY JUDGE.—Following an objection under paragraph (1), the military judge shall take such suitable action to determine whether the response is admissible as will safeguard against the compromise of any classified information. Such action may include requiring trial counsel to provide the military judge with a proffer of the witness' response to the question or line of inquiry and requiring the accused to provide the military judge with a proffer of the nature of the information sought to be elicited by the accused. Upon request, the military judge may accept an ex parte proffer by trial counsel to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

"(d) DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS PREVIOUSLY MADE BY A WITNESS.—

"(1) MOTION FOR PRODUCTION OF STATEMENTS IN POSSESSION OF THE UNITED STATES.—After a witness called by the trial counsel has testified on direct examination, the military judge, on motion of the accused, may order production of statements of the witness in the possession of the United States which relate to the subject matter as to which the witness has testified. This paragraph does not preclude discovery or assertion of a privilege otherwise authorized.

"(2) INVOCATION OF PRIVILEGE BY THE UNITED STATES.—If the United States invokes a privilege, the trial counsel may provide the prior statements of the witness to the military judge during an ex parte presentation to the extent necessary to protect classified information from disclosure, in accordance with the practice of the Federal courts under the Classified Information Procedures Act (18 U.S.C. App.).

"(3) ACTION BY MILITARY JUDGE ON MOTION.—If the military judge finds that disclosure of any portion of the statement identified by the United States as classified would be detrimental to the national security in the degree to warrant classification under the applicable Executive Order, statute, or regulation, that such portion of the statement is consistent with the testimony of the witness, and that the disclosure of such portion is not necessary to afford the accused a fair trial, the military judge shall excise that portion from the statement.

If the military judge finds that such portion of the statement is inconsistent with the testimony of the witness or that its disclosure is necessary to afford the accused a fair trial, the military judge, shall, upon the request of the trial counsel, review alternatives to disclosure in accordance with section 949p–6(d) of this title.

"SUBCHAPTER VI—SENTENCES

"Sec.
"949s. Cruel or unusual punishments prohibited.
"949t. Maximum limits.
"949u. Execution of confinement.

"§ 949s. Cruel or unusual punishments prohibited

"Punishment by flogging, or by branding, marking, or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by a military commission under this chapter or inflicted under this chapter upon any person subject to this chapter. The use of irons, single or double, except for the purpose of safe custody, is prohibited under this chapter.

"§ 949t. Maximum limits

"The punishment which a military commission under this chapter may direct for an offense may not exceed such limits as the President or Secretary of Defense may prescribe for that offense.

"§ 949u. Execution of confinement

Regulations.

"(a) IN GENERAL.—Under such regulations as the Secretary of Defense may prescribe, a sentence of confinement adjudged by a military commission under this chapter may be carried into execution by confinement—

"(1) in any place of confinement under the control of any of the armed forces; or

"(2) in any penal or correctional institution under the control of the United States or its allies, or which the United States may be allowed to use.

"(b) TREATMENT DURING CONFINEMENT BY OTHER THAN THE ARMED FORCES.—Persons confined under subsection (a)(2) in a penal or correctional institution not under the control of an armed force are subject to the same discipline and treatment as persons confined or committed by the courts of the United States or of the State, District of Columbia, or place in which the institution is situated.

"SUBCHAPTER VII—POST-TRIAL PROCEDURE AND REVIEW OF MILITARY COMMISSIONS

"Sec.
"950a. Error of law; lesser included offense.
"950b. Review by the convening authority.
"950c. Appellate referral; waiver or withdrawal of appeal.
"950d. Interlocutory appeals by the United States.
"950e. Rehearings.
"950f. Review by United States Court of Military Commission Review.
"950g. Review by United States Court of Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court.
"950h. Appellate counsel.
"950i. Execution of sentence; suspension of sentence.
"950j. Finality of proceedings, findings, and sentences.

"§ 950a. Error of law; lesser included offense

"(a) ERROR OF LAW.—A finding or sentence of a military commission under this chapter may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

"(b) LESSER INCLUDED OFFENSE.—Any reviewing authority with the power to approve or affirm a finding of guilty by a military commission under this chapter may approve or affirm, instead, so much of the finding as includes a lesser included offense.

"§ 950b. Review by the convening authority

"(a) NOTICE TO CONVENING AUTHORITY OF FINDINGS AND SENTENCE.—The findings and sentence of a military commission under this chapter shall be reported in writing promptly to the convening authority after the announcement of the sentence. Reports.

"(b) SUBMITTAL OF MATTERS BY ACCUSED TO CONVENING AUTHORITY.—(1) The accused may submit to the convening authority matters for consideration by the convening authority with respect to the findings and the sentence of the military commission under this chapter.

"(2)(A) Except as provided in subparagraph (B), a submittal under paragraph (1) shall be made in writing within 20 days after the accused has been give an authenticated record of trial under section 949o(c) of this title. Deadline.

"(B) If the accused shows that additional time is required for the accused to make a submittal under paragraph (1), the convening authority may, for good cause, extend the applicable period under subparagraph (A) for not more than an additional 20 days.

"(3) The accused may waive the accused's right to make a submittal to the convening authority under paragraph (1). Such a waiver shall be made in writing, and may not be revoked. For the purposes of subsection (c)(2), the time within which the accused may make a submittal under this subsection shall be deemed to have expired upon the submittal of a waiver under this paragraph to the convening authority.

"(c) ACTION BY CONVENING AUTHORITY.—(1) The authority under this subsection to modify the findings and sentence of a military commission under this chapter is a matter of the sole discretion and prerogative of the convening authority.

"(2) The convening authority is not required to take action on the findings of a military commission under this chapter. If the convening authority takes action on the findings, the convening authority may, in the sole discretion of the convening authority, only—

"(A) dismiss any charge or specification by setting aside a finding of guilty thereto; or

"(B) change a finding of guilty to a charge to a finding of guilty to an offense that is a lesser included offense of the offense stated in the charge.

"(3)(A) The convening authority shall take action on the sentence of a military commission under this chapter.

"(B) Subject to regulations prescribed by the Secretary of Defense, action under this paragraph may be taken only after consideration of any matters submitted by the accused under subsection (b) or after the time for submitting such matters expires, whichever is earlier. Regulations.

"(C) In taking action under this paragraph, the convening authority may, in the sole discretion of the convening authority, approve, disapprove, commute, or suspend the sentence in whole or in part. The convening authority may not increase a sentence beyond that which is found by the military commission.

"(4) The convening authority shall serve on the accused or on defense counsel notice of any action taken by the convening authority under this subsection.

"(d) ORDER OF REVISION OR REHEARING.—(1) Subject to paragraphs (2) and (3), the convening authority of a military commission under this chapter may, in the sole discretion of the convening authority, order a proceeding in revision or a rehearing.

"(2)(A) Except as provided in subparagraph (B), a proceeding in revision may be ordered by the convening authority if—

"(i) there is an apparent error or omission in the record; or

"(ii) the record shows improper or inconsistent action by the military commission with respect to the findings or sentence that can be rectified without material prejudice to the substantial rights of the accused.

"(B) In no case may a proceeding in revision—

"(i) reconsider a finding of not guilty of a specification or a ruling which amounts to a finding of not guilty;

"(ii) reconsider a finding of not guilty of any charge, unless there has been a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation; or

"(iii) increase the severity of the sentence unless the sentence prescribed for the offense is mandatory.

"(3) A rehearing may be ordered by the convening authority if the convening authority disapproves the findings and sentence and states the reasons for disapproval of the findings. If the convening authority disapproves the finding and sentence and does not order a rehearing, the convening authority shall dismiss the charges. A rehearing as to the findings may not be ordered by the convening authority when there is a lack of sufficient evidence in the record to support the findings. A rehearing as to the sentence may be ordered by the convening authority if the convening authority disapproves the sentence.

"§ 950c. Appellate referral; waiver or withdrawal of appeal

"(a) AUTOMATIC REFERRAL FOR APPELLATE REVIEW.—Except as provided in subsection (b), in each case in which the final decision of a military commission under this chapter (as approved by the convening authority) includes a finding of guilty, the convening authority shall refer the case to the United States Court of Military Commission Review. Any such referral shall be made in accordance with procedures prescribed under regulations of the Secretary.

Regulations.

"(b) WAIVER OF RIGHT OF REVIEW.—(1) Except in a case in which the sentence as approved under section 950b of this title extends to death, an accused may file with the convening authority a statement expressly waiving the right of the accused to appellate review by the United States Court of Military Commission Review under section 950f of this title of the final decision of the military commission under this chapter.

"(2) A waiver under paragraph (1) shall be signed by both the accused and a defense counsel.

"(3) A waiver under paragraph (1) must be filed, if at all, within 10 days after notice of the action is served on the accused or on defense counsel under section 950b(c)(4) of this title. The convening authority, for good cause, may extend the period for such filing by not more than 30 days. Deadline.

"(c) WITHDRAWAL OF APPEAL.—Except in a case in which the sentence as approved under section 950b of this title extends to death, the accused may withdraw an appeal at any time.

"(d) EFFECT OF WAIVER OR WITHDRAWAL.—A waiver of the right to appellate review or the withdrawal of an appeal under this section bars review under section 950f of this title.

"§ 950d. Interlocutory appeals by the United States

"(a) INTERLOCUTORY APPEAL.—Except as provided in subsection (b), in a trial by military commission under this chapter, the United States may take an interlocutory appeal to the United States Court of Military Commission Review of any order or ruling of the military judge—

"(1) that terminates proceedings of the military commission with respect to a charge or specification;

"(2) that excludes evidence that is substantial proof of a fact material in the proceeding;

"(3) that relates to a matter under subsection (c) or (d) of section 949d of this title; or

"(4) that, with respect to classified information—

"(A) authorizes the disclosure of such information;

"(B) imposes sanctions for nondisclosure of such information; or

"(C) refuses a protective order sought by the United States to prevent the disclosure of such information.

"(b) LIMITATION.—The United States may not appeal under subsection (a) an order or ruling that is, or amounts to, a finding of not guilty by the military commission with respect to a charge or specification.

"(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO CLASSIFIED INFORMATION.—The United States has the right to appeal under paragraph (4) of subsection (a) whenever the military judge enters an order or ruling that would require the disclosure of classified information, without regard to whether the order or ruling appealed from was entered under this chapter, another provision of law, a rule, or otherwise. Any such appeal may embrace any preceding order, ruling, or reasoning constituting the basis of the order or ruling that would authorize such disclosure.

"(d) TIMING AND ACTION ON INTERLOCUTORY APPEALS RELATING TO CLASSIFIED INFORMATION.—

"(1) APPEAL TO BE EXPEDITED.—An appeal taken pursuant to paragraph (4) of subsection (a) shall be expedited by the United States Court of Military Commission Review.

"(2) APPEALS BEFORE TRIAL.—If such an appeal is taken before trial, the appeal shall be taken within 10 days after the order or ruling from which the appeal is made and the trial shall not commence until the appeal is decided. Deadline.

"(3) APPEALS DURING TRIAL.—If such an appeal is taken during trial, the military judge shall adjourn the trial until the appeal is decided, and the court of appeals—

Deadline.

"(A) shall hear argument on such appeal within 4 days of the adjournment of the trial (excluding weekends and holidays);

"(B) may dispense with written briefs other than the supporting materials previously submitted to the military judge;

"(C) shall render its decision within four days of argument on appeal (excluding weekends and holidays); and

"(D) may dispense with the issuance of a written opinion in rendering its decision.

Deadline.

"(e) NOTICE AND TIMING OF OTHER APPEALS.—The United States shall take an appeal of an order or ruling under subsection (a), other than an appeal under paragraph (4) of that subsection, by filing a notice of appeal with the military judge within 5 days after the date of the order or ruling.

Regulations.

"(f) METHOD OF APPEAL.—An appeal under this section shall be forwarded, by means specified in regulations prescribed by the Secretary of Defense, directly to the United States Court of Military Commission Review.

"(g) APPEALS COURT TO ACT ONLY WITH RESPECT TO MATTER OF LAW.—In ruling on an appeal under paragraph (1), (2), or (3) of subsection (a), the appeals court may act only with respect to matters of law.

"(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT AFFECTED.—An appeal under paragraph (4) of subsection (a), and a decision on such appeal, shall not affect the right of the accused, in a subsequent appeal from a judgment of conviction, to claim as error reversal by the military judge on remand of a ruling appealed from during trial.

"§ 950e. Rehearings

"(a) COMPOSITION OF MILITARY COMMISSION FOR REHEARING.—Each rehearing under this chapter shall take place before a military commission under this chapter composed of members who were not members of the military commission which first heard the case.

"(b) SCOPE OF REHEARING.—(1) Upon a rehearing—

"(A) the accused may not be tried for any offense of which the accused was found not guilty by the first military commission; and

"(B) no sentence in excess of or more than the original sentence may be imposed unless—

"(i) the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings; or

"(ii) the sentence prescribed for the offense is mandatory.

"(2) Upon a rehearing, if the sentence approved after the first military commission was in accordance with a pretrial agreement and the accused at the rehearing changes his plea with respect to the charges or specifications upon which the pretrial agreement was based, or otherwise does not comply with pretrial agreement, the sentence as to those charges or specifications may include any punishment not in excess of that lawfully adjudged at the first military commission.

"§ 950f. Review by United States Court of Military Commission Review

"(a) ESTABLISHMENT.—There is a court of record to be known as the 'United States Court of Military Commission Review' (in this section referred to as the 'Court'). The Court shall consist of one or more panels, each composed of not less than three appellate military judges. For the purpose of reviewing decisions of military commissions under this chapter, the Court may sit in panels or as a whole, in accordance with rules prescribed by the Secretary of Defense.

"(b) JUDGES.—(1) Judges on the Court shall be assigned or appointed in a manner consistent with the provisions of this subsection.

"(2) The Secretary of Defense may assign persons who are appellate military judges to be judges on the Court. Any judge so assigned shall be a commissioned officer of the armed forces, and shall meet the qualifications for military judges prescribed by section 948j(b) of this title.

"(3) The President may appoint, by and with the advice and consent of the Senate, additional judges to the United States Court of Military Commission Review.

"(4) No person may serve as a judge on the Court in any case in which that person acted as a military judge, counsel, or reviewing official.

"(c) CASES TO BE REVIEWED.—The Court shall, in accordance with procedures prescribed under regulations of the Secretary, review the record in each case that is referred to the Court by the convening authority under section 950c of this title with respect to any matter properly raised by the accused. Regulations.

"(d) STANDARD AND SCOPE OF REVIEW.—In a case reviewed by the Court under this section, the Court may act only with respect to the findings and sentence as approved by the convening authority. The Court may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the Court finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, the Court may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the military commission saw and heard the witnesses.

"(e) REHEARINGS.—If the Court sets aside the findings or sentence, the Court may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the Court sets aside the findings or sentence and does not order a rehearing, the Court shall order that the charges be dismissed.

"§ 950g. Review by United States Court of Appeals for the District of Columbia Circuit; writ of certiorari to Supreme Court

"(a) EXCLUSIVE APPELLATE JURISDICTION.—Except as provided in subsection (b), the United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine the validity of a final judgment rendered by a military commission (as approved by the convening authority and, where applicable, the United States Court of Military Commission Review) under this chapter.

"(b) EXHAUSTION OF OTHER APPEALS.—The United States Court of Appeals for the District of Columbia Circuit may not review a final judgment described in subsection (a) until all other appeals under this chapter have been waived or exhausted.

Deadline.
Notice.

"(c) TIME FOR SEEKING REVIEW.—A petition for review by the United States Court of Appeals for the District of Columbia Circuit must be filed by the accused in the Court of Appeals not later than 20 days after the date on which—

"(1) written notice of the final decision of the United States Court of Military Commission Review is served on the accused or on defense counsel; or

"(2) the accused submits, in the form prescribed by section 950c of this title, a written notice waiving the right of the accused to review by the United States Court of Military Commission Review.

"(d) SCOPE AND NATURE OF REVIEW.—The United States Court of Appeals for the District of Columbia Circuit may act under this section only with respect to the findings and sentence as approved by the convening authority and as affirmed or set aside as incorrect in law by the United States Court of Military Commission Review, and shall take action only with respect to matters of law, including the sufficiency of the evidence to support the verdict.

"(e) REVIEW BY SUPREME COURT.—The Supreme Court may review by writ of certiorari pursuant to section 1254 of title 28 the final judgment of the United States Court of Appeals for the District of Columbia Circuit under this section.

"§ 950h. Appellate counsel

Regulations.
Procedures.

"(a) APPOINTMENT.—The Secretary of Defense shall, by regulation, establish procedures for the appointment of appellate counsel for the United States and for the accused in military commissions under this chapter. Appellate counsel shall meet the qualifications of counsel for appearing before military commissions under this chapter.

"(b) REPRESENTATION OF UNITED STATES.—Appellate counsel appointed under subsection (a)—

"(1) shall represent the United States in any appeal or review proceeding under this chapter before the United States Court of Military Commission Review; and

"(2) may, when requested to do so by the Attorney General in a case arising under this chapter, represent the United States before the United States Court of Appeals for the District of Columbia Circuit or the Supreme Court.

"(c) REPRESENTATION OF ACCUSED.—The accused shall be represented by appellate counsel appointed under subsection (a) before the United States Court of Military Commission Review, the United States Court of Appeals for the District of Columbia Circuit, and the Supreme Court, and by civilian counsel if retained by the accused. Any such civilian counsel shall meet the qualifications under paragraph (3) of section 949c(b) of this title for civilian counsel appearing before military commissions under this chapter and shall be subject to the requirements of paragraph (7) of that section.

"§ 950i. Execution of sentence; suspension of sentence

"(a) IN GENERAL.—The Secretary of Defense is authorized to carry out a sentence imposed by a military commission under this chapter in accordance with such procedures as the Secretary may prescribe.

"(b) EXECUTION OF SENTENCE OF DEATH ONLY UPON APPROVAL BY THE PRESIDENT.—If the sentence of a military commission under this chapter extends to death, that part of the sentence providing for death may not be executed until approved by the President. In such a case, the President may commute, remit, or suspend the sentence, or any part thereof, as he sees fit.

"(c) EXECUTION OF SENTENCE OF DEATH ONLY UPON FINAL JUDGMENT OF LEGALITY OF PROCEEDINGS.—(1) If the sentence of a military commission under this chapter extends to death, the sentence may not be executed until there is a final judgment as to the legality of the proceedings (and with respect to death, approval under subsection (b)).

"(2) A judgment as to legality of proceedings is final for purposes of paragraph (1) when review is completed in accordance with the judgment of the United States Court of Military Commission Review and—

"(A) the time for the accused to file a petition for review by the United States Court of Appeals for the District of Columbia Circuit has expired, the accused has not filed a timely petition for such review, and the case is not otherwise under review by the Court of Appeals; or

"(B) review is completed in accordance with the judgment of the United States Court of Appeals for the District of Columbia Circuit and—

"(i) a petition for a writ of certiorari is not timely filed;

"(ii) such a petition is denied by the Supreme Court; or

"(iii) review is otherwise completed in accordance with the judgment of the Supreme Court.

"(d) SUSPENSION OF SENTENCE.—The Secretary of the Defense, or the convening authority acting on the case (if other than the Secretary), may suspend the execution of any sentence or part thereof in the case, except a sentence of death.

"§ 950j. Finality of proceedings, findings, and sentences

"The appellate review of records of trial provided by this chapter, and the proceedings, findings, and sentences of military commissions as approved, reviewed, or affirmed as required by this chapter, are final and conclusive. Orders publishing the proceedings of military commissions under this chapter are binding upon all departments, courts, agencies, and officers of the United States, subject only to action by the Secretary or the convening authority as provided in section 950i(c) of this title and the authority of the President.

"SUBCHAPTER VIII—PUNITIVE MATTERS

"Sec.
"950p. Definitions; construction of certain offenses; common circumstances.
"950q. Principals.
"950r. Accessory after the fact.

"950s. Conviction of lesser offenses.
"950t. Crimes triable by military commission.

"§ 950p. Definitions; construction of certain offenses; common circumstances

"(a) DEFINITIONS.—In this subchapter:

"(1) The term 'military objective' means combatants and those objects during hostilities which, by their nature, location, purpose, or use, effectively contribute to the war-fighting or war-sustaining capability of an opposing force and whose total or partial destruction, capture, or neutralization would constitute a definite military advantage to the attacker under the circumstances at the time of an attack.

"(2) The term 'protected person' means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.

"(3) The term 'protected property' means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.

"(b) CONSTRUCTION OF CERTAIN OFFENSES.—The intent required for offenses under paragraphs (1), (2), (3), (4), and (12) of section 950t of this title precludes the applicability of such offenses with regard to collateral damage or to death, damage, or injury incident to a lawful attack.

"(c) COMMON CIRCUMSTANCES.—An offense specified in this subchapter is triable by military commission under this chapter only if the offense is committed in the context of and associated with hostilities.

"(d) EFFECT.—The provisions of this subchapter codify offenses that have traditionally been triable by military commission. This chapter does not establish new crimes that did not exist before the date of the enactment of this subchapter, as amended by the National Defense Authorization Act for Fiscal Year 2010, but rather codifies those crimes for trial by military commission. Because the provisions of this subchapter codify offenses that have traditionally been triable under the law of war or otherwise triable by military commission, this subchapter does not preclude trial for offenses that occurred before the date of the enactment of this subchapter, as so amended.

"§ 950q. Principals

"Any person punishable under this chapter who—

"(1) commits an offense punishable by this chapter, or aids, abets, counsels, commands, or procures its commission;

"(2) causes an act to be done which if directly performed by him would be punishable by this chapter; or

"(3) is a superior commander who, with regard to acts punishable by this chapter, knew, had reason to know, or

should have known, that a subordinate was about to commit such acts or had done so and who failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof,

is a principal.

"§ 950r. Accessory after the fact

"Any person subject to this chapter who, knowing that an offense punishable by this chapter has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a military commission under this chapter may direct.

"§ 950s. Conviction of lesser offenses

"An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an attempt to commit either the offense charged or an offense necessarily included therein.

"§ 950t. Crimes triable by military commission

"The following offenses shall be triable by military commission under this chapter at any time without limitation:

"(1) MURDER OF PROTECTED PERSONS.—Any person subject to this chapter who intentionally kills one or more protected persons shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(2) ATTACKING CIVILIANS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian population as such, or individual civilians not taking active part in hostilities, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(3) ATTACKING CIVILIAN OBJECTS.—Any person subject to this chapter who intentionally engages in an attack upon a civilian object that is not a military objective shall be punished as a military commission under this chapter may direct.

"(4) ATTACKING PROTECTED PROPERTY.—Any person subject to this chapter who intentionally engages in an attack upon protected property shall be punished as a military commission under this chapter may direct.

"(5) PILLAGING.—Any person subject to this chapter who intentionally and in the absence of military necessity appropriates or seizes property for private or personal use, without the consent of a person with authority to permit such appropriation or seizure, shall be punished as a military commission under this chapter may direct.

"(6) DENYING QUARTER.—Any person subject to this chapter who, with effective command or control over subordinate groups, declares, orders, or otherwise indicates to those groups that there shall be no survivors or surrender accepted, with the intent to threaten an adversary or to conduct hostilities such that there would be no survivors or surrender accepted, shall be punished as a military commission under this chapter may direct.

"(7) TAKING HOSTAGES.—Any person subject to this chapter who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(8) EMPLOYING POISON OR SIMILAR WEAPONS.—Any person subject to this chapter who intentionally, as a method of warfare, employs a substance or weapon that releases a substance that causes death or serious and lasting damage to health in the ordinary course of events, through its asphyxiating, bacteriological, or toxic properties, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(9) USING PROTECTED PERSONS AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of, a protected person with the intent to shield a military objective from attack. or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.

"(11) TORTURE.—

"(A) OFFENSE.—Any person subject to this chapter who commits an act specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control for the purpose of obtaining information or a confession, punishment, intimidation, coercion, or any reason based on discrimination of any kind, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SEVERE MENTAL PAIN OR SUFFERING DEFINED.—In this paragraph, the term 'severe mental pain or suffering' has the meaning given that term in section 2340(2) of title 18.

"(12) CRUEL OR INHUMAN TREATMENT.—Any person subject to this chapter who subjects another person in their custody or under their physical control, regardless of nationality or physical location, to cruel or inhuman treatment that constitutes a grave breach of common Article 3 of the Geneva Conventions shall be punished, if death results to the victim, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to the victim, by such punishment, other than death, as a military commission under this chapter may direct.

"(13) INTENTIONALLY CAUSING SERIOUS BODILY INJURY.—

"(A) OFFENSE.—Any person subject to this chapter who intentionally causes serious bodily injury to one or more persons, including privileged belligerents, in violation of the law of war shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(B) SERIOUS BODILY INJURY DEFINED.—In this paragraph, the term 'serious bodily injury' means bodily injury which involves—

"(i) a substantial risk of death;

"(ii) extreme physical pain;

"(iii) protracted and obvious disfigurement; or

"(iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(14) MUTILATING OR MAIMING.—Any person subject to this chapter who intentionally injures one or more protected persons by disfiguring the person or persons by any mutilation of the person or persons, or by permanently disabling any member, limb, or organ of the body of the person or persons, without any legitimate medical or dental purpose, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(15) MURDER IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally kills one or more persons, including privileged belligerents, in violation of the law of war shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(16) DESTRUCTION OF PROPERTY IN VIOLATION OF THE LAW OF WAR.—Any person subject to this chapter who intentionally destroys property belonging to another person in violation of the law of war shall punished as a military commission under this chapter may direct.

"(17) USING TREACHERY OR PERFIDY.—Any person subject to this chapter who, after inviting the confidence or belief of one or more persons that they were entitled to, or obliged to accord, protection under the law of war, intentionally makes use of that confidence or belief in killing, injuring, or capturing such person or persons shall be punished, if death results

to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(18) IMPROPERLY USING A FLAG OF TRUCE.—Any person subject to this chapter who uses a flag of truce to feign an intention to negotiate, surrender, or otherwise suspend hostilities when there is no such intention shall be punished as a military commission under this chapter may direct.

"(19) IMPROPERLY USING A DISTINCTIVE EMBLEM.—Any person subject to this chapter who intentionally uses a distinctive emblem recognized by the law of war for combatant purposes in a manner prohibited by the law of war shall be punished as a military commission under this chapter may direct.

"(20) INTENTIONALLY MISTREATING A DEAD BODY.—Any person subject to this chapter who intentionally mistreats the body of a dead person, without justification by legitimate military necessary, shall be punished as a military commission under this chapter may direct.

"(21) RAPE.—Any person subject to this chapter who forcibly or with coercion or threat of force wrongfully invades the body of a person by penetrating, however slightly, the anal or genital opening of the victim with any part of the body of the accused, or with any foreign object, shall be punished as a military commission under this chapter may direct.

"(22) SEXUAL ASSAULT OR ABUSE.—Any person subject to this chapter who forcibly or with coercion or threat of force engages in sexual contact with one or more persons, or causes one or more persons to engage in sexual contact, shall be punished as a military commission under this chapter may direct

"(23) HIJACKING OR HAZARDING A VESSEL OR AIRCRAFT.—Any person subject to this chapter who intentionally seizes, exercises unauthorized control over, or endangers the safe navigation of a vessel or aircraft that is not a legitimate military objective shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(24) TERRORISM.—Any person subject to this chapter who intentionally kills or inflicts great bodily harm on one or more protected persons, or intentionally engages in an act that evinces a wanton disregard for human life, in a manner calculated to influence or affect the conduct of government or civilian population by intimidation or coercion, or to retaliate against government conduct, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(25) PROVIDING MATERIAL SUPPORT FOR TERRORISM.—

"(A) OFFENSE.—Any person subject to this chapter who provides material support or resources, knowing or

intending that they are to be used in preparation for, or in carrying out, an act of terrorism (as set forth in paragraph (24) of this section), or who intentionally provides material support or resources to an international terrorist organization engaged in hostilities against the United States, knowing that such organization has engaged or engages in terrorism (as so set forth), shall be punished as a military commission under this chapter may direct.

"(B) MATERIAL SUPPORT OR RESOURCES DEFINED.—In this paragraph, the term 'material support or resources' has the meaning given that term in section 2339A(b) of title 18.

"(26) WRONGFULLY AIDING THE ENEMY.—Any person subject to this chapter who, in breach of an allegiance or duty to the United States, knowingly and intentionally aids an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished as a military commission under this chapter may direct.

"(27) SPYING.—Any person subject to this chapter who, in violation of the law of war and with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign power, collects or attempts to collect information by clandestine means or while acting under false pretenses, for the purpose of conveying such information to an enemy of the United States, or one of the co-belligerents of the enemy, shall be punished by death or such other punishment as a military commission under this chapter may direct.

"(28) ATTEMPTS.—

"(A) IN GENERAL.—Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a military commission under this chapter may direct.

"(B) SCOPE OF OFFENSE.—An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

"(C) EFFECT OF CONSUMMATION.—Any person subject to this chapter may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

"(29) CONSPIRACY.—Any person subject to this chapter who conspires to commit one or more substantive offenses triable by military commission under this subchapter, and who knowingly does any overt act to effect the object of the conspiracy, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.

"(30) SOLICITATION.—Any person subject to this chapter who solicits or advises another or others to commit one or more substantive offenses triable by military commission under this chapter shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or

advised is not committed or attempted, shall be punished as a military commission under this chapter may direct.

"(31) CONTEMPT.—A military commission under this chapter may punish for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder.

"(32) PERJURY AND OBSTRUCTION OF JUSTICE.—A military commission under this chapter may try offenses and impose such punishment as the military commission may direct for perjury, false testimony, or obstruction of justice related to the military commission.".

SEC. 1803. CONFORMING AMENDMENTS.

(a) UNIFORM CODE OF MILITARY JUSTICE.—

(1) PERSONS SUBJECT TO UCMJ.—Paragraph (13) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended to read as follows:

"(13) Individuals belonging to one of the eight categories enumerated in Article 4 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), who violate the law of war.".

(2) CONSTRUCTION OF MILITARY COMMISSIONS WITH COURTS-MARTIAL.—Section 839 of such title (article 39 of the Uniform Code of Military Justice) is amended by adding at the end the following new subsection:

"(d) The findings, holdings, interpretations, and other precedents of military commissions under chapter 47A of this title—

"(1) may not be introduced or considered in any hearing, trial, or other proceeding of a court-martial under this chapter; and

"(2) may not form the basis of any holding, decision, or other determination of a court-martial.".

(b) APPELLATE REVIEW UNDER DETAINEE TREATMENT ACT OF 2005.—Section 1005(e) of the Detainee Treatment Act of 2005 (title X of Public Law 109–359; 10 U.S.C. 801 note) is amended by striking paragraph (3).

10 USC 948a note.

SEC. 1804. PROCEEDINGS UNDER PRIOR STATUTE.

(a) PRIOR CONVICTIONS.—The amendment made by section 1802 shall have no effect on the validity of any conviction pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act).

(b) COMPOSITION OF MILITARY COMMISSIONS.—Notwithstanding the amendment made by section 1802—

(1) any commission convened pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be deemed to have been convened pursuant to chapter 47A of title 10, United States Code (as amended by section 1802);

(2) any member of the Armed Forces detailed to serve on a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(3) any military judge detailed to a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(4) any trial counsel or defense counsel detailed for a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed pursuant to chapter 47A of title 10, United States Code (as so amended);

(5) any court reporters detailed to or employed by a commission pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed or employed pursuant to chapter 47A of title 10, United States Code (as so amended); and

(6) any appellate military judge or other duly appointed appellate judge on the Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), shall be deemed to have been detailed or appointed to the United States Court of Military Commission Review pursuant to chapter 47A of title 10, United States Code (as so amended).

(c) CHARGES AND SPECIFICATIONS.—Notwithstanding the amendment made by section 1802—

(1) any charges or specifications sworn or referred pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be deemed to have been sworn or referred pursuant to chapter 47A of title 10, United States Code (as amended by section 1802); and

(2) any charges or specifications described in paragraph (1) may be amended, without prejudice, as needed to properly allege jurisdiction under chapter 47A of title 10, United States Code (as so amended), and crimes triable under such chapter.

(d) PROCEDURES AND REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in subsections (a) through (c) and subject to paragraph (2), any commission convened pursuant to chapter 47A of title 10, United States Code (as such chapter was in effect on the day before the date of the enactment of this Act), shall be conducted after the date of the enactment of this Act in accordance with the procedures and requirements of chapter 47A of title 10, United States Code (as amended by section 1802).

(2) TEMPORARY CONTINUATION OF PRIOR PROCEDURES AND REQUIREMENTS.—Any military commission described in paragraph (1) may be conducted in accordance with any procedures and requirements of chapter 47A of title 10, United States Code (as in effect on the day before the date of the enactment of this Act), that are not inconsistent with the provisions of chapter 47A of title 10, United States Code, (as so amended), until the earlier of—

(A) the date of the submittal to Congress under section 1805 of the revised rules for military commissions under chapter 47A of title 10, United States Code (as so amended); or

(B) the date that is 90 days after the date of the enactment of this Act.

10 USC 948a note.

SEC. 1805. SUBMITTAL TO CONGRESS OF REVISED RULES FOR MILITARY COMMISSIONS.

(a) DEADLINE FOR SUBMITTAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the revised rules for military commissions prescribed by the Secretary for purposes of chapter 47A of title 10, United States Code (as amended by section 1802).

(b) TREATMENT OF REVISED RULES UNDER REQUIREMENT FOR NOTICE AND WAIT REGARDING MODIFICATION OF RULES.—The revised rules submitted to Congress under subsection (a) shall not be treated as a modification of the rules in effect for military commissions for purposes of section 949a(d) of title 10, United States Code (as so amended).

10 USC 948a note.

SEC. 1806. ANNUAL REPORTS TO CONGRESS ON TRIALS BY MILITARY COMMISSION.

(a) ANNUAL REPORTS REQUIRED.—Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any trials conducted by military commissions under chapter 47A of title 10, United States Code (as amended by section 1802), during the preceding year.

(b) FORM.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

SEC. 1807. SENSE OF CONGRESS ON MILITARY COMMISSION SYSTEM.

It is the sense of Congress that—

(1) the fairness and effectiveness of the military commissions system under chapter 47A of title 10, United States Code (as amended by section 1802), will depend to a significant degree on the adequacy of defense counsel and associated resources for individuals accused, particularly in the case of capital cases, under such chapter 47A; and

(2) defense counsel in military commission cases, particularly in capital cases, under such chapter 47A of title 10, United States Code (as so amended), should be fully resourced as provided in such chapter 47A.

TITLE XIX—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 1901. Credit for unused sick leave.
Sec. 1902. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System.
Sec. 1903. Computation of certain annuities based on part-time service.
Sec. 1904. Authority to deposit refunds under FERS.
Sec. 1905. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 1911. Short title.
Sec. 1912. Extension of locality pay.
Sec. 1913. Adjustment of special rates.
Sec. 1914. Transition schedule for locality-based comparability payments.

Sec. 1915. Savings provision.
Sec. 1916. Application to other eligible employees.
Sec. 1917. Election of additional basic pay for annuity computation by employees.
Sec. 1918. Regulations.
Sec. 1919. Effective dates.

Subtitle A—General Provisions

SEC. 1901. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking "(l) In computing" and inserting "(l)(1) In computing"; and

(B) by adding at the end the following:

"(2)(A) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the applicable percentage of the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.

"(B) For purposes of subparagraph (A), the term 'applicable percentage' means—

"(i) 50 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring during the period beginning on the date of enactment of this paragraph and ending on December 31, 2013; and

"(ii) 100 percent in the case of an annuity, entitlement to which is based on a death or other separation occurring after December 31, 2013.".

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is amended by striking "section 8415(k)" and inserting "paragraph (1) or (2) of section 8415(l)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any annuity, entitlement to which is based on a death or other separation from service occurring on or after the date of enactment of this Act. 5 USC 8415 note.

SEC. 1902. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking "October 1, 1990" each place it appears and inserting "March 1, 1991".

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which 5 USC 8334 note.

is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1903. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) IN GENERAL.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

Applicability.

"(3) In the administration of paragraph (1)—

"(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

"(B) subparagraph (B) of such paragraph—

"(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

"(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.".

5 USC 8339 note.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1904. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

"(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

"(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking "8411(f);" and inserting "8411(f) or 8422(i);".

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: "Deposits made by an employee, Member, or survivor also shall be credited to the Fund.".

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

"§ 8422. Deductions from pay; contributions for other service; deposits".

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

"8422. Deductions from pay; contributions for other service; deposits.".

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking "based." and inserting "based, until the employee or Member is reemployed in the service subject to this chapter.".

SEC. 1905. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

5 USC 8332 note.

(a) RETIREMENT CREDIT.—

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under section 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, "qualifying District of Columbia service" means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

Non-Foreign Area Retirement Equity Assurance Act of 2009.
5 USC 5304 note.

SEC. 1911. SHORT TITLE.

This subtitle may be cited as the "Non-Foreign Area Retirement Equity Assurance Act of 2009" or the "Non-Foreign AREA Act of 2009".

SEC. 1912. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

"(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality; and";

(2) in subsection (g)—

(A) in paragraph (2)—

(i) by striking "and" at the end of subparagraph (A); and

(ii) by striking subparagraph (B) and inserting the following:

"(B) positions under subsection (h)(1)(C) not covered by appraisal systems certified under subsection 5307(d); and

"(C) any positions under subsection (h)(1)(D) as the President may determine."; and

(B) by adding at the end the following:

"(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).";

(3) in subsection (h)(1)—

(A) in subparagraph (B), by striking "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

"(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the effective date of section 1912 of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941 and who thereafter has served continuously in an area in which such an allowance was payable; and";

(D) in clause (iv) (in the matter following subparagraph (D)), by inserting ", except for a position covered by subparagraph (C)" before the semicolon;

(E) in clause (v) (in the matter following subparagraph (D)), by inserting ", except for a position covered by subparagraph (C)" before the semicolon; and

(F) in clause (vii) (in the matter following subparagraph (D)), by inserting ", except for a position covered by subparagraph (C)" before the period; and

(4) in subsection (h)(2)—

(A) in subparagraph (B)(i), by striking "and (B)" and inserting "through (C)"; and

(B) in subparagraph (B)(ii), by striking "(1)(C)" and inserting "(1)(D)".

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding at the end the following: "Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

Applicability.

"(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

Time period.

"(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

"(A) January 1, 2010; and

"(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under paragraphs (2) and (3), respectively, of section 1914 of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

Definition.

"(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under paragraph (1), (2), or (3) of section 1914 of Non-Foreign Area Retirement Equity Assurance Act of 2009.

"(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

"(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

"(ii) dividing the resulting percentage determined under clause (i) by the sum of—

"(I) one; and

"(II) the applicable locality-based comparability payment percentage expressed as a numeral.

"(3) No allowance rate computed under paragraph (2) may be less than zero.

"(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).".

SEC. 1913. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed

by section 1914, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1918.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a). Regulations.

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1914. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS. President.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of such title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of such title shall be adjusted, effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using 1/3 of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using 2/3 of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1915. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the "Rest of the United States", the President's Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President's Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

Time period.

(1) IN GENERAL.—During the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee's special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1914 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1914 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1916. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term "covered employee" means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) becomes eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), and section 1914 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1912 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting "(1)" after "(b)";

(B) by striking "Section 5941," and inserting "Except as provided under paragraph (2), section 5941";

(C) by striking "For purposes of such section," and inserting "Except as provided under paragraph (2), for purposes of section 5941 of that title,"; and

(D) by adding at the end the following:

"(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

"(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

"(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1916(b)(2) of that Act shall apply.".

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section

1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1914.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1917 of this subtitle.

SEC. 1917. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term "covered employee" means any employee—

(1) to whom section 1914 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—An employee's cost-of-living allowance may be considered basic pay under paragraph (1) only to the extent that, when added to the employee's locality-based comparability payments, the resulting sum does not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1914 did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1918. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1913;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1914 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments

or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1919. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1912 and the provisions of section 1914 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military Construction Authorization Act for Fiscal Year 2010.

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2010".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. RELATION TO FUNDING TABLES.

(a) MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND RELATED ACTIVITIES.—The amounts authorized to be appropriated by sections 2104, 2204, 2304, 2404, 2411, 2502, and 2606 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4501.

(b) BASE CLOSURE AND REALIGNMENT ACTIVITIES.—The amounts authorized to be appropriated by section 2703 shall be available, in accordance with the requirements of section 4001,

for projects, programs, and activities, and in the amounts, specified in the funding table in section 4502.

(c) OVERSEAS CONTINGENCY OPERATIONS.—The amounts authorized to be appropriated by sections 2901 and 2902 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4503.

SEC. 2004. GENERAL REDUCTION ACROSS DIVISION.

(a) REDUCTION.—Of the amounts provided in the authorizations of appropriations in this division, the overall authorization of appropriations in this division is reduced by $529,091,000.

(b) REPORT ON APPLICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing how the reduction required by subsection (a) is applied.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$3,300,000
	Redstone Arsenal	$3,550,000
Alaska	Fort Richardson	$56,050,000
	Fort Wainwright	$198,000,000
Arizona	Fort Huachuca	$27,700,000
Arkansas	Pine Bluff Arsenal	$25,000,000
California	Fort Irwin	$9,500,000
Colorado	Fort Carson	$240,950,000
Florida	Eglin Air Force Base	$132,800,000
Georgia	Fort Benning	$295,300,000
	Fort Gillem	$10,800,000
	Fort Stewart	$100,400,000
Hawaii	Schofield Barracks	$184,000,000
	Wheeler Army Air Field	$7,500,000
Kansas	Fort Riley	$168,500,000
Kentucky	Fort Campbell	$14,400,000
	Fort Knox	$70,000,000
Louisiana	Fort Polk	$55,400,000
Maryland	Aberdeen Proving Ground	$15,500,000
	Fort Detrick	$46,400,000
	Fort Meade	$2,350,000
Missouri	Fort Leonard Wood	$170,800,000
New Jersey	Picatinny Arsenal	$10,200,000
New York	Fort Drum	$92,700,000
North Carolina	Fort Bragg	$114,600,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
	Sunny Point Military Ocean Terminal	$28,900,000
Oklahoma	Fort Sill	$90,500,000
	McAlester Army Ammunition Plant	$12,500,000
South Carolina	Charleston Naval Weapons Station	$21,800,000
	Fort Jackson	$103,500,000
Texas	Fort Bliss	$219,400,000
	Fort Hood	$42,900,000
	Fort Sam Houston	$19,800,000
Utah	Dugway Proving Ground	$25,000,000
Virginia	Fort A.P. Hill	$23,000,000
	Fort Belvoir	$17,900,000
	Fort Eustis	$8,900,000
	Fort Lee	$5,000,000
Washington	Fort Lewis	$18,700,000
Various locations	Troop Trainee Housing	$350,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$87,100,000
Belgium	Mons	$20,000,000
Germany	Ansbach	$31,700,000
	Kleber Kaserne	$20,000,000
Japan	Okinawa	$6,000,000
	Sagamihara	$6,000,000
Korea	Camp Humphreys	$50,200,000
Kuwait	Camp Arifjan	$82,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	$18,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $3,936,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $219,300,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $4,516,073,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $2,752,500,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $303,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $25,000,000.

(4) For host nation support and architectural and engineering services and construction design under section 2807 of title 10, United States Code, $200,519,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $241,236,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $523,418,000.

(6) For the construction of increment 4 of a brigade complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat 41) $102,000,000.

(7) For the construction of increment 3 of the United States Southern Command Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504), $55,400,000.

(8) For the construction of increment 3 of the brigade complex operations support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $22,500,000.

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act

for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4659), $80,000,000.

(12) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $10,000,000.

(13) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(14) For the construction of increment 2 of the family housing replacement construction at Wiesbaden Air Base, Germany, authorized by section 2102(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4663), $11,000,000.

(15) For the construction of increment 1 of an Aviation Task Force Complex Phase 1 at Fort Wainwright, Alaska, authorized by section 2101(a), $95,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $95,000,000 (the balance of the amount authorized under section 2101(a) for an aviation task force complex, Phase I at Fort Wainwright, Alaska).

(3) $25,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(4) $26,000,000 (the balance of the amount authorized under section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505) for construction of a brigade complex operations support facility at Vicenza, Italy.

(c) LIMITATION ON IMPLEMENTATION OF TROOP TRAINEE BARRACKS PROJECTS.—The Secretary of the Army may not enter into an award of a project for any troop trainee barracks authorized under section 2101(a) until the Secretary submits to the congressional defense committees a report that includes the following: Reports. Certifications.

(1) Within the amounts authorized to be appropriated under subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the Army.

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4659) for Fort Bragg, North Carolina, for construction of a chapel at the installation, the Secretary of the Army may construct up to a 22,600 square-feet (400 person) chapel consistent with the Army's standard square footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

Termination date.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (119 Stat. 3485) and extended by section 2107 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4665), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility.	$9,207,000
		Battle Area Complex	$33,660,000

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$28,770,000
California	Mountain Warfare Training Center Bridgeport.	$11,290,000
	Marine Corps Base, Camp Pendleton	$775,162,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Edwards Air Force Base	$3,007,000
	Naval Station Monterey	$10,240,000
	Marine Corps Base, Twentynine Palms	$513,680,000
	Marine Corps Air Station, Miramar	$9,280,000
	Point Loma Annex	$11,060,000
	Naval Station, San Diego	$23,590,000
Connecticut	Naval Submarine Base, New London	$6,570,000
Florida	Blount Island Command	$3,760,000
	Eglin Air Force Base	$26,287,000
	Naval Air Station, Jacksonville	$5,917,000
	Naval Station, Mayport	$102,345,000
	Naval Air Station, Pensacola	$26,161,000
	Naval Air Station, Whiting Field	$4,120,000
Georgia	Marine Corps Logistics Base, Albany	$4,870,000
Hawaii	Oahu	$5,380,000
	Naval Station, Pearl Harbor	$60,252,000
Indiana	Naval Support Activity	$13,710,000
Maine	Portsmouth Naval Shipyard	$7,090,000
Maryland	Naval Surface Warfare Center, Carderock.	$6,520,000
	Naval Air Station, Patuxent River	$11,043,000
Nevada	Naval Air Station, Fallon	$10,670,000
North Carolina	Marine Corps Base, Camp Lejeune	$673,570,000
	Marine Corps Air Station, Cherry Point	$22,960,000
	Marine Corps Air Station, New River	$107,090,000
Rhode Island	Naval Station, Newport	$64,883,000
South Carolina	Marine Corps Air Station, Beaufort	$1,280,000
	Marine Corps Recruit Depot, Parris Island.	$6,972,000
Texas	Naval Air Station, Corpus Christi	$19,764,000
	Naval Air Station, Kingsville	$4,470,000
Virginia	Naval Amphibious Base, Little Creek	$13,095,000
	Naval Station Norfolk	$18,139,000
	Naval Special Weapons Center, Dahlgren.	$3,660,000
	Dam Neck	$14,170,000
	Norfolk Naval Shipyard, Portsmouth	$226,969,000
	Marine Corps Base, Quantico	$105,240,000
Washington	Bremerton	$108,939,000
	Naval Station, Everett	$3,810,000
	Naval Magazine, Indian Island	$13,130,000
	Spokane	$12,707,000
West Virginia	Naval Security Group, Sugar Grove	$10,990,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	$41,526,000
Djibouti	Camp Lemonier	$41,845,000
Guam	Naval Activities, Guam	$575,006,000

Navy: Outside the United States—Continued

Country	Installation or Location	Amount
Spain	Naval Station, Rota	$26,278,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ warehouse	$4,376,000
Mariana Islands	Naval Activities, Guam	30	$20,730,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,771,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $4,284,112,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,746,704,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $233,445,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $12,483,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $146,569,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.

(6) For the construction of increment 6 of a limited area production and storage complex at Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $87,292,000.

(7) For the construction of increment 2 of enclave fencing at Naval Submarine Base, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490), as amended by section 2205 of this Act, $67,419,000.

(8) For the construction of increment 2 of a replacement maintenance pier at Bremerton, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $69,064,000.

(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $8,645,000.

(10) For the construction of the first increment of a ship repair pier replacement at Norfolk Naval Shipyard, Virginia, authorized by section 2201(a), $126,969,000.

(11) For the construction of the first increment of a wharves improvement, Apra Harbor, Guam, authorized by section 2201(b), $127,033,000.

(12) For the construction of the first increment of north ramp utilities, Andersen Air Force Base, Guam, authorized by section 2201(b), $21,500,000.

(13) For the construction of the first increment of north ramp parking, Andersen Air Force Base, Guam, authorized by section 2201(b), $88,797,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $100,000,000 (the balance of the amount authorized under section 2201(a) for Ship Repair Pier Replacement at the Norfolk Naval Shipyard, Virginia).

(3) $40,000,000 (the balance of the amount authorized under section 2201(b) for wharves improvements, Apra Harbor, Guam).

(4) $41,520,000 (the balance of the amount authorized under section 2201(a) for Enclave Fencing/Parking at Bremerton, Washington).

(5) $94,100,000 (the balance of the amount authorized under section 2201(b) for north ramp parking at Andersen Air Force Base, Guam).

(6) $79,780,000 (the balance of the amount authorized under section 2201(b) for north ramp utilities at Andersen Air Force Base, Guam).

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2006 PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3490) is amended in the item relating to Naval Submarine Base, Bangor, Washington, by striking "$60,160,000" and inserting "$127,163,000".

(b) CONFORMING AMENDMENT.—Section 2204(b) of that Act (119 Stat. 3492) is amended by adding at the end the following new paragraph:

"(11) $67,003,000 (the balance of the amount authorized under section 2201(a) for construction of a waterfront security enclave at Naval Submarine Base, Bangor, Washington).".

Termination date.

(c) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization relating to enclave fencing/parking at Naval Submarine Base, Bangor, Washington (formerly referred to as a project at Naval Submarine Base, Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Termination of authority to carry out certain fiscal year 2009 Air Force project.
Sec. 2306. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2307. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2308. Conveyance to Indian tribes of certain housing units.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	$24,300,000
	Eielson Air Force Base	$13,350,000
	Elmendorf Air Force Base	$15,700,000
Arizona	Davis-Monthan Air Force Base	$41,900,000
Arkansas	Little Rock Air Force Base	$16,200,000
California	Los Angeles Air Force Base	$8,000,000
	Travis Air Force Base	$12,900,000
	Vandenberg Air Force Base	$13,000,000
Colorado	Peterson Air Force Base	$32,300,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
	United States Air Force Academy	$17,500,000
Delaware	Dover Air Force Base	$24,900,000
Florida	Eglin Air Force Base	$84,360,000
	Hurlburt Field	$19,900,000
	MacDill Air Force Base	$59,300,000
	Patrick Air Force Base	$8,400,000
Georgia	Moody Air Force Base	$10,000,000
	Warner Robins Air Force Base	$6,200,000
Hawaii	Hickam Air Force Base	$4,000,000
	Wheeler Air Force Base	$15,000,000
Idaho	Mountain Home Air Force Base	$20,000,000
Illinois	Scott Air Force Base	$7,400,000
Louisiana	Barksdale Air Force Base	$12,800,000
Maryland	Andrews Air Force Base	$9,300,000
Mississippi	Columbus Air Force Base	$9,800,000
Missouri	Whiteman Air Force Base	$12,900,000
Montana	Malstrom Air Force Base	$10,600,000
Nebraska	Offutt Air Force Base	$10,400,000
Nevada	Creech Air Force Base	$2,700,000
New Jersey	McGuire Air Force Base	$7,900,000
New Mexico	Cannon Air Force Base	$15,000,000
	Holloman Air Force Base	$53,400,000
	Kirtland Air Force Base	$22,500,000
North Carolina	Pope Air Force Base	$9,000,000
	Seymour Johnson Air Force Base	$6,900,000
North Dakota	Grand Forks Air Force Base	$12,000,000
	Minot Air Force Base	$11,500,000
Ohio	Wright-Patterson Air Force Base	$58,600,000
Oklahoma	Altus Air Force Base	$20,300,000
	Tinker Air Force Base	$18,237,000
	Vance Air Force Base	$10,700,000
South Carolina	Shaw Air Force Base	$21,183,000
South Dakota	Ellsworth Air Force Base	$14,500,000
Texas	Dyess Air Force Base	$4,500,000
	Goodfellow Air Force Base	$44,400,000
	Lackland Air Force Base	$113,879,000
	Sheppard Air Force Base	$13,450,000
Utah	Hill Air Force Base	$26,153,000
Virginia	Langley Air Force Base	$10,000,000
Washington	Fairchild Air Force Base	$15,150,000
Wyoming	F. E. Warren Air Force Base	$9,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$22,000,000
Colombia	Palanquero Air Base	$46,000,000
Germany	Ramstein Air Base	$34,700,000
	Spangdahlem Air Base	$23,500,000
Guam	Andersen Air Force Base	$61,702,000
Italy	Naval Air Station Sigonella	$31,300,000
Qatar	Al Udeid Air Base	$60,000,000
Turkey	Incirlik Air Base	$9,200,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,314,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,737,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,984,963,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $1,003,962,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $288,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $103,562,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 AIR FORCE PROJECT.

(a) TERMINATION.—The table in section 2301(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4682) is amended in the item relating to Unspecified Worldwide Locations by striking "$38,391,000" in the amount column and inserting "$891,000".

(b) CONFORMING AMENDMENTS.—Section 2304 of that Act (122 Stat. 4683) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,108,090,000" and inserting "$2,070,590,000"; and

(2) in paragraph (3), by striking "$38,391,000" and inserting "$891,000".

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

Termination date.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in sections 2301 and

2302 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C–17 Aircrew Life Support	$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	$107,800,000

SEC. 2307. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the table in subsection (b), as provided in section 2302 of that Act (119 Stat. 3495) and extended by section 2305 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4684), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later. Termination date.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	$37,650,000
	Eielson Air Force Base	Purchase Build/ Lease Housing (300 units)	$18,144,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE DIRECTOR.—The term "Executive Director" means the Executive Director of Walking Shield, Inc.

(2) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C.479a–1).

(b) REQUESTS FOR CONVEYANCE.—

(1) IN GENERAL.—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe

located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) CONVEYANCE BY SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (b)(1) that, as determined by the Secretary, is in excess of the needs of the military.

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Family Housing.
Sec. 2403. Energy conservation projects.
Sec. 2404. Authorization of appropriations, Defense Agencies.
Sec. 2405. Termination or modification of authority to carry out certain fiscal year 2009 projects.
Sec. 2406. Modification of authority to carry out certain fiscal year 2008 project.
Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	$2,330,000
	Fort Stewart/Hunter Army Air Field	$22,501,000
North Carolina	Fort Bragg	$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island	$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	$11,000,000
	Travis Air Force Base	$15,357,000
Florida	Jacksonville International Airport (Air National Guard).	$11,500,000
Minnesota	Duluth International Airport (Air National Guard).	$15,000,000
Oklahoma	Altus Air Force Base	$2,700,000
Texas	Fort Hood	$3,000,000
Washington	Fairchild Air Force Base	$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Alabama	Redstone Arsenal	$12,000,000
Virginia	Naval Support Facility, Dahlgren	$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado.	$15,722,000
Colorado	Fort Carson	$48,246,000
Florida	Eglin Air Force Base	$3,046,000
	Hurlburt Field	$8,156,000
Georgia	Fort Benning	$3,046,000
Kentucky	Fort Campbell	$39,135,000
New Mexico	Cannon Air Force Base	$58,864,000
North Carolina	Fort Bragg	$101,488,000
	Marine Corps Base, Camp Lejeune.	$11,791,000
Virginia	Naval Amphibious Base, Little Creek.	$18,669,000
Washington	Fort Lewis	$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	$25,017,000
	Fort Richardson	$3,518,000
Colorado	Fort Carson	$31,900,000
Georgia	Fort Benning	$17,200,000
	Fort Stewart/Hunter Army Field	$22,200,000
Kentucky	Fort Campbell	$8,600,000
Maryland	Fort Detrick	$29,807,000
Missouri	Fort Leonard Wood	$5,570,000
North Carolina	Fort Bragg	$57,658,000
Oklahoma	Fort Sill	$10,554,000
Texas	Lackland Air Force Base	$101,928,000
	Fort Bliss	$990,600,000
Washington	Fort Lewis	$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$27,672,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Brussels	$38,124,000
Germany	Boeblingen	$50,000,000
	Kaiserslautern	$93,545,000
	Wiesbaden Air Base	$5,379,000
United Kingdom	Royal Air Force Lakenheath	$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K–16 Airfield	$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay.	$12,500,000
Greece	Souda Bay	$24,000,000
Guam	Naval Air Station, Agana	$4,900,000

Defense Logistics Agency—Continued

Country	Installation or Location	Amount
Korea	Osan Air Base	$28,000,000
United Kingdom	Royal Air Force Mildenhall	$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station.	$37,588,000

North Atlantic Treaty Organization

State	Installation or Location	Amount
Belgium	NATO Headquarters	$41,400,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	$446,450,000
United Kingdom	Royal Air Force Alconbury	$14,227,000

SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(7), the Secretary of Defense may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation, in the number of units, and in the amount set forth in the following table:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Pennsylvania	Cumberland Depot	6	$2,859,000

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(6), the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $123,013,000.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $3,177,496,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,048,783,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $188,762,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $123,013,000.

(7) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $49,214,000.

(B) For construction and acquisition of military family housing and facilities, $2,859,000.

(C) For credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $302,600,000.

(8) For the construction of increment 4 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $108,000,000.

(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as amended by section 2406 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2405 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the

Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $600,000,000.

(14) For the construction of the first increment of a hospital at Fort Bliss, Texas, authorized by section 2401(a), $86,975,000.

(15) For the construction of the first increment of a hospital at Naval Activities, Guam, authorized by section 2401(b), $259,156,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $187,294,000 (the balance of the amount authorized by section 2401(b) for the hospital replacement, Guam).

(3) $820,000,000 (the balance of the amount authorized in the Supplemental Appropriations Act, 2009 (Public Law 111–32) for the Utah Data Center, Camp Williams, Utah).

(4) $879,025,000 (the balance of the amount authorized by section 2401(a) for the hospital replacement phase I, Fort Bliss, Texas).

(5) $290,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4689) for the USAMRIID replacement facility at Aberdeen Proving Ground, Maryland).

(6) $47,000,000 (the balance of the amount authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), as modified by section 2406(a) of this Act, for the replacement of fuel storage facilities at Point Loma Annex, California).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that is not less than an amount that bears the same proportion to the total amount authorized to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2405. TERMINATION OR MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS.

(a) TERMINATION.—Section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4690) is amended by striking the table relating to the Missile Defense Command. 122 Stat. 4691.

(b) MODIFICATION.—The table relating to the Defense Logistics Agency in such section is amended in the item relating to Souda Bay, Greece, by striking "$8,000,000" in the amount column and inserting "$32,000,000".

(c) CONFORMING AMENDMENTS.—Section 2403 of that Act (122 Stat. 4692) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "$1,639,050,000" and inserting "$1,487,890,000";

(B) in paragraph (2), by striking "$246,360,000" and inserting "$87,200,000"; and

(C) by adding at the end the following new paragraph:

"(11) For construction of the first increment of fuel storage tanks and pipeline replacement at Souda Bay, Greece, $8,000,000."; and

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following new paragraph:

"(3) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).".

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.

(a) MODIFICATION.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking "$140,000,000" in the amount column and inserting "$195,000,000".

(b) CONFORMING AMENDMENT.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking "$84,300,000" and inserting "$139,300,000".

SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

Termination date.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Richmond.	Whole House Renovation.	$484,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $151,541,000 as follows:

(1) For the construction of phase 11 of a chemical munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $92,500,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298), section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), and section 2414 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), $59,041,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for contributions by the Secretary of Defense under section 2806 of title 10, United States

Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $197,414,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Arizona	Camp Navajo	$3,000,000
California	Los Alamitos Joint Forces Training Base	$31,000,000
Georgia	Fort Benning	$15,500,000
	Hunter Army Air Field	$8,967,000
Idaho	Gowen Field	$16,100,000
Illinois	Milan	$5,600,000
Indiana	Muscatatuck Urban Training Center	$10,100,000
Iowa	Camp Dodge	$4,000,000
Kansas	Salina Army National Guard Aviation Facility.	$2,227,000
Massachusetts	Hanscom Air Force Base	$29,000,000
Michigan	Fort Custer	$7,732,000
Minnesota	Arden Hills Army Training Site	$6,700,000
	Camp Ripley	$1,710,000
Mississippi	Camp Shelby	$16,100,000
	Monticello	$14,350,000
Missouri	Boonville	$1,800,000
Nebraska	Lincoln Municipal Airport	$23,000,000
Nevada	Carson City	$2,000,000
	North Las Vegas	$26,000,000
New Mexico	Santa Fe	$39,000,000
North Carolina	East Flat Rock	$2,516,000
	Fort Bragg	$6,038,000
Oregon	Clatsop County	$3,369,000
	Polk County	$12,100,000
South Carolina	Eastover	$26,000,000
	Greenville	$40,000,000
South Dakota	Camp Rapid	$9,840,000
Texas	Austin	$22,200,000
Vermont	Ethan Allen Firing Range	$1,996,000
Virginia	Fort Pickett	$32,000,000
West Virginia	St. Albans Armory	$2,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$30,000,000
Virgin Islands	St. Croix	$20,000,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Army National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$30,000,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

State	Location	Amount
California	Camp Pendleton	$19,500,000
	Los Angeles	$29,000,000
Colorado	Colorado Springs	$13,000,000
Connecticut	Bridgeport	$18,500,000
Florida	Panama City	$7,300,000
	West Palm Beach	$26,000,000
Georgia	Atlanta	$14,000,000
Illinois	Chicago	$23,000,000
Minnesota	Fort Snelling	$12,000,000
New York	Rochester	$13,600,000
Ohio	Cincinnati	$13,000,000
Pennsylvania	Ashley	$9,800,000
	Harrisburg	$7,600,000
	Newton Square	$20,000,000
	Uniontown	$11,800,000
Texas	Austin	$20,000,000
	Bryan	$12,200,000
	Fort Bliss	$9,500,000
	Houston	$24,000,000
	Robstown	$10,200,000
	San Antonio	$20,000,000

Army Reserve: Inside the United States—Continued

State	Location	Amount
Wisconsin	Fort McCoy	$28,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	Caguas	$12,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Army Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$30,000,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Luke Air Force Base	$10,986,000
California	Alameda	$5,960,000
Illinois	Joliet Army Ammunition Plant	$7,957,000
South Carolina	Goose Creek	$4,240,000
Texas	San Antonio	$2,210,000
	Fort Worth Naval Air Station Joint Reserve Base.	$6,170,000
Virginia	Oceana Naval Air Station	$30,400,000

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(3), the Secretary of the Navy may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy Reserve and Marine Corps Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$55,000,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	$5,600,000
California	Fresno Yosemite International Airport	$9,800,000
	South California Logistics Airport	$8,400,000
Colorado	Buckley Air National Guard Base	$4,500,000
Connecticut	Bradley International Airport	$9,000,000
Hawaii	Hickam Air Force Base	$33,000,000
Illinois	Lincoln Capital Airport	$3,000,000
Iowa	Des Moines	$4,600,000
Kansas	McConnell Air Force Base	$8,700,000
Maine	Bangor International Airport	$28,000,000
Maryland	Andrews Air Force Base	$14,000,000
Massachusetts	Barnes Air National Guard Base	$8,100,000
	Otis Air National Guard Base	$12,800,000
Michigan	Alpena Combat Readiness Training Center	$8,900,000
	Battle Creek Air National Guard Base	$14,000,000
	Selfridge Air National Guard Base	$7,100,000
Minnesota	Minnesota/St. Paul International Airport 133rd Airlift Wing Base.	$1,900,000
Mississippi	Gulfport-Biloxi Regional Airport	$6,500,000
Missouri	Rosecrans Memorial Airport	$9,300,000
Nebraska	Lincoln Municipal Airport	$1,500,000
Nevada	Reno	$10,800,000
New Hampshire	Pease Air National Guard Base	$10,000,000
New Jersey	McGuire Air Force Base	$9,700,000
New York	Wheeler Sack Army Airfield	$2,700,000
Ohio	Mansfield Lahm Airport	$11,400,000
Oklahoma	Will Rogers World Airport	$7,300,000
South Carolina	McEntire Joint Air National Guard Base	$1,300,000
South Dakota	Joe Foss Field	$2,600,000
Tennessee	Memphis, 164th Airlift Wing	$9,800,000
Texas	Kelly Field Annex	$7,900,000
Vermont	Burlington International Airport	$6,000,000
West Virginia	Martinsburg	$19,500,000
Wisconsin	General Mitchell International Airport	$5,000,000
Wyoming	Cheyenne Airport	$1,500,000

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(4), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air National Guard

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$30,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	$9,800,000
Colorado	Schriever Air Force Base	$10,200,000
Mississippi	Keesler Air Force Base	$9,800,000
New York	Niagara Falls Air Reserve Station	$5,700,000
Pennsylvania	Pittsburgh Air Force Base	$12,400,000
Texas	Lackland Air Force Base	$1,500,000
Utah	Hill Air Force Base	$3,200,000

(b) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2606(a)(5), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force Reserve

Location	Location or Installation	Amount
Worldwide Unspecified	Unspecified Worldwide Locations	$55,000,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army, for the Army National Guard of the United States, $582,056,000.

(2) For the Department of the Army, for the Army Reserve, $431,566,000.

(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $125,874,000.

(4) For the Department of the Air Force, for the Air National Guard of the United States, $364,226,000.

(5) For the Department of the Air Force, for the Air Force Reserve, $112,269,000.

(b) LIMITATION ON IMPLEMENTATION OF PROJECTS AT CERTAIN UNSPECIFIED WORLDWIDE LOCATIONS.—The Secretary of the military department concerned may not enter into an award of a project at an unspecified worldwide location authorized under section 2601(c), 2602(c), 2603(b), 2604(b), or 2605(b) until the Secretary submits to the congressional defense committees a report that includes the following: Reports.

(1) Within the amounts authorized to be appropriated under the applicable paragraph of subsection (a), a list of the proposed projects.

(2) A Military Construction Data Sheet for each project.

(3) A certification that the projects can be awarded in the year for which the appropriation of funds is made.

(4) A certification that the projects are listed in the current Future Years Defense Program for the reserve component involved.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later. Termination date.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/ Alt, PH I.	$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II.	$20,024,000

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2601 of that Act (119 Stat. 3501) and extended by section 2608 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4710), shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later. Termination date.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range.	$2,532,000

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

Sec. 2701. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.
Sec. 2703. Authorization of appropriations for base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Relocation of certain Army Reserve units in Connecticut.
Sec. 2712. Authority to construct Armed Forces Reserve Center in vicinity of Pease Air National Guard Base, New Hampshire.
Sec. 2713. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.
Sec. 2714. Requirements related to providing world class military medical facilities in the National Capital Region.
Sec. 2715. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle A—Authorizations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $496,768,000, as follows:

(1) For the Department of the Army, $138,723,000.
(2) For the Department of the Navy, $228,000,000.
(3) For the Department of the Air Force, $127,364,000.
(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry

out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $5,934,740,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the total amount of $7,455,498,000, as follows:

(1) For the Department of the Army, $4,057,037,000.
(2) For the Department of the Navy, $591,572,000.
(3) For the Department of the Air Force, $418,260,000.
(4) For the Defense Agencies, $2,388,629,000.

Subtitle B—Other Matters

SEC. 2711. RELOCATION OF CERTAIN ARMY RESERVE UNITS IN CONNECTICUT.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 for the purpose of constructing an Army Reserve Center and Maintenance Facility in the vicinity of Newtown, Connecticut, at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2712. AUTHORITY TO CONSTRUCT ARMED FORCES RESERVE CENTER IN VICINITY OF PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SEC. 2713. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (part

A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

District of Columbia. Maryland. Virginia.

SEC. 2714. REQUIREMENTS RELATED TO PROVIDING WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

Deadlines.

(a) MASTER PLAN REQUIRED.—Not later than March 31, 2010, the Secretary of Defense shall develop and implement a comprehensive master plan to provide sufficient world class military medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) delineates the process for the development of budgets, prioritization of requirements, and the allocation of funds;

(3) delineates budget and operational authority to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) incorporates a facilities needs assessment, including an assessment of standards for patient rooms, and provides a program to meet the facility requirements;

(6) specifies the personnel authorizations and personnel systems required to provide and operate a world class military medical facility;

(7) can be used as a basis to develop similar master plans for other military medical facilities of the Department of Defense; and

(8) includes a community development plan that incorporates multiple options to alleviate traffic congestion related

to the expansion of the National Naval Medical Center and Fort Belvoir Community Hospital, including a review of options—

(A) to expand adjacent highways;

(B) improvements to nearby intersections;

(C) on-facility site queuing; and

(D) multimodal expansion that could include expanded support for buses and subways.

(b) SUBMISSION OF MASTER PLAN AND RELATED MATERIALS.— Reports.
Not later than March 31, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the master plan developed under subsection (a);

(2) the certification of the Secretary that the requirements specified in paragraphs (1), (2), and (3) of section 1650(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 475) remain satisfied and accurate;

(3) the certification of the Secretary that the master plan ensures that each facility covered by the plan meets or exceeds applicable Joint Commission hospital design standards; and

(4) an assessment of the risks and benefits to patient care associated with completing the realignment of Walter Reed National Military Medical Center by the statutory deadline imposed for implementation of the recommendations contained in the report of the Defense Base Closure and Realignment Commission transmitted to Congress on September 15, 2005.

(c) SUBMISSION OF MILESTONE SCHEDULE AND COST ESTIMATES.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report describing— Reports.

(1) the schedule for completion of requirements identified in the master plan developed under subsection (a); and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(d) SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER.—Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.

(e) DEFINITIONS.—In this section:

(1) NATIONAL CAPITAL REGION.—The term "National Capital Region" has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) WORLD CLASS MILITARY MEDICAL FACILITY.—The term "world class military medical facility" has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled "Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital", published in May, 2009.

SEC. 2715. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (B), by striking the matter preceding clause (i) of such subparagraph and inserting the following: "(B) The transfer of property located at a military installation under subparagraph (A) may be for consideration at or below the estimated fair market value or without consideration. The determination of such consideration may account for the economic conditions of the local affected community and the estimated costs to redevelop the property. The Secretary may accept, as consideration, a share of the revenues that the redevelopment authority receives from third-party buyers or lessees from sales and long-term leases of the conveyed property, consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The transfer of property located at a military installation under subparagraph (A) may be made for consideration below the estimated fair market value or without consideration only if the redevelopment authority with respect to the installation—"; and

(2) in subparagraph (C), by striking "subparagraph (B)" and inserting "subparagraph (B)(i)".

(b) REPORT CONCERNING PROPERTY CONVEYANCES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and the progress made as a result of the implementation of the amendments made by subsection (a).

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Modification of authority for scope of work variations.
Sec. 2804. Modification of conveyance authority at military installations.
Sec. 2805. Imposition of requirement that acquisition of reserve component facilities be authorized by law.

Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.
Sec. 2809. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.

Subtitle B—Real Property and Facilities Administration

Sec. 2821. Modification of utility systems conveyance authority.
Sec. 2822. Report on global defense posture realignment and interagency review.
Sec. 2823. Property and facilities management of the Armed Forces Retirement Home.
Sec. 2824. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2825. Selection of military installations to serve as locations of brigade combat teams.
Sec. 2826. Report on Federal assistance to support communities adversely impacted by expansion of military installations.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Department of Defense in management and coordination of Defense activities relating to Guam realignment.
Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspectors General for Guam Realignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
Sec. 2837. Report and sense of Congress on Marine Corps requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and utility control system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2843. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.
Sec. 2844. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2845. Study on development of nuclear power plants on military installations.
Sec. 2846. Comptroller General report on Department of Defense renewable energy initiatives, including solar initiatives, on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2852. Release of reversionary interest, Camp Joseph T. Robinson, Arkansas.
Sec. 2853. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2854. Land conveyance, Ferndale housing at Centerville Beach Naval Facility to City of Ferndale, California.
Sec. 2855. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2856. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.
Sec. 2857. Modification of land conveyance, former Griffiss Air Force Base, New York.
Sec. 2858. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2859. Land conveyance, Ellsworth Air Force Base, South Dakota.
Sec. 2860. Land conveyance, Lackland Air Force Base, Texas.
Sec. 2861. Land Conveyance, Naval Air Station Oceana, Virginia.
Sec. 2862. Completion of land exchange and consolidation, Fort Lewis, Washington.
Sec. 2863. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.

Sec. 2872. National D–Day Memorial study.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CONSTRUCTION AUTHORITIES.

(a) REPEAL OF LIMITATIONS ON EXERCISE-RELATED PROJECTS OVERSEAS.—

(1) AUTHORITY TO CARRY OUT PROJECTS.—Subsection (a) of section 2805 of title 10, United States Code, is amended—

(A) by striking "Except as provided in paragraph (2), within" and inserting "Within";

(B) by striking paragraph (2); and

(C) by striking "An unspecified" and inserting the following:

"(2) An unspecified".

(2) USE OF OPERATION AND MAINTENANCE FUNDS.—Subsection (c) of such section is amended—

(A) by striking "Except as provided in paragraphs (2) and (3)" and inserting "Except as provided in paragraph (2)";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(3) CONFORMING AMENDMENT.—Section 2806(c)(1) of such title is amended by striking "section 2805(a)(2)" and inserting "section 2805(a)".

(b) LABORATORY REVITALIZATION AUTHORIZED.—Section 2805(d) of such title is amended—

(1) in paragraph (1)(B), by inserting "or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)" after "authorized by law";

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(c) MECHANISMS TO PROVIDE FUNDS FOR LABORATORY REVITALIZATION.—

(1) ADDITIONAL PURPOSE.—Subsection (a)(1) of section 219 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

"(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.".

(2) MODIFICATION OF REPORTING REQUIREMENTS.—Subsection (b) of such section is amended—

(A) by striking paragraph (2); and

(B) by striking "AUTHORITY" and all that follows through "Not" and inserting "AUTHORITY.—Not".

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

"(2) if the current estimate of the cost of the repair project exceeds 75 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

"(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.".

SEC. 2803. MODIFICATION OF AUTHORITY FOR SCOPE OF WORK VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking "Except as provided in subsection (c)" and inserting "(1) Except as provided in subsection (c)";

(B) by striking "may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress." and inserting "may be reduced by not more than 25 percent from the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition."; and

(C) by adding at the end the following new paragraph:

"(2) The scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased above the amount specified for that project, construction, improvement, or acquisition in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition."; and

(2) in subsection (c), by striking "limitation on scope reduction in subsection (b)" and inserting "limitation on scope reduction in subsection (b)(1)".

SEC. 2804. MODIFICATION OF CONVEYANCE AUTHORITY AT MILITARY INSTALLATIONS.

(a) LIMITED PURPOSES FOR WHICH REAL PROPERTY MAY BE CONVEYED.—Section 2869 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "agrees, in exchange for the real property—" and all that follows through "to carry out a military construction project or land acquisition" and inserting "agrees, in exchange for the real property, to carry out a land acquisition";

(ii) by striking "; or" and inserting a period; and

(iii) by striking subparagraph (B); and

(B) by striking paragraph (3);

(2) in subsection (b), by striking "fair market value of the military construction, military family housing, or military unaccompanied housing" both places it appears and inserting "fair market value of the land";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) LIMITATION ON USE OF CONVEYANCE AUTHORITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE LAWS.—The authority under subsection (a)(2)(A) to convey property located on a military installation may only be used to the extent the conveyance is consistent with an approved redevelopment plan for such installation."; and

(4) in subsection (d)(2)(A), by striking "military construction project, land acquisition, military family housing, or military unaccompanied housing" both places it appears and inserting "land acquisition".

(b) REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE ACCOUNT.—Subsection (e) of such section is amended by striking "(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds" and all that follows through "funds deposited under paragraph (2) shall be available" in paragraph (3) and inserting "The Secretary concerned shall deposit funds received under subsection (b) in the appropriation 'Foreign Currency Fluctuations, Construction, Defense'. The funds deposited shall be available".

(c) ELIMINATION OF ANNUAL REPORT REQUIREMENT; SUNSET.—Subsection (f) of such section is amended to read as follows:

"(f) SUNSET.—The authority to enter into an agreement under this section shall expire on September 30, 2013.".

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2869. Conveyance of property at military installations to limit encroachment".

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

"2869. Conveyance of property at military installations to limit encroachment.".

SEC. 2805. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking "as he determines to be necessary" and inserting "as are authorized by law".

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 112 Stat. 4724), is amended—

(1) in subsection (a), by striking "During fiscal year 2004" and all that follows through "obligate" and inserting "The Secretary of Defense may obligate"; and

(2) by adding at the end the following new subsection:

"(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on the later of—

"(1) September 30, 2010; or

"(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011.".

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking "and United States Africa Command areas of responsibility" and inserting "area of responsibility".

(c) ANNUAL FUNDING LIMITATION ON USE OF AUTHORITY; EXCEPTION.—Subsection (c) of such section is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting "for fiscal year 2010" after "operation and maintenance" ; and

(B) in the second sentence, by striking "fiscal year 2009" and inserting "that fiscal year"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts. Funds obligated under this paragraph are not subject to the limitation in the second sentence of paragraph (2).".

(d) CLERICAL AMENDMENT TO CORRECT REFERENCE TO CONGRESSIONAL COMMITTEE.—Subsection (f) of such section is amended by striking "Subcommittees on Defense and Military Construction" both places it appears and inserting "Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies".

SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

10 USC 3013 note. Deadline.

(a) EXPANSION OF INITIATIVE.—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) PROGRESS REPORTS.—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to the congressional defense committees a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR MILITARY UNACCOMPANIED HOUSING.

(a) SECRETARY OF DEFENSE REPORT.—Not later than March 31, 2010, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) an evaluation of the process by which the Secretary develops, implements, and oversees housing privatization transactions involving military unaccompanied housing;

(2) recommendations regarding additional opportunities for members of the Armed Forces to utilize housing privatization transactions involving military unaccompanied housing;

(3) an evaluation of the impact of a prohibition on civilian occupancy of such housing on the ability to secure private partners for such housing privatization transactions; and

(4) the Secretary's assessment of the feasibility and cost of privatizing military unaccompanied housing for all members of the Armed Forces.

(b) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than 90 days after the Secretary of Defense submits the report under subsection (a), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating such report. The report of the Comptroller General shall include the Comptroller General's assessment of the process used by the Secretary in preparing the report under subsection (a) and the Comptroller General's assessment of the extent to which such report addresses the elements required under subsection (a).

(2) INDEPENDENT RESEARCH.—The Comptroller General may conduct such independent research and make such independent findings and recommendations as the Comptroller General determines appropriate for purposes of the report submitted under this subsection.

(c) HOUSING PRIVATIZATION TRANSACTION DEFINED.—In this section, the term "housing privatization transaction" means any contract or other transaction for the construction or acquisition of military unaccompanied housing entered into under the authority of subchapter IV of chapter 169 of title 10, United States Code.

SEC. 2809. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions by project made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.

(b) DEFINITIONS.—In this section, the terms "State" and "facility" have the meanings given those terms in section 18232 of such title.

Subtitle B—Real Property and Facilities Administration

SEC. 2821. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) CLARIFICATION OF REQUIRED DETERMINATION THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking "system; and" and inserting the following: "system by

10 percent of the long-term cost for provision of those utility services in the agency tender; and".

(b) LIMITATION ON REPEATED USE OF AUTHORITY FOR SAME UTILITY SYSTEM.—Such subsection is further amended by adding at the end the following new paragraph:

Determination. Time periods.

"(3)(A) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not further reconsider the utility system, or part of a utility system, for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination.

"(B) If the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under section 2461 of this title or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.".

SEC. 2822. REPORT ON GLOBAL DEFENSE POSTURE REALIGNMENT AND INTERAGENCY REVIEW.

(a) ANNUAL REVIEW OF OVERSEAS BASE CLOSURE AND REALIGNMENT ACTIONS AND BASING MASTER PLANS.—

(1) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

"§ 2687a. Overseas base closures and realignments and basing master plans

"(a) ANNUAL STATUS REPORT.—At the same time that the budget is submitted under section 1105(a) of title 31for a fiscal year, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on—

"(1) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(2) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations.

"(b) REPORT ELEMENTS.—A report under subsection (a) shall address the following:

"(1) How the master plans described in subsection (a)(2) would support the security commitments undertaken by the United States pursuant to any international security treaty, including, the North Atlantic Treaty, The Treaty of Mutual Cooperation and Security between the United States and Japan, and the Security Treaty Between Australia, New Zealand, and the United States of America.

"(2) The impact of such plans on the current security environments in the combatant commands, including United States participation in theater security cooperation activities and bilateral partnership, exchanges, and training exercises.

"(3) Any comments of the Secretary of Defense resulting from an interagency review of these plans that includes the Department of State and other Federal departments and agencies that the Secretary of Defense considers necessary for national security.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

"2687a. Overseas base closures and realignments and basing master plans.".

(b) INTERAGENCY OVERSEAS BASING REPORT IN RESPONSE TO QUADRENNIAL DEFENSE REVIEW.—Section 118 of title 10, United States Code, is amended by inserting after subsection (h), as added by section 1002, the following new subsection:

"(i) INTERAGENCY OVERSEAS BASING REPORT.—(1) Not later than 90 days after submitting a report on a quadrennial defense review under subsection (d), the Secretary of Defense shall submit to the congressional defense committees a report detailing how the results of the assessment conducted as part of such review will impact—

"(A) the status of overseas base closure and realignment actions undertaken as part of a global defense posture realignment strategy; and

"(B) the status of development and execution of comprehensive master plans for overseas military main operating bases, forward operating sites, and cooperative security locations of the global defense posture of the United States.

"(2) A report under paragraph (1) shall include any recommendations for additional closures or realignments of military installations outside of the United States and any comments resulting from an interagency review of these plans that includes the Department of State and other relevant Federal departments and agencies.".

SEC. 2823. PROPERTY AND FACILITIES MANAGEMENT OF THE ARMED FORCES RETIREMENT HOME.

(a) ACQUISITION OF REAL PROPERTY.—Subsection (e)(2) of section 1511 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411) is amended by adding at the end the following new sentence: "If the purchase price to acquire fee title to real property for inclusion in the Retirement Home is more than $750,000, the Secretary may acquire the real property only if the acquisition is specifically authorized by law.".

(b) DISPOSAL OF EXCESS PROPERTY AND LEASE OF NON-EXCESS PROPERTY.—Such section is further amended—

(1) in subsection (e), by striking paragraph (3) and inserting the following new paragraph:

Determination.

"(3) If the Secretary of Defense determines that any property of the Retirement Home is excess to the needs of the Retirement Home, the Secretary shall dispose of the property in accordance with subchapter III of chapter 5 of title 40, United States Code (40 U.S.C. 541 et seq.). The proceeds from the disposal of property under this paragraph shall be deposited in the Armed Forces Retirement Home Trust Fund."; and

(2) by adding at the end the following new subsection:

"(i) AUTHORITY TO LEASE NON-EXCESS PROPERTY.—(1) Whenever the Chief Operating Officer of the Armed Forces Retirement

Home considers it advantageous to the Retirement Home, the Secretary of Defense (acting on behalf of the Chief Operating Officer) may lease to such lessee and upon such terms as the Secretary considers will promote the purpose and financial stability of the Retirement Home or be in the public interest, real or personal property that is—

"(A) under the control of the Retirement Home; and

"(B) not excess property (as defined by section 102 of title 40, United States Code) subject to disposal under subsection (e)(3).

"(2) A lease under this subsection— Determinations.

"(A) may not be for more than five years, unless the Chief Operating Officer determines that a lease for a longer period will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(B) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

"(C) shall permit the Chief Operating Officer to revoke the lease at any time, unless the Chief Operating Officer determines that the omission of such a provision will promote the purpose and financial stability of the Retirement Home or be in the public interest;

"(D) shall provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is not less than the fair market value of the lease interest, as determined by the Chief Operating Officer ; and

"(E) may provide, notwithstanding section 1302 of title 40, United States Code, or any other provision of law, for the alteration, repair, or improvement, by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

"(3) In addition to any in-kind consideration accepted under subparagraph (D) or (E) of paragraph (2), in-kind consideration accepted with respect to a lease under this subsection may include the following:

"(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities of the Retirement Home.

"(B) Construction of new facilities for the Retirement Home.

"(C) Provision of facilities for use by the Retirement Home.

"(D) Facilities operation support for the Retirement Home.

"(E) Provision of such other services relating to activities that will occur on the leased property as the Chief Operating Officer considers appropriate.

"(4) In-kind consideration under paragraph (3) may be accepted at any property or facilities of the Retirement Home that are selected for that purpose by the Chief Operating Officer.

"(5) In the case of a lease for which all or part of the consideration proposed to be accepted under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary of Defense may not enter into the lease on behalf of the Chief Operating Officer until at least 30 days after the date on which a report on the facts of the lease is submitted to Congress. This paragraph does not apply to a lease covered by paragraph (6). Time period.

"(6)(A) If a proposed lease under this subsection involves only personal property, the lease term exceeds one year, or the fair Determination.

market value of the lease interest exceeds $100,000, as determined by the Chief Operating Officer, the Secretary of Defense shall use competitive procedures to select the lessee unless the Chief Operating Officer determines that—

"(i) a public interest will be served as a result of the lease; and

"(ii) the use of competitive procedures for the selection of certain lessees is unobtainable or not compatible with the public benefit served under clause (i).

Deadline. Notice.

"(B) Not later than 45 days before entering into a lease described in subparagraph (A), the Chief Operating Officer shall submit to Congress written notice describing the terms of the proposed lease and—

"(i) the competitive procedures used to select the lessee; or

"(ii) in the case of a lease involving the public benefit exception authorized by subparagraph (A)(ii), a description of the public benefit to be served by the lease.

"(7) The proceeds from the lease of property under this subsection shall be deposited in the Armed Forces Retirement Home Trust Fund.

"(8) The interest of a lessee of property leased under this subsection may be taxed by State or local governments. A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State or local governments under an Act of Congress, the lease shall be renegotiated.".

SEC. 2824. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT CLEANUP EFFORTS AT FORMER ALMADEN AIR FORCE STATION, CALIFORNIA.

(a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—The Secretary of the Army may accept contributions from other Federal entities, the State of California, and other entities, both public and private, for the purposes of helping to cover the costs of—

(1) demolition of property at former Almaden Air Force Station, California; and

(2) environmental remediation and restoration.

(b) AVAILABILITY.—Amounts received as contributions under subsection (a) may be merged with other amounts available to the Secretary to carry out the purposes described in such subsection and shall be available without further appropriations and until expended.

10 USC 3013 note.

SEC. 2825. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.

SEC. 2826. REPORT ON FEDERAL ASSISTANCE TO SUPPORT COMMUNITIES ADVERSELY IMPACTED BY EXPANSION OF MILITARY INSTALLATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that includes the following information:

(1) A description of the current authorities under which the Secretary may assist a community that is adversely impacted by the expansion of a military installation (in this section referred to as "impacted community").

(2) A description of the current authorities under which heads of other Federal agencies may assist an impacted community.

(3) A review of additional authorities that the Secretary requires to assist impacted communities, including an assessment on the following:

(A) Methods to obtain educational opportunities for members of the Armed Forces and their dependents in impacted communities.

(B) Opportunities to use payments in lieu of taxes under chapter 69 of title 31, United States Code, to offset impacts on impacted communities.

(C) In remote locations where the Armed Forces does not have a presence and significant military expansion has been proposed, the ability to augment local medical capacities and public utilities to support expansion requirements.

Subtitle C—Provisions Related to Guam Realignment

SEC. 2831. ROLE OF DEPARTMENT OF DEFENSE IN MANAGEMENT AND COORDINATION OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.

(a) DEPUTY SECRETARY OF DEFENSE.—Section 132 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) Until September 30, 2015, the Deputy Secretary of Defense shall lead the Guam Executive Council and shall be the Department of Defense's principal representative for coordinating the interagency efforts in matters relating to Guam, including the following executive orders: Termination date.

"(1) Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451; relating to the Interagency Group on Insular Affairs).

"(2) Executive Order No. 12788 of January 15, 1992, as amended (57 Fed. Reg. 2213; relating to the Defense Economic Adjustment Program).".

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report including the charter that establishes the Guam Executive Council.

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) SPECIAL PURPOSE ENTITY DEFINED.—In this section, the term "special purpose entity" means any private person, corporation, firm, partnership, company, State or local government, or authority or instrumentality of a State or local government that the Secretary of Defense determines is capable of producing military family housing or providing utilities to support the realignment of military installations and the relocation of military personnel on Guam. 10 USC 2687 note.

(b) REPORT ON INTENDED USE SPECIAL PURPOSE ENTITIES.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the intended use of special purpose entities to provide military family housing or utilities to support the realignment of military installations and the relocation of military personnel on Guam.

Time period.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of special use entities as described in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

"(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).".

(2) APPLICABILITY TO SPECIAL PURPOSE ENTITY CONTRIBUTIONS.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, and any successor to such criteria shall be the minimum standard applicable to projects funded using contributions provided by a special purpose entity.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. In preparing the report, the Secretary shall consider the impact of—

(A) increasing the overseas housing allowance for members of the Armed Forces serving on Guam; and

(B) providing a direct Federal subsidy to public-private ventures.

(d) SENSE OF CONGRESS ON SCOPE OF UTILITY INFRASTRUCTURE IMPROVEMENTS.—Section 2821 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4729) is amended—

(1) by redesignating subsection (c) as subsection (b); and

(2) in such subsection, by striking "should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system" and inserting "should support proposed utility infrastructure

improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations".

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

"(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—

"(A) IN GENERAL.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds.

"(B) SECRETARY OF LABOR AUTHORITIES.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

"(C) WAGE RATE DETERMINATION.—In making wage rate determinations pursuant to subparagraph (A), the Secretary of Labor shall not include in the wage survey any persons who hold a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

"(D) ADDITION TO WEEKLY STATEMENT ON THE WAGES PAID.—In the case of projects and other transactions covered by subparagraph (A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

Determination. Deadline.

"(E) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.".

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking "Not later than" and inserting the following:

"(1) MILITARY CONSTRUCTION INFORMATION.—Not later than"; and

(2) by adding at the end the following new paragraph:

"(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an assessment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a

minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.".

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) COMPOSITION OF WORKFORCE.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

"(6) COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS.—

"(A) LIMITATION.—With respect to each construction project that is carried out using amounts described in subparagraph (B), no work may be performed by a person holding a visa described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) unless—

"(i) the application for that visa has been approved pursuant to the issuance of a temporary labor certification by the Governor of Guam as provided under section 214.2 of title 8, Code of Federal Regulations; and

Certification.

"(ii) the Governor of Guam, in consultation with the Secretary of Labor, makes the certification described in subparagraph (C) to the Secretary of Defense.

Applicability.

"(B) SOURCE OF FUNDS.—Subparagraph (A) applies to—

"(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

"(ii) funds associated with activities under section 2821 of this Act; and

"(iii) funds for authorized military construction projects.

"(C) CERTIFICATION.—The certification referred to in subparagraph (A) is a certification, in addition to the certifications required by section 214.2 of title 8, Code of Federal Regulations, that—

"(i) there are not sufficient United States workers who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place where the persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) are to perform such skilled or unskilled labor; and

"(ii) the employment of such persons holding visas described in section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)) will not adversely affect the wages and working conditions of workers in Guam similarly employed.

Contracts. Recruitment plan.

"(D) SOLICITATION OF WORKERS.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall

be required to advertise and solicit for construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, in accordance with a recruitment plan approved by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor at least 60 days before the start date of the workers under a contract. The contractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State, territorial, and local job banks, with State and territorial workforce agencies, and with any other referral and recruitment sources the Secretary of Labor determines may be pertinent to the employment opportunity.

Records. Deadline.

Notice. Web posting. Determination.

"(E) RECRUITMENT PERIOD.—The Secretary of Labor shall ensure that a contractor's recruitment of construction workers complies with the recruitment plan required by subparagraph (D) for a period beginning 60 days before the start date of workers under a contract and continuing for the next 28 days. During the recruitment period, the contractor shall interview all qualified and available United States construction workers who have applied for the employment opportunity, and, at the close of the recruitment period, the contractor shall provide the Secretary of Labor with a recruitment report providing any reasons for which the contractor did not hire an applicant who is a qualified United States construction worker. Not later than 21 days before the start date of the workers under a contract, the Secretary of Labor shall certify to the Governor of Guam whether the contractor has satisfied the recruitment plan created under subparagraph (D).

Contracts.

Deadline. Reports.

Deadline. Certification.

"(F) LIMITATION.—An employer, its attorney or agent, the Secretary of Labor, the Governor of Guam, and any designee thereof, may not seek or receive payment of any kind from any worker for any activity related to obtaining an H-2B labor certification with respect to any construction project that is carried out using amounts described in subparagraph (B).".

(b) REPORTING REQUIREMENTS.—

(1) SECRETARY OF DEFENSE.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled "Use of Project Labor Agreements for Federal Construction Projects" (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

Contracts.

(2) SECRETARY OF LABOR.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—

Deadline. Reports.

(A) the opportunities to expand the recruitment of construction workers in the United States, including Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment;

(C) the sufficiency of efforts to recruit United States construction workers; and

(D) The costs to the United States for recruitment plans required by such paragraph (6) and a proposed method to cover such costs.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

10 USC 2687 note.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTORS GENERAL FOR GUAM REALIGNMENT.

Establishment.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of Inspectors General for Guam Realignment (in this section referred to as the "Interagency Coordination Group")—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations.

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and the Inspector General of such other Federal agencies as the chairperson considers appropriate to carry out the duties of the Interagency Coordination Group.

(c) DUTIES.—

(1) OVERSIGHT OF GUAM CONSTRUCTION.—It shall be the duty of the Interagency Coordination Group to conduct, supervise, and coordinate audits and investigations of the treatment,

handling, and expenditure of amounts appropriated or otherwise made available for military construction on Guam and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of construction activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such fund; and

(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) OTHER DUTIES RELATED TO OVERSIGHT.—The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1). Procedures.

(3) OVERSIGHT PLAN.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment. Deadline.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) PROVISION OF ASSISTANCE.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.

(2) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) REPORTS.—

(1) ANNUAL REPORTS.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations,

expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.

(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;

(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

Definition.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that—

(A) is entered into by any department or agency of the United States Government with any public or private sector entity; and

(B) involves the use of amounts appropriated or otherwise made available for military construction on Guam.

(3) FORM.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense

or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) SUBMISSION OF COMMENTS.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary. Deadline.

(f) PUBLIC AVAILABILITY; WAIVER.—

(1) PUBLIC AVAILABILITY.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website. President. Web posting.

(2) WAIVER AUTHORITY.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons. Determination.

(3) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made and with respect to which elements in the report or which comments, as appropriate. Federal Register, publication. Deadline.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term "amounts appropriated or otherwise made available for military construction on Guam" includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term "Guam" includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment. Termination date.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and

(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

Reports.

(a) IN GENERAL.—The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa until the Secretary reports to the congressional defense committees that the replacement facility and its planned operating procedures are consistent with naval aviation safety requirements.

(b) EXERCISE OF WAIVER AUTHORITIES.—

Determination.

(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as preventing the Secretary from exercising existing waiver authorities provided the Secretary first determines the waiver is necessary in the interest of national defense.

(2) REQUIRED REPORTING OF EFFORTS.—The report specified under subsection (a) shall clearly identify efforts made to mitigate deviations from criteria in the planning and construction of the replacement facility described in such subsection.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the training and readiness requirements necessary for Marine Forces Pacific, the field command of the Marine Corps within the United States Pacific Command.

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine Corps expected to be assigned or realigned on a permanent or temporary basis to Marine Forces Pacific, including the type of unit, the organizational element, the current location of the unit, and proposed location for the unit.

(2) A description of the training requirements necessary to sustain the current and planned realignment of forces specified in paragraph (1).

(3) A description of the strategic- and tactical-lift requirements associated with the training, operational readiness, and movement of Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training and readiness requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include an analysis that, at a minimum, reviews the capabilities required to support the training, operational readiness, and movement of Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement entitled "Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the

Relocation of the III Marine Expeditionary Force Personnel and their Dependents from Okinawa to Guam".

Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) ADOPTION REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 the following new section:

"§ 2867. Energy monitoring and utility control system specification for military construction and military family housing activities

"(a) ADOPTION OF DEPARTMENT-WIDE, OPEN PROTOCOL, ENERGY MONITORING AND UTILITY CONTROL SYSTEM SPECIFICATION.—(1) The Secretary of Defense shall adopt an open protocol energy monitoring and utility control system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling, with respect to the project or activity, the items specified in paragraph (2) with the goal of establishing installation-wide energy monitoring and utility control systems.

"(2) The energy monitoring and utility control system specification required by paragraph (1) shall cover the following:

"(A) Utilities and energy usage, including electricity, gas, steam, and water usage.

"(B) Indoor environments, including temperature and humidity levels.

"(C) Heating, ventilation, and cooling components.

"(D) Central plant equipment.

"(E) Renewable energy generation systems.

"(F) Lighting systems.

"(G) Power distribution networks.

"(b) EXCLUSION.—(1) The energy monitoring and utility control system specification required by subsection (a) is not required to apply to projects carried out under the authority provided in subchapter IV of chapter 169 of this title.

"(2) The Secretary concerned may waive the application of the energy monitoring and utility control system specification required by subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective. The Secretary concerned shall notify the congressional defense committees of any waiver granted under this paragraph.". Waiver authority. Determination. Notification.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III is amended by inserting after the item relating to section 2866 the following new item:

"2867. Energy monitoring and utility control system specification for military construction and military family housing activities.".

10 USC 2867 note.

(3) DEADLINE FOR ADOPTION.—The Secretary of Defense shall adopt the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open protocol energy monitoring and utility control system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) A plan and expected timetable for integration of the standard with the energy monitoring and utility control systems.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulation Chapter 6.3, relating to Other Than Full and Open Competition, for energy monitoring and utility control systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking "electric energy" and inserting "facility energy";

(B) by striking "and in its activities"; and

(C) by striking "(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))"; and

(3) in subparagraph (B) (as so redesignated), by striking "electric energy" and inserting "facility energy".

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking "It shall be" and inserting "(1) It shall be"; and

(2) by adding at the end the following new paragraph:

"(2) In this subsection, the term 'renewable energy source' means energy generated from renewable sources, including the following:

"(A) Solar.

"(B) Wind.

"(C) Biomass.

"(D) Landfill gas.

"(E) Ocean, including tidal, wave, current, and thermal.

"(F) Geothermal, including electricity and heat pumps.

"(G) Municipal solid waste.

"(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is 'new' if it was placed in service on or after January 1, 1999.

"(I) Thermal energy generated by any of the preceding sources.".

(c) CLERICAL AMENDMENT.—The heading of such subsection is amended by striking "ELECTRICITY NEEDS" and inserting "FACILITY ENERGY NEEDS".

SEC. 2843. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

"(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

"(1) An electric utility.

"(2) An independent system operator.

"(3) A State agency.

"(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

"(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be—

"(1) received as a cost reduction in the utility bill for a facility; or

"(2) deposited into the fund established under subsection (c) for use, to the extent provided for in an appropriations Act, by the military department, Defense Agency, or instrumentality receiving such financial incentive for energy management initiatives.

"(c) ENERGY SAVINGS FINANCIAL INCENTIVES FUND.—There is established in the Treasury a fund to be known as the 'Energy Savings Financial Incentives Fund'. The Fund shall consist of any amount deposited in the Fund pursuant to subsection (b)(2) and amounts appropriated or otherwise made available to the Fund by law.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.".

SEC. 2844. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2922g. Preference for motor vehicles using electric or hybrid propulsion systems

"(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

"(1) will meet the requirements or needs of the Department of Defense; and

"(2) are commercially available at a cost, including operating cost, reasonably comparable to motor vehicles containing only an internal combustion or heat engine using combustible fuel.

"(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

Determination.

"(c) RELATION TO OTHER VEHICLE TECHNOLOGIES THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—The preference required by subsection (a) does not preclude the Secretary of Defense from authorizing the Secretary of a military department or head of a Defense Agency to provide a preference for another vehicle technology that reduces the consumption of fossil fuels if the Secretary of Defense determines that the technology is consistent with the energy performance goals and plan of the Department required by section 2911 of this title.

"(d) HYBRID DEFINED.—In this section, the term 'hybrid', with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

"(1) an internal combustion or heat engine using combustible fuel; and

"(2) a rechargeable energy storage system.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2922g. Preference for motor vehicles using electric or hybrid propulsion systems.".

Deadline.
10 USC 2922g note.

(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement section 2922g of title 10, United States Code, as added by subsection (a), within one year after the date of the enactment of this Act.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations.

(b) ELEMENTS.—As part of the study required by subsection (a), the Secretary shall—

(1) summarize options available to the Department to enter into public-private partnerships or other transactions for the construction and operation of the nuclear power plants;

(2) estimate the potential cost per kilowatt-hour and life-cycle cost savings to the Department;

(3) consider the potential energy security advantages of generating electricity on military installations through the use of nuclear power plants;

(4) assess the additional infrastructure that would be needed to enable the power plants to provide power through the general electricity grid and to military installations in the event of a commercial grid failure;

(5) consider the potential impact on the quality of life of personnel stationed at military installations at which a nuclear power plant is installed and ways to mitigate those impacts;

(6) review the range of Federal, State, and local regulatory processes governing the establishment of nuclear power plants on military installations;

(7) assess the degree to which nuclear power plants might adversely affect operations on military installations, including consideration of training and readiness requirements;

(8) assess potential environmental liabilities for the Department;

(9) consider factors impacting safe co-location and operation of nuclear power plants on military installations; and

(10) consider other factors that affect the development of nuclear power plants on military installations.

(c) SUBMISSION OF RESULTS OF STUDY.—Not later than June 1, 2010, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the study required by subsection (a). Deadline. Reports.

SEC. 2846. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES, INCLUDING SOLAR INITIATIVES, ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report describing all renewable energy initiatives, including projects involving the installation of solar panels, that are currently producing energy or are under development on military installations.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) specify the costs associated with each renewable energy initiative;

(2) address whether the renewable energy initiative has a clearly delineated set of goals or targets and whether the goals or targets are being met or are likely to be met by the completion of the renewable energy initiative; and

(3) contain recommendations for legislative or administrative actions that will assist—

(A) renewable energy initiatives in meeting the goals or targets; and

(B) the Department of Defense in achieving its renewable energy goal by 2025, as specified in section 2911(e) of title 10, United States Code.

Subtitle E—Land Conveyances

SEC. 2851. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the "Association") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

Payments. Determination.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

Records.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and

subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. Determination. Survey.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. RELEASE OF REVERSIONARY INTEREST, CAMP JOSEPH T. ROBINSON, ARKANSAS.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled "An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas'", approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SEC. 2853. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431 note; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

"(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

"(d) TRANSFER OF LAND.—The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over of a parcel of land consisting of approximately five acres, depicted within the proposed boundary on the map entitled 'Port Chicago Naval Magazine National Memorial, Proposed Boundary', numbered 018/80,001, and dated August 2005, if the Secretary of the Army determines that the land is in excess to military needs. At the time of the transfer of administrative jurisdiction, the Secretary of the Army and the Secretary of the Interior shall enter into an agreement to determine the responsibilities of the respective agencies in the application of, or obligation to comply with, any applicable environmental law affecting the transferred Determination. Contracts.

land, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Contracts.

"(e) PUBLIC ACCESS.—The Secretary of the Army shall enter into an agreement with the Secretary of the Interior to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Military Ocean Terminal–Concord.

"(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.

"(g) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).".

(b) SENSE OF CONGRESS ON REPAIR AND MODIFICATION OF NATIONAL MEMORIAL.—In accordance with public access provided by section 203(e) of the Port Chicago National Memorial Act of 1992, as amended by subsection (a), it is the sense of Congress that the Secretary of the Army and the Secretary of the Interior should work together to develop a process by which future repairs and modifications to mutually used infrastructure at the Port Chicago Naval Magazine National Memorial can be carried out in as timely and cost-effective a manner as possible.

SEC. 2854. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the "City"), all right, title, and interest of the United States in and to the parcels of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

Determination. Survey.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary of the Navy shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the city in advance of

the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary of the Navy in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) TRANSFER OF PROCEEDS AUTHORIZED.—The Secretary of Defense may transfer any proceeds received from the conveyance under subsection (a), less amounts received as reimbursement for costs under subsection (c), to the Department of Defense Family Housing Improvement Fund established under section 2883(a) of title 10, United States Code, for the purposes of carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary of the Navy considers appropriate to protect the interests of the United States.

SEC. 2855. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey all right, title, and interest of the United States in and to the parcels of real property, including any improvements thereon, described in subsection (b) and located at former Naval Air Station, Barbers Point, Oahu, Hawaii—

(1) to the Hawaii Community Development Authority (in this section referred to as the "Authority"), which is the local redevelopment authority for former Naval Air Station, Barbers Point; or

(2) to the Department of Hawaiian Homelands (in this section referred to as the "Department").

(b) COVERED PARCELS.—The real property authorized to be conveyed under subsection (a) includes the following:

(1) An approximately 10.569-acre parcel of land identified as "Parcel No. 13126 B" and further identified by Oahu Tax Map Key No. 9–1–031:047.

(2) An approximately 145.785-acre parcel of land identified as "Parcel No. 13058 D" and further identified by Oahu Tax Map Key No. 9–1–013:039.

(3) An approximately 9.303-acre parcel of land identified as "Parcel No. 13058 F" and further identified by Oahu Tax Map Key No. 9–1–013:041.

(4) An approximately 57.937-acre parcel of land identified as "Parcel No. 13058 G" and further identified by Oahu Tax Map Key No. 9–1–013:042.

(5) An approximately 11.501-acre parcel of land identified as "Parcel No. 13073 D" and further identified by Oahu Tax Map Key No. 9–1–013:069.

(6) An approximately 65.356-acre parcel of land identified as "Parcel No. 13073 B" and further identified by Oahu Tax Map Key No. 9–1–013:067.

(7) Any other property at former Naval Air Station, Barbers Point identified for closure through the base closure process.

(c) CONSIDERATION.—

Determination.

(1) AUTHORITY CONVEYANCES.—Any conveyance under subsection (a)(1) to the Authority shall be made without consideration if the conveyed real property is to be used for public benefit, as determined by the Secretary.

(2) DEPARTMENT CONVEYANCES.—Any conveyance under subsection (a)(2) to the Department shall be made to mitigate further claims associated with the Hawaiian Home Lands Recovery Act (title II of Public Law 104–42; 109 Stat. 357; 48 U.S.C. 491 note prec.).

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority or the Department, as the case may be, to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority or the Department, whichever entity paid the excess amount.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

Determination. Survey.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions, including easements or covenants to protect cultural or natural resources, in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2856. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Navy may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the

date of the enactment of this Act (in this section referred to as the "lessee") all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration described in section 2667(c) of title 10, United States Code, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire.

Time period. Notice.

Expiration date.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

Contracts.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

Determination. Survey.

(f) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with

a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended by striking "two parcels" and all that follows through the period at the end and inserting the following: "three parcels of real property consisting of 7.897 acres, 1.742 acres, and 5.037 acres, respectively, and containing all or a portion of the five buildings specified in paragraph (2), which were vacated, or will be vacated, by the Air Force in conjunction with its relocation to the Consolidated Intelligence and Reconnaissance Laboratory and to a replacement Modification and Fabrication Facility at Air Force Research Laboratory–Rome Research Site, Rome, New York.".

(b) DESCRIPTION OF PROPERTY.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

"(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).".

(c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: "and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance".

(d) CONSIDERATION.—Subsection (c) of such section is amended—

(1) by striking "in-kind contribution" and inserting "in-kind consideration (including land and new facilities)"; and

(2) by adding at the end the following new sentence: "Any cash payment received by the Secretary under this subsection shall be deposited in the special account established for the Secretary under section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.".

SEC. 2858. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section referred to as the "School District"), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational and educational-support activities.

Determination.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by

Records.

the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the School District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2859. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended by striking "West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the 'Foundation')" and inserting "South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the 'Authority')".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–435), is further amended—

(A) by striking "Foundation" each place it appears in subsections (c) and (e) and inserting "Authority";

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking "137.56 acres" and inserting "120.70 acres"; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the "Authority"), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

Determination.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

Records.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2860. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance.

(c) ELIGIBLE ENTITIES.—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) CONSIDERATION.—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2861. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section

referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 2.4 acres at Naval Air Station, Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this section, including survey costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this section shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. COMPLETION OF LAND EXCHANGE AND CONSOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1315), as amended by section 2852 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2143), is further amended—

Deadline.

(1) in the first sentence, by striking "The Secretary of the Army may transfer" and inserting "Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer"; and

(2) in the second sentence—

(A) by striking "may make the transfer" and inserting "shall make the transfer"; and

(B) by striking "may accept" and inserting "shall accept".

SEC. 2863. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the "County") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing. Determination. Records.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

Determination.

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

Determination. Survey.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.

Section 2877 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 563; 16 U.S.C. 431 note) is amended by striking "National War Dogs Monument, Inc.," both places it appears and inserting "John Burnam Monument Foundation, Inc.,".

SEC. 2872. NATIONAL D–DAY MEMORIAL STUDY.

(a) DEFINITIONS.—In this section:

(1) AREA.—The term "Area" means in the National D–Day Memorial in Bedford, Virginia.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY.—

(1) IN GENERAL.—The Secretary may conduct a study of the Area to evaluate the national significance of the Area

and suitability and feasibility of designating the Area as a unit of the National Park System.

(2) CRITERIA.—In conducting the study authorized under paragraph (1), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(3) CONTENTS.—The study authorized under paragraph (1) shall—

(A) determine the suitability and feasibility of designating the Area as a unit of the National Park System;

(B) include cost estimates for any necessary acquisition, development, operation, and maintenance of the Area; and

(C) identify alternatives for the management, administration, and protection of the Area.

(c) REPORT.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct of the study authorized under this section, except that the study shall be submitted to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 3 years after the date on which funds are first made available for the study. Applicability.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) CONGRESSIONAL NOTIFICATION OF AGREEMENT.—None of the amounts authorized to be appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Moreno Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia to allow access to and use of its facilities at the German Olano Moreno Airbase for the duration of the agreement to carry out mutually agreed-upon activities. Time period. Certification.

(b) PROHIBITION ON PERMANENT UNITED STATES MILITARY INSTALLATION.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1059; 16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

"(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.".

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition projects.
Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Airborne	$7,800,000
	Altimur	$7,750,000
	Asadabad	$5,500,000
	Bagram Air Base	$132,850,000
	Camp Joyce	$7,700,000
	Camp Kabul	$137,000,000
	Camp Kandahar	$132,500,000
	Camp Salerno	$50,200,000
	Forward Operating Base Blessing	$5,600,000
	Forward Operating Base Bostick	$5,500,000
	Forward Operating Base Dwyer ...	$19,300,000
	Forward Operating Base Ghazni ..	$5,500,000
	Forward Operating Base Shank ...	$19,700,000
	Forward Operating Base Sharana	$60,800,000
	Frontenac	$2,200,000
	Jalalabad Airfield	$41,400,000
	Maywand	$7,800,000
	Methar-Lam	$4,150,000
	Provincial Reconstruction Team Gardez.	$36,200,000
	Provincial Reconstruction Team Tarin Kowt.	$55,800,000
	Tombstone/Bastion	$71,800,000
	Wolverine	$17,050,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $924,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$29,100,000
	Camp Kandahar	$234,600,000
	Forward Operating Base Dwyer ...	$4,900,000
	Forward Operating Base Shank ...	$4,900,000
	Provincial Reconstruction Team Tarin Kowt.	$4,900,000
	Tombstone/Bastion	$156,200,000
	Wolverine	$4,900,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) USE OF FUNDS AUTHORIZED.—

(1) IN GENERAL.—Of the amounts authorized to be appropriated by this title, the Secretary of Defense may use not more than $10,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the "ODRP").

(2) NOTICE AND WAIT.—The Secretary may not obligate funds made available pursuant to paragraph (1) until the end of the 14-day period beginning on the date on which the Secretary submits to the appropriate congressional committees a report containing notice of the proposed obligation of the funds and addressing the items specified in subsection (b)(2).

Time period. Reports.

(b) ADDITIONAL REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the notice under subsection (a)(2), and every 180 days

thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) TERMINATION.—The requirement to submit a report under paragraph (1) terminates on the date occurring two years after the date on which the first report under such paragraph is submitted.

(c) FORM.—A report under this section may be submitted in a classified form.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For the purposes of this section, the appropriate congressional committees are the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives.

(3) The Committee on Foreign Relations of the Senate.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.
Sec. 3106. Relation to funding tables.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Report on stockpile stewardship criteria and assessment of stockpile stewardship program.
Sec. 3113. Stockpile management program.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.
Sec. 3116. Long-term plan for the modernization and refurbishment of the nuclear security complex.
Sec. 3117. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.
Sec. 3118. Modification of minor construction threshold for plant projects.
Sec. 3119. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
Sec. 3120. National Nuclear Security Administration authority for urgent nonproliferation activities.
Sec. 3121. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

Subtitle C—Reports

Sec. 3131. National Academy of Sciences review of national security laboratories.

Sec. 3132. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.
Sec. 3133. Comptroller General study of stockpile stewardship program.
Sec. 3134. Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.

Subtitle D—Other Matters

Sec. 3141. Ten-year plan for use and funding of certain Department of Energy facilities.
Sec. 3142. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
Sec. 3143. Identification in budget materials of amounts for certain Department of Energy pension obligations.
Sec. 3144. Sense of Congress on production of molybdenum–99.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,033,477,000, to be allocated as follows:

(1) For weapons activities, $6,433,131,000.

(2) For defense nuclear nonproliferation activities, $2,176,459,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant project:

Project 10–D–501, nuclear facilities risk reduction, Y–12 National Security Complex, Oak Ridge, Tennessee, $12,500,000.

(2) For safeguards and security, the following new plant project:

Project 10–D–701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.

(3) For naval reactors, the following new plant projects:

Project 10–D–903, KAPL security upgrades, Schenectady, New York, $1,500,000.

Project 10–D–904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,495,831,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $852,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $98,400,000.

SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

SEC. 3106. RELATION TO FUNDING TABLES.

The amounts authorized to be appropriated by sections 3101, 3102, 3103, 3104, and 3105 shall be available, in accordance with the requirements of section 4001, for projects, programs, and activities, and in the amounts, specified in the funding table in section 4601.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

"(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

"(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.".

(b) ELEMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "detonation" and inserting "performance over time"; and

(2) by adding at the end the following new paragraphs:

"(4) Support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

"(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

"(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory;

"(C) the Z Machine at Sandia National Laboratories; and

"(D) the experimental facilities at the Nevada test site.

"(5) Support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

"(A) the Pantex Plant;

"(B) the Y–12 National Security Complex;

"(C) the Kansas City Plant;

"(D) the Savannah River Site; and

"(E) production and manufacturing capabilities resident in the national security laboratories (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).".

(c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. REPORT ON STOCKPILE STEWARDSHIP CRITERIA AND ASSESSMENT OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (c) of section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is amended to read as follows:

"(c) REPORT.—(1) In each odd-numbered year, beginning in 2011, the Secretary of Energy shall include in the stockpile stewardship plan required by section 4203 a report containing the following elements:

"(A) A description of the information needed to determine that the nuclear weapons stockpile is safe and reliable and the relationship of the science-based tools to the collection of that information.

"(B) A description of any updates to the criteria established under subsection (a) during—

"(i) the previous two years; or

"(ii) with respect to the report in 2011, the period beginning on the date of the submission of the report under section 3133 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1751; 50 U.S.C. 2523 note) and ending on the date of the submission of the 2011 stockpile stewardship plan required by section 4203. Time period.

"(C) For each science-based tool to collect information needed to determine that the nuclear weapons stockpile is safe, secure, and reliable that is developed or modified by the Department of Energy during the relevant period described in subparagraph (B)—

"(i) a description of the relationship of the science-based tool to the collection of such information; and

"(ii) a description of criteria for assessing the effectiveness of the science-based tool in collecting such information.

"(D) An assessment described in paragraph (2).

"(2) An assessment described in this paragraph is an assessment of the stockpile stewardship program conducted by the Administrator for Nuclear Security in consultation with the directors of the national security laboratories. Such assessment shall set forth the following:

"(A) An identification and description of—

"(i) any key technical challenges to the stockpile stewardship program; and

"(ii) the strategies to address such challenges without the use of nuclear testing.

"(B) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

"(C) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.

"(D) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Department of Energy, including—

"(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

"(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.".

(b) DEFINITIONS.—Such section is further amended by adding at the end the following subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

"(2) The term 'national security laboratory' has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

"(3) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

"(4) The term 'weapons–related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

"(A) nuclear nonproliferation;

"(B) nuclear forensics;

"(C) nuclear intelligence;

"(D) nuclear safety; and

"(E) nuclear incident response.".

SEC. 3113. STOCKPILE MANAGEMENT PROGRAM.

(a) IN GENERAL.—The Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended—

Repeal.

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

"SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

"(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, in support

of the stockpile stewardship program, to provide for the effective management of the weapons in the nuclear weapons stockpile, including the extension of the effective life of such weapons. The program shall have the following objectives:

"(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

"(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing.

"(3) To achieve reductions in the future size of the nuclear weapons stockpile.

"(4) To reduce the risk of an accidental detonation of an element of the stockpile.

"(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

"(b) PROGRAM LIMITATIONS.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall ensure that—

"(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

"(2) any such changes made to the stockpile shall—

"(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to resume underground nuclear weapons testing; and

"(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.

"(c) PROGRAM PLAN.—In carrying out the stockpile management program under subsection (a), the Secretary of Energy shall develop a long-term plan to extend the effective life of the weapons in the nuclear weapons stockpile without the use of nuclear weapons testing. The plan shall include the following:

"(1) Mechanisms to provide for the manufacture, maintenance, and modernization of each weapon design in the nuclear stockpile, as needed.

"(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

"(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department of Energy, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

"(4) Mechanisms to ensure that each national laboratory of the National Nuclear Security Administration has full and complete access to all weapons data to enable a rigorous peer review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205.

"(5) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

"(6) An identification of the funds needed, in the fiscal year in which the plan is developed and in each of the following five fiscal years, to carry out the program.

"(d) ANNUAL UPDATES.—The Secretary of Energy shall annually update the plan required under subsection (c) and shall submit the updated plan to Congress as part of the stockpile stewardship plan required by section 4203(c).

"(e) PROGRAM BUDGET.—In accordance with the requirements under section 4209, for each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program under this section shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.".

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

"Sec. 4204. Stockpile management program.".

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) DUAL VALIDATION.—

Deadline.

(1) PLAN.—Not later than March 1, 2010, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan (including a schedule) to carry out subsection (c) of section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525), as added by paragraph (2) of this subsection.

(2) DUAL VALIDATION.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

"(c) DUAL VALIDATION TEAMS IN SUPPORT OF ASSESSMENTS.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security may establish teams, known as 'dual validation teams', to provide each national security laboratory responsible for weapons design with independent evaluations of the condition of each warhead for which such laboratory has lead responsibility. A dual validation team established by the Administrator shall—

"(1) be comprised of weapons experts from the laboratory that does not have lead responsibility for fielding the warhead being evaluated;

"(2) have access to all surveillance and underground test data for all stockpile systems for use in the independent evaluations;

"(3) use all relevant available data to conduct independent calculations; and

"(4) pursue independent experiments to support the independent evaluations.".

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) by inserting "both" after "review"; and

(2) by inserting after "that laboratory" the following: "and any independent evaluations conducted by a dual validation team under subsection (c)".

(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(2)(A) of this section, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).".

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as redesignated by subsection (a)(2)(A) of this section, by striking "subsection (c)" and inserting "subsection (d)";

(2) in paragraph (1)(A) of subsection (f), as redesignated by subsection (a)(2)(A) of this section, by striking "subsection (d)" and inserting "subsection (e)";

(3) in subsection (g), as redesignated by subsection (a)(2)(A) of this section, by striking "subsection (e)" and inserting "subsection (f)"; and

(4) in subsection (i), as redesignated by subsection (a)(2)(A) of this section—

(A) in paragraph (1), by striking "subsection (d)" and inserting "subsection (e)"; and

(B) in paragraph (2), by striking "subsection (e)" and inserting "subsection (f)".

SEC. 3115. ELIMINATION OF NUCLEAR WEAPONS LIFE EXTENSION PROGRAM FROM EXCEPTION TO REQUIREMENT TO REQUEST FUNDS IN BUDGET OF THE PRESIDENT.

Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(1) in subsection (c), by striking "necessary—" and all that follows through the period and inserting "necessary to address proliferation concerns."; and

(2) in subsection (d)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 3116. LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) IN GENERAL.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

"SEC. 3255. BIENNIAL PLAN AND BUDGET ASSESSMENT ON THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX. 50 USC 2455.

"(a) NUCLEAR SECURITY COMPLEX MODERNIZATION AND REFURBISHMENT PLAN AND ASSESSMENT.—The Administrator for Nuclear Security shall include with the nuclear security budget materials submitted for each odd-numbered fiscal year—

"(1) the plan for the modernization and refurbishment of the nuclear security complex described under subsection (b); and

"(2) an assessment by the Administrator of whether both the budget for such fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex in accordance with the plan described under subsection (b).

"(b) PLAN ELEMENTS.—(1) The plan required under subsection (a)(1) shall be designed so that the nuclear security complex is capable of supporting—

"(A) the national security strategy of the United States, as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a), except that, if at the time such plan is submitted with the nuclear security budget materials a national security strategy report required under such section 108 has not been submitted to Congress, then such plan shall be designed so that the modernization and refurbishment of the nuclear security complex provided for under such plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

"(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

"(2) The plan required under subsection (a)(1) shall include the following:

"(A) A description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1)(A), and the Nuclear Posture Review.

"(B) A schedule for implementing those measures determined necessary under subparagraph (A) during the 10 years following the date of the plan.

"(C) The estimated levels of annual funds the Administrator determines necessary to carry out the program, including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

"(c) BUDGET ASSESSMENT.—If the Administrator determines a budget request is insufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan required under subsection (a)(1), the Administrator shall include with the nuclear security budget materials for such fiscal year a further assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-term safety, security, and reliability. Such assessment shall be coordinated in advance with the Secretary of Defense and the Commander of the United States Strategic Command.

"(d) DEFINITIONS.—In this section:

"(1) The term 'nuclear security complex' means the physical facilities, technology, and human capital of—

"(A) the national security laboratories;
"(B) the Pantex Plant;
"(C) the Y–12 National Security Complex;
"(D) the Kansas City Plant;
"(E) the Savannah River Site; and
"(F) the Nevada test site.

"(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

"(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator for Nuclear Security in support of the budget for that fiscal year.

"(4) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

"3255. Biennial plan and budget assessment on the modernization and refurbishment of the nuclear security complex.".

SEC. 3117. REPEAL OF PROHIBITION ON FUNDING ACTIVITIES ASSOCIATED WITH INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

(a) IN GENERAL.—Section 4301 of the Atomic Energy Defense Act (50 U.S.C. 2561) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by striking the item relating to section 4301.

SEC. 3118. MODIFICATION OF MINOR CONSTRUCTION THRESHOLD FOR PLANT PROJECTS.

(a) INCREASE.—Paragraph (3) of section 4701 of the Atomic Energy Defense Act (50 U.S.C. 2741(3)) is amended by striking "$5,000,000" and inserting "$10,000,000".

(b) SUNSET.—Effective September 30, 2010, such paragraph, as amended by subsection (a), is amended by striking "$10,000,000" and inserting "$5,000,000". 50 USC 2741 and note.

(c) NOTIFICATION.—Notwithstanding section 4703 of such Act (50 U.S.C. 2743), in carrying out construction projects during fiscal year 2010, the Secretary of Energy may not start a general plant project with a total estimated cost of more than $5,000,000 until—

(1) the Secretary notifies the congressional defense committees of such project and total estimated cost; and

(2) a period of 15 days has elapsed after the date on which such notification is received. Time period.

SEC. 3119. TWO-YEAR EXTENSION OF AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

Section 4601(c)(1) of the Atomic Energy Defense Act (50 U.S.C. 2701(c)(1)) is amended by striking "September 30, 2009" and inserting "September 30, 2011".

50 USC 2455a.

SEC. 3120. NATIONAL NUCLEAR SECURITY ADMINISTRATION AUTHORITY FOR URGENT NONPROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the nonproliferation programs of the Department of Energy National Nuclear Security Administration may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

(b) DETERMINATION AND NOTICE.—

(1) DETERMINATION.—The Secretary of Energy, with the concurrence of the Secretary of State and the Secretary of Defense, may make a written determination that—

(A) threats arising from the proliferation of nuclear or radiological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out nonproliferation activities of the National Nuclear Security Administration to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

Deadline.

(2) NOTICE REQUIRED.—Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Energy shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the nonproliferation programs of the National Nuclear Security Administration;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

Definition.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 3121. REPEAL OF SUNSET DATE FOR CONSOLIDATION OF COUNTERINTELLIGENCE PROGRAMS OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Subsection (a) of section 3117 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended to read as follows:

Government organization.

"(a) TRANSFER OF FUNCTIONS.—The functions, personnel, funds, assets, and other resources of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration are transferred to the Secretary of Energy, to be administered (except to any extent otherwise directed by the Secretary) by the Director of the Office of Counterintelligence of the Department of Energy.".

Subtitle C—Reports

SEC. 3131. NATIONAL ACADEMY OF SCIENCES REVIEW OF NATIONAL SECURITY LABORATORIES.

Contracts. Study.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall enter into an agreement with the National Academy of Sciences to conduct a study of the following laboratories:

(1) The Lawrence Livermore National Laboratory, California.

(2) The Los Alamos National Laboratory, New Mexico.

(3) The Sandia National Laboratories, California and New Mexico.

(b) ELEMENTS.—The study required under subsection (a) shall include, with respect to each laboratory specified in such subsection, an evaluation of the following:

(1) The quality of the scientific research being conducted at the laboratory, including research with respect to weapons science, nonproliferation, energy, and basic science.

(2) The quality of the engineering being conducted at the laboratory.

(3) The criteria used to assess the quality of scientific research and engineering being conducted at the laboratory.

(4) The relationship between the quality of the science and engineering at the laboratory and the contract for managing and operating the laboratory.

(5) The management of work conducted by the laboratory for entities other than the Department of Energy, including academic institutions and other Federal agencies, and interactions between the laboratory and such entities.

Consultation.

(c) COOPERATION.—The Secretary of Energy shall, in consultation with the Secretary of Defense and the Director of National Intelligence, ensure that the National Academy of Sciences receives full and timely cooperation from the Department of Energy, the Department of Defense, and the intelligence community (as that term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in conducting the study required under subsection (a).

(d) REPORT.—The National Academy of Sciences shall submit to the Secretary of Energy a report containing the results of the study and any recommendations resulting from the study.

(e) SUBMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than January 1, 2011, the Secretary of Energy shall submit to the appropriate congressional committees the report submitted under subsection (d) and any comments or recommendations of the Secretary with respect to that report.

(2) FORM.—The report shall be submitted to the appropriate congressional committees in unclassified form, but may include a classified annex.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Science and Technology of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate.

SEC. 3132. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit to the appropriate congressional committees a report describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

Definition.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

SEC. 3133. COMPTROLLER GENERAL STUDY OF STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the stockpile stewardship program established under section 4201 of the Atomic Energy Defense Act (50 U.S.C. 2521) to determine if the program was functioning, as of December 2008, as envisioned when the program was established.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of whether the capabilities determined to be necessary to maintain the nuclear weapons stockpile without the use of nuclear testing have been implemented and the extent to which such capabilities are functioning.

(2) A review and description of the agreements governing use, management, and support of the capabilities developed for the stockpile stewardship program and an assessment of enforcement of, and compliance with, those agreements.

(3) An assessment of plans for surveillance and testing of nuclear weapons in the stockpile and the extent of the compliance with such plans.

(4) An assessment of—

(A) the condition of the infrastructure at the plants and laboratories of the nuclear weapons complex;

(B) the value of nuclear weapons facilities built after 1992;

(C) any plans that are in place to maintain, improve, or replace such infrastructure;

(D) whether there is a validated requirement for all planned infrastructure replacement projects; and

(E) the projected costs for each such project and the time line for completion of each such project.

(5) An assessment of the efforts to ensure and maintain the intellectual and technical capability of the nuclear weapons complex to support the nuclear weapons stockpile.

(6) Recommendations for the stockpile stewardship program going forward.

(c) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the study required by subsection (a).

SEC. 3134. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF PROJECTS CARRIED OUT BY THE OFFICE OF ENVIRONMENTAL MANAGEMENT OF THE DEPARTMENT OF ENERGY PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a series of three reviews, as described in subsections (b), (c), and (d), of projects carried out by the Office of Environmental Management of the Department of Energy (in this section referred to as the "Office") using American Recovery and Reinvestment Act funds.

(b) PHASE ONE REVIEW.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act, the Comptroller General shall conduct a review of the following: Effective date.

(A) The criteria used by the Office to select projects to be carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which lessons learned during previous accelerations of defense environmental cleanup efforts were used in the development of such criteria.

(C) The process used by the Office to estimate costs and develop schedules for such projects.

(D) The process used by the Office for the independent validation of the scope, cost, and schedule for such projects.

(E) The criteria and methodology used by the Office to measure the contribution of each such project toward reducing the overall costs, and meeting the goals, of defense environmental cleanup.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(c) PHASE TWO REVIEW.—

(1) IN GENERAL.—The Comptroller General shall conduct a review, during the period described in paragraph (2), of the following:

(A) The implementation of each project carried out using American Recovery and Reinvestment Act funds.

(B) The extent to which each such project is meeting the cost and scheduling goals of the project.

(C) The number of jobs created or maintained through such projects.

(D) The adequacy of contract oversight for such projects.

(E) Any program management, implementation or technical problems, or other problems in connection with such

projects that are identified by the Comptroller General in the course of the review.

(F) Any management and implementation issues or actions, or other systemic issues, identified by the Comptroller General in the course of the review that either hinder or assist the effective management of defense environmental cleanup efforts.

(2) PERIOD DESCRIBED.—The period described in this paragraph is the period—

(A) beginning on the date on which the Comptroller General submits the report required under subsection (b)(2); and

(B) ending on the later of—

(i) the date on which all projects carried out using American Recovery and Reinvestment Act funds have been completed; or

(ii) the date on which all American Recovery and Reinvestment Act funds have been obligated or expended or are no longer available to be obligated or expended.

(3) REPORTS.—The Comptroller General shall submit to the congressional defense committees a report on the status of the review conducted under paragraph (1) not later than 30 days after submitting the report required under subsection (b)(2) and every 120 days thereafter until the end of the period described in paragraph (2).

(d) PHASE THREE REVIEW.—

Effective date.

(1) IN GENERAL.—Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:

(A) The implementation of all projects carried out using American Recovery and Reinvestment Act funds, including the number of such projects—

(i) that were completed;

(ii) that were not completed;

(iii) that were completed on budget;

(iv) that exceeded the budget for such project;

(v) that were completed on schedule; and

(vi) that exceeded the scheduling goals for such project.

(B) The impact on employment as a result of the completion of such projects.

(C) Any lessons learned as a result of accelerating such projects.

(D) The extent to which the achievement of the overall goals of defense environmental cleanup were accelerated, and the overall costs of defense environmental cleanup were reduced, as a result of such projects.

(E) Any other issues the Comptroller General considers appropriate with respect to such projects.

(2) REPORT.—Not later than 90 days after submitting the last report required under subsection (c)(3), the Comptroller General shall submit to the congressional defense committees a report containing the results of the review conducted under paragraph (1).

(e) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS DEFINED.—In this section, the term "American Recovery and Reinvestment Act funds" means funds made available for the Office of Environmental Management under the heading "DEFENSE ENVIRONMENTAL CLEANUP" under the heading "ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES" under the heading "DEPARTMENT OF ENERGY" under title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140).

Subtitle D—Other Matters

SEC. 3141. TEN-YEAR PLAN FOR USE AND FUNDING OF CERTAIN DEPARTMENT OF ENERGY FACILITIES.

50 USC 2451 note.

(a) IN GENERAL.—The Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall jointly develop a plan to use and fund, over a ten-year period, the following facilities of the Department of Energy:

(1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

(2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

(3) The Z Machine at the Sandia National Laboratories, New Mexico.

(4) The Microsystems and Engineering Sciences Application Facility at the Sandia National Laboratories, New Mexico.

(b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act, the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the appropriate congressional committees the plan required by subsection (a).

Deadline.

(c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Science and Technology of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate.

SEC. 3142. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting "and subtitle B" after "this subtitle" each place it appears;

(2) in subsection (d), by inserting "and subtitle B" after "this subtitle";

(3) in subsection (e), by inserting "and subtitle B" after "this subtitle" each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

"(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.".

42 USC 7385s-15 note.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l et seq.).

42 USC 7279.

SEC. 3143. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR CERTAIN DEPARTMENT OF ENERGY PENSION OBLIGATIONS.

The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to meet the pension obligations of the Department of Energy for contractor employees at each facility of the Department of Energy operated using amounts authorized to be appropriated for the Department of Energy.

SEC. 3144. SENSE OF CONGRESS ON PRODUCTION OF MOLYBDENUM–99.

(a) FINDINGS.—Congress finds the following:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum–99 (in this section referred to as "Mo–99") and there are no such reactors in the United States that can provide a reliable supply of Mo–99 to meet medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo–99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo–99-based medical products in the United States and around the world.

(3) Ensuring a reliable supply of medical radioisotopes, including Mo–99, is of great importance to the public health.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo–99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo–99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests worldwide.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) radioisotopes and radiopharmaceuticals, including Mo–99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people each year; and

(2) the Secretary of Energy should continue and expand a program to meet the need identified by the National Academy of Sciences to ensure a source of Mo–99 and its derivatives for use in medical tests to help ensure the health security of the United States and around the world and promote peaceful nuclear industries through the use of low-enriched uranium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2010, $26,086,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for fiscal year 2010.
Sec. 3502. Unused leave balances.
Sec. 3503. Temporary program authorizing contracts with adjunct professors at the United States Merchant Marine Academy.
Sec. 3504. Maritime loan guarantee program.

Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Report on restrictions on United States-flagged commercial vessel security.
Sec. 3507. Technical corrections to State maritime academies student incentive program.
Sec. 3508. Cooperative agreements, administrative expenses, and contracting authority.
Sec. 3509. Use of funding for DOT maritime heritage property.
Sec. 3510. Use of midshipman fees.
Sec. 3511. Construction of vessels in the United States policy.
Sec. 3512. Port infrastructure development program.
Sec. 3513. Reefs for marine life conservation program.
Sec. 3514. United States Merchant Marine Academy graduate program receipt, disbursement, and accounting for nonappropriated funds.
Sec. 3515. America's short sea transportation grants for the development of marine highways.
Sec. 3516. Expansion of the Marine View system.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of training ships of the State Maritime Academies; and

(C) $74,500,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

(5) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to the implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the program of assistance for small shipyards and maritime communities under section 54101 of title 46, United States Code, $4,000,000.

SEC. 3502. UNUSED LEAVE BALANCES.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused annual leave, at a rate of pay that existed on the date of termination or on the day before conversion to the Civil Service, to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who

was terminated from such employment in the period September 2008 through March 2009 under authority granted by section 3506 of the Duncan Hunter National Defense Authorization Act for fiscal year 2009 (Public Law 110–417; 122 Stat. 4356).

SEC. 3503. TEMPORARY PROGRAM AUTHORIZING CONTRACTS WITH ADJUNCT PROFESSORS AT THE UNITED STATES MERCHANT MARINE ACADEMY.

(a) IN GENERAL.—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

"§ 51317. Adjunct professors

"(a) IN GENERAL.—The Maritime Administrator may establish a program for the purpose of contracting with individuals as personal services contractors to provide services as adjunct professors at the Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

"(b) CONTRACT REQUIREMENTS.—Each contract under the program—

"(1) must be approved by the Maritime Administrator; and

"(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administrator finds that exceptional circumstances justify an extension of up to one additional year.

"(3) shall be subject to the availability of appropriations.

"(c) LIMITATION ON NUMBER OF CONTRACTORS.—In awarding contacts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

"(d) REPORTING REQUIREMENTS.—When the authority granted by subsection (a) is used to hire an adjunct professor at the Academy in fiscal year 2010 or fiscal year 2011, the Administrator shall notify the Committee on Armed Services of the House of Representatives, the Committee on Armed Services of the Senate, and the Committee on Commerce, Science, and Transportation of the Senate, including the need for and the term of employment for the adjunct professor.".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following new item:

"51317. Adjunct professors.'".

(2) CONFORMING AMENDMENT.—Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed. Repeal.

SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation's industrial base by allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and larger fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.

Piracy.

SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

"(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard as an area of high risk of piracy shall be equipped with, at a minimum, appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

"(B) The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall jointly prescribe the non-lethal defense measures that are required under this paragraph.".

SEC. 3506. REPORT ON RESTRICTIONS ON UNITED STATES-FLAGGED COMMERCIAL VESSEL SECURITY.

(a) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall prepare and submit a joint report to the appropriate congressional committees not later than 60 days after the date of the enactment of this Act on actions within their respective departments to—

(1) eliminate or reduce restrictions under any regulation or provision of law on the carriage of arms and use of armed security teams on United States-flagged commercial vessels for purpose of self defense in areas that are designated as being at a high risk of piracy;

(2) negotiate bilateral agreements with coastal states to allow United States-flagged commercial vessels carrying United States Government cargos, such as food aid, that must transit areas designated as being at high risk of piracy, to enter the ports of those coastal states while carrying arms or embarked armed security teams for the purpose of self-defense; and

(3) establish common standards, in coordination with the Secretary of Homeland Security and the Commandant of the United States Coast Guard, for the training and professional qualifications of armed security teams.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) ARMED SECURITY TEAMS.—The term "armed security teams" means security guards employed from the private sector for the purpose of self-defense of the vessel.

SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking "and be paid before the start of each academic year, as prescribed by the Secretary," and inserting "and be paid in such installments as the Secretary shall determine";

(2) by striking "academy." and inserting "academy, as prescribed by the Secretary.".

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of division C of Public Law 110–417 (122 Stat. 4762)) is repealed and shall have no force or effect.

Ante, p. 944.

SEC. 3508. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the headline for subsection (h) and inserting the following:

"(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.—";

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

"(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—";

(3) by striking "make contracts" in subsection (h)(1) and inserting "make contracts and cooperative agreements";

(4) by striking "section and" in subsection (h)(1)(A) and inserting "section,";

(5) by striking "title 46;" in subsection (h)(1)(A) and insert "title 46, and all other Maritime Administration programs;"; and

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

"(i) GRANT ADMINISTRATIVE EXPENSES.—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.".

SEC. 3509. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

"(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection

(b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.".

SEC. 3510. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended by striking "1994." in subsection (b) and inserting "1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and Coast Guard license fees.".

SEC. 3511. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting "constructed in the United States" after "vessels".

SEC. 3512. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

"(c) PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.—

"(1) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation, through the Maritime Administrator, shall establish a port infrastructure development program for the improvement of port facilities as provided in this subsection.

"(2) AUTHORITY OF THE ADMINISTRATOR.—In order to carry out any project under the program established under paragraph (1), the Administrator may—

"(A) receive funds provided for the project from Federal, non-Federal, and private entities that have a specific agreement or contract with the Administrator to further the purposes of this subsection;

"(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

"(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies; and

"(D) provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.

"(3) PORT INFRASTRUCTURE DEVELOPMENT FUND.—

"(A) ESTABLISHMENT.—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out projects under the port infrastructure development program. The Fund shall be available to the Administrator—

"(i) to administer and carry out projects under the program;

"(ii) to receive Federal, non-Federal, and private funds from entities which have specific agreements or contracts with the Administrator; and

"(iii) to make refunds for projects that will not be completed.

"(B) CREDITS.—There may be deposited into the Fund—

"(i) funds from Federal, non-Federal, and private entities which have agreements or contracts with the

Administrator and which shall remain in the Fund until expended or refunded; and

"(ii) such amounts as may be appropriated or transferred, subject to subparagraph (C), to the Fund under this subsection.

"(C) TRANSFERS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), amounts appropriated or otherwise made available for any fiscal year for a marine facility or intermodal facility that includes maritime transportation may be transferred, at the option of the recipient of such amounts, to the Fund and administered by the Administrator as a component of a project under the program.

"(ii) PROHIBITION ON TRANSFERS.—Except as provided in clause (iii), no funds appropriated or made available under title 23 or chapter 53 of title 49, United States Code, including funds from the Highway Trust Fund (section 9503(c) of the Internal Revenue Code of 1986), funds from the Mass Transit Account of the Highway Trust Fund (section 9503(e) of Internal Revenue Code of 1986), and funds provided for public transportation programs within the mass transit category (as defined in section 250(c)(4)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985), shall be transferred into the Fund.

"(iii) EXCEPTION.—

"(I) IN GENERAL.—Amounts described in subclause (II) are eligible for transfer into the Fund if—

"(aa) the recipient of the amounts has a specific agreement or contract with the Administrator;

"(bb) the Department of Transportation agency that administers the amounts to be transferred has granted project approval for each component of the project that is to be funded using such amounts;

"(cc) the Department of Transportation agency that administers the amounts to be transferred and the Maritime Administration agree to the transfer through a signed Memorandum of Understanding; and

"(dd) the amounts will be used only to carry out the project for which funds were approved, and in accordance with any conditions governing the amounts under title 23 or chapter 53 of title 49, United States Code.

"(II) AMOUNTS DESCRIBED.—The amounts referred to in subclause (I) are amounts appropriated or made available—

"(aa) for loans, loan guarantees, or lines of credit under chapter 6 of title 23, United States Code, for a project eligible under such chapter to facilitate direct intermodal exchange, transfer, and access into and out of a port as defined under section

601(a)(8)(D)(iii) of such title, as in effect on the date of enactment of this subsection; or

"(bb) for projects under title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

"(D) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to alter or otherwise affect existing authorities to conduct port infrastructure programs in Hawaii (as authorized by section 9008 of Public Law 109–59), Alaska (as authorized by section 10205 of Public Law 109–59), or Guam (as authorized by section 3512 of Public Law 110–417).

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under paragraph (3)(A)(ii).".

SEC. 3513. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) IN GENERAL.—Section 3 of Public Law 92–402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

"(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107–314 (16 U.S.C. 1220 note).".

(b) LIMITATION.—Section 7 of Public Law 92–402 (16 U.S.C. 1220c–1) is amended by adding at the end thereof the following:

"(d) LIMITATION.—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.".

SEC. 3514. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NONAPPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after "body." the following: "Nonappropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of nonappropriated fund receipts and all associated expenses.".

SEC. 3515. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

Section 55601 of title 46, United States Code, is amended by adding at the end the following:

"(g) GRANTS.—

"(1) IN GENERAL.—The Secretary shall establish and implement a short sea transportation grant program to implement projects or components of a project designated under subsection (d).

"(2) APPLICATIONS.—In order to receive a grant under the program, an applicant shall—

"(A) submit an application to the Secretary, in such form and manner, at such time, and containing such information as the Secretary may require; and

"(B) demonstrate to the satisfaction of the Secretary that—

"(i) the project is financially viable;

"(ii) the funds received will be spent efficiently and effectively; and

"(iii) a market exists for the services of the proposed project as evidenced by contracts or written statements of intent from potential customers.

"(3) NON-FEDERAL SHARE.—An applicant shall provide at least 20 percent of the project costs from non-Federal sources. In awarding grants under the program, the Secretary shall give a preference to those projects or components that present the most financially viable transportation services and require the lowest percentage Federal share of the costs.".

SEC. 3516. EXPANSION OF THE MARINE VIEW SYSTEM. 49 USC 109 note.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term "marine transportation system" means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term "Marine View system" means the information system of the Maritime Administration known as Marine View.

(b) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(c) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section, the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

DIVISION D—FUNDING TABLES

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) AMOUNTS SPECIFIED IN FUNDING TABLES ARE AUTHORIZED BY LAW.—Wherever a funding table in this Division specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in a funding table referred to in subsection (a) shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount specified in a funding table referred to in subsection (a) shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
001	JOINT CARGO AIRCRAFT (JCA)		
002	UTILITY F/W AIRCRAFT		
003	MQ–1 UAV	401,364	201,364
	Avoid forward funding of production		[–200,000]
004	RQ–11 (RAVEN)	35,008	35,008
004A	C–12A		
	ROTARY WING		
006	ARMED RECONNAISSANCE HELICOPTER		
007	ADVANCE PROCUREMENT (CY)		
008	HELICOPTER, LIGHT UTILITY (LUH)	326,040	326,040
009	AH–64 APACHE BLOCK III	161,280	161,280
010	ADVANCE PROCUREMENT (CY)	57,890	57,890
011	UH–60 BLACKHAWK (MYP)	1,258,374	1,258,374
012	ADVANCE PROCUREMENT (CY)	98,740	98,740
013	CH–47 HELICOPTER	860,087	882,087
	Transfer From APA 22		[22,000]

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
014	ADVANCE PROCUREMENT (CY)	50,676	50,676
015	HELICOPTER NEW TRAINING	19,639	0
	Program Not Justified		[–19,639]
	MODIFICATION OF AIRCRAFT		
016	MQ–1 PAYLOAD—UAS	87,424	87,424
017	MQ–1 WEAPONIZATION—UAS	14,832	14,832
018	GUARDRAIL MODS (MIP)	61,517	61,517
019	MULTI SENSOR ABN RECON (MIP)	21,457	21,457
020	AH–64 MODS	426,415	427,415
	Air Filtration Systems		[1,000]
021	ADVANCE PROCUREMENT (CY)		
022	CH–47 CARGO HELICOPTER MODS (MYP)	102,876	85,876
	Common Avionics Architecture System		[2,000]
	Vibration Management Enhancement Program		[3,000]
	Transfer to APA 13		[–22,000]
023	ADVANCE PROCUREMENT (CY)		
024	UTILITY/CARGO AIRPLANE MODS	39,547	39,547
025	AIRCRAFT LONG RANGE MODS	823	823
026	UTILITY HELICOPTER MODS	66,682	71,682
	UH–60 ARNG Rewiring Program		[5,000]
027	KIOWA WARRIOR	140,768	140,768
028	AIRBORNE AVIONICS	241,287	241,287
029	GATM ROLLUP	103,142	103,142
030	RQ–7 UAV MODS	283,012	283,012
030A	C–12A		
	SPARES AND REPAIR PARTS		
031	SPARE PARTS (AIR)	7,083	7,083
	SUPPORT EQUIPMENT AND FACILITIES		
	GROUND SUPPORT AVIONICS		
032	AIRCRAFT SURVIVABILITY EQUIPMENT	25,975	25,975
033	ASE INFRARED CM	186,356	186,356
	OTHER SUPPORT		
034	AVIONICS SUPPORT EQUIPMENT	4,933	4,933
035	COMMON GROUND EQUIPMENT	87,682	87,682
036	AIRCREW INTEGRATED SYSTEMS	52,725	55,725
	Air warrior ensemble—generation III		[3,000]
037	AIR TRAFFIC CONTROL	76,999	76,999
038	INDUSTRIAL FACILITIES	1,533	1,533
039	LAUNCHER, 2.75 ROCKET	2,716	2,716
040	AIRBORNE COMMUNICATIONS	11,109	11,109
	TOTAL—AIRCRAFT PROCUREMENT, ARMY	**5,315,991**	**5,110,352**
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY	348,351	348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY	16,406	16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	72,920	72,920
004	ADVANCE PROCUREMENT (CY)		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	31,154	29,154
	Unjustified cost growth		[–2,000]
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	148,649	148,649
007	TOW 2 SYSTEM SUMMARY	108,066	108,066
008	GUIDED MLRS ROCKET (GMLRS)	293,617	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	15,663	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS	209,061	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM		
	MODIFICATIONS		
012	PATRIOT MODS	44,775	44,775
013	ITAS/TOW MODS	6,983	6,983
014	MLRS MODS	3,662	3,662
015	HIMARS MODIFICATIONS	38,690	38,690
016	HELLFIRE MODIFICATIONS	10	10
	SPARES AND REPAIR PARTS		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
017	SPARES AND REPAIR PARTS	22,338	22,338
	SUPPORT EQUIPMENT AND FACILITIES		
018	AIR DEFENSE TARGETS	4,188	4,188
019	ITEMS LESS THAN $5.0M (MISSILES)	1,178	1,178
020	PRODUCTION BASE SUPPORT	4,398	4,398
	TOTAL—MISSILE PROCUREMENT, ARMY	**1,370,109**	**1,368,109**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
001	BRADLEY PROGRAM		
002	BRADLEY TRAINING DEVICES (MOD)		
003	ABRAMS TANK TRAINING DEVICES		
004	STRYKER VEHICLE	388,596	364,196
	Program Reduction		[–24,400]
005	FUTURE COMBAT SYSTEMS: (FCS)		
006	ADVANCE PROCUREMENT (CY)		
007	FCS SPIN OUTS	285,920	285,920
008	ADVANCE PROCUREMENT (CY)	42,001	42,001
	MODIFICATION OF TRACKED COMBAT VEHICLES		
009	FIST VEHICLE (MOD)	34,192	34,192
010	BRADLEY PROGRAM (MOD)	526,356	526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)	96,503	5,003
	Army requested transfer to RDT&E, A, line 114		[–91,500]
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	96,814	96,814
013	ARMORED BREACHER VEHICLE	63,250	63,250
014	JOINT ASSAULT BRIDGE	70,637	70,637
015	M1 ABRAMS TANK (MOD)	183,829	183,829
016	ABRAMS UPGRADE PROGRAM	185,611	185,611
	SUPPORT EQUIPMENT & FACILITIES		
017	ITEMS LESS THAN $5.0M (TCV-WTCV)		
018	PRODUCTION BASE SUPPORT (TCV-WTCV)	6,601	6,601
	WEAPONS AND OTHER COMBAT VEHICLES		
019	HOWITZER, LIGHT, TOWED, 105MM, M119	95,631	95,631
020	M240 MEDIUM MACHINE GUN (7.62MM)	32,919	32,919
021	MACHINE GUN, CAL .50 M2 ROLL	84,588	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN	977	977
023	M249 SAW MACHINE GUN (5.56MM)	7,535	7,535
024	MK–19 GRENADE MACHINE GUN (40MM)	7,700	7,700
025	MORTAR SYSTEMS	14,779	14,779
026	M107, CAL. 50, SNIPER RIFLE	224	224
027	XM320 GRENADE LAUNCHER MODULE (GLM)	16,023	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	6,223	6,223
029	M4 CARBINE	20,500	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,945	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO		100,000
	Program Increase		[100,000]
032	HANDGUN	3,389	3,389
033	HOWITZER LT WT 155MM (T)	49,572	49,572
	MOD OF WEAPONS AND OTHER COMBAT VEH		
034	MK–19 GRENADE MACHINE GUN MODS	8,164	8,164
035	M4 CARBINE MODS	31,472	31,472
036	M2 50 CAL MACHINE GUN MODS	7,738	7,738
037	M249 SAW MACHINE GUN MODS	7,833	7,833
038	M240 MEDIUM MACHINE GUN MODS	17,964	17,964
039	PHALANX MODS		
040	M119 MODIFICATIONS	25,306	25,306
041	M16 RIFLE MODS	4,186	4,186
041A	M14 7.62 RIFLE MODS		
042	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	6,164	6,164
	SUPPORT EQUIPMENT & FACILITIES		
043	ITEMS LESS THAN $5.0M (WOCV-WTCV)	551	551
044	PRODUCTION BASE SUPPORT (WOCV-WTCV)	9,855	12,855
	Arsenal Support Program Initiative (ASPI) at Rock Island		[3,000]
045	INDUSTRIAL PREPAREDNESS	392	392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	5,012	5,012

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—PROCUREMENT OF WTCV, ARMY	**2,451,952**	**2,439,052**
	PROCUREMENT OF AMMUNITION, ARMY		
	AMMUNITION		
	SMALL/MEDIUM CALIBER AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	207,752	207,752
002	CTG, 7.62MM, ALL TYPES	77,602	77,602
003	CTG, HANDGUN, ALL TYPES	5,120	5,120
004	CTG, .50 CAL, ALL TYPES	162,342	162,342
005	CTG, 25MM, ALL TYPES	17,054	17,054
006	CTG, 30MM, ALL TYPES	96,572	96,572
007	CTG, 40MM, ALL TYPES	172,675	175,675
	Additional 40mm Mortar Rounds—Milan AAP		[3,000]
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	23,607	25,607
	M722 60mm White Phosphorous Smoke Mortar Rounds		[2,000]
009	81MM MORTAR, ALL TYPES	28,719	28,719
010	CTG, MORTAR, 120MM, ALL TYPES	104,961	104,961
	TANK AMMUNITION		
011	CTG TANK 105MM: ALL TYPES	7,741	7,741
012	CTG, TANK, 120MM, ALL TYPES	113,483	113,483
	ARTILLERY AMMUNITION		
013	CTG, ARTY, 75MM: ALL TYPES	5,229	5,229
014	CTG, ARTY, 105MM: ALL TYPES	90,726	90,726
015	CTG, ARTY, 155MM, ALL TYPES	54,546	54,546
016	PROJ 155MM EXTENDED RANGE XM982	62,292	62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	33,441	33,441
	ARTILLERY FUZES		
018	ARTILLERY FUZES, ALL TYPES	19,870	19,870
	MINES		
019	MINES, ALL TYPES	815	815
020	MINE, CLEARING CHARGE, ALL TYPES		
021	ANTIPERSONNEL LANDMINE ALTERNATIVES	56,387	56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES	19,507	19,507
	ROCKETS		
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	45,302	45,302
024	ROCKET, HYDRA 70, ALL TYPES	99,904	99,904
	OTHER AMMUNITION		
025	DEMOLITION MUNITIONS, ALL TYPES	18,793	18,793
026	GRENADES, ALL TYPES	49,910	49,910
027	SIGNALS, ALL TYPES	83,094	83,094
028	SIMULATORS, ALL TYPES	12,081	12,081
	MISCELLANEOUS		
029	AMMO COMPONENTS, ALL TYPES	17,968	17,968
030	NON-LETHAL AMMUNITION, ALL TYPES	7,378	7,378
031	CAD/PAD ALL TYPES	3,353	3,353
032	ITEMS LESS THAN $5 MILLION	8,826	8,826
033	AMMUNITION PECULIAR EQUIPMENT	11,187	11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO)	14,354	14,354
035	CLOSEOUT LIABILITIES	99	99
	AMMUNITION PRODUCTION BASE SUPPORT		
	PRODUCTION BASE SUPPORT		
036	PROVISION OF INDUSTRIAL FACILITIES	151,943	153,943
	Bomb line modernization		[2,000]
037	LAYAWAY OF INDUSTRIAL FACILITIES	9,529	9,529
038	MAINTENANCE OF INACTIVE FACILITIES	8,772	8,772
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	145,777	145,777
040	ARMS INITIATIVE	3,184	3,184
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY	**2,051,895**	**2,058,895**
	OTHER PROCUREMENT, ARMY		
	TACTICAL AND SUPPORT VEHICLES		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	95,893	95,893
002	SEMITRAILERS, FLATBED:	20,870	20,870

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
003	SEMITRAILERS, TANKERS	13,217	13,217
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	281,123	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1,158,522	1,033,522
	Program reduction		[–125,000]
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN	17,575	17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	812,918	812,918
008	PLS ESP	18,973	18,973
009	ARMORED SECURITY VEHICLES (ASV)	136,605	136,605
010	MINE PROTECTION VEHICLE FAMILY	402,517	312,517
	Reassessment of program requirement		[–90,000]
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP)		
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	74,703	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P	180,793	180,793
014	HMMWV RECAPITALIZATION PROGRAM	2,904	2,904
015	MODIFICATION OF IN SVC EQUIP	10,314	10,314
016	ITEMS LESS THAN $5.0M (TAC VEH)	298	298
017	TOWING DEVICE-FIFTH WHEEL	414	414
	NON-TACTICAL VEHICLES		
018	HEAVY ARMORED SEDAN	1,980	1,980
019	PASSENGER CARRYING VEHICLES	269	269
020	NONTACTICAL VEHICLES, OTHER	3,052	3,052
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	COMM-JOINT COMMUNICATIONS		
021	COMBAT IDENTIFICATION PROGRAM		
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	11,868	11,868
023	WIN-T—GROUND FORCES TACTICAL NETWORK	544,202	544,202
024	JCSE EQUIPMENT (USREDCOM)	4,868	4,868
	COMM—SATELLITE COMMUNICATIONS		
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S	145,108	145,108
026	SHF TERM	90,918	90,918
027	SAT TERM, EMUT (SPACE)	653	653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	72,735	72,735
029	SMART-T (SPACE)	61,116	61,116
030	SCAMP (SPACE)	1,834	1,834
031	GLOBAL BRDCST SVC—GBS	6,849	6,849
032	MOD OF IN-SVC EQUIP (TAC SAT)	2,862	2,862
	COMM—COMBAT SUPPORT COMM		
032A	MOD-IN-SERVICE PROFILER		
	COMM—C3 SYSTEM		
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	22,996	22,996
	COMM—COMBAT COMMUNICATIONS		
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	1,705	1,705
035	JOINT TACTICAL RADIO SYSTEM	90,204	35,040
	Testing delays in JTRS GMR		[–55,164]
036	RADIO TERMINAL SET, MIDS LVT(2)	8,549	8,549
037	SINCGARS FAMILY	6,812	0
	Program Reduction		[–6,812]
038	AMC CRITICAL ITEMS—OPA2		
038A	SINCGARS—GROUND		
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSEMS	6,164	6,164
040	BRIDGE TO FUTURE NETWORKS		
041	COMMS-ELEC EQUIP FIELDING		
042	SPIDER APLA REMOTE CONTROL UNIT	21,820	21,820
043	IMS REMOTE CONTROL UNIT	9,256	9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	4,646	4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL)	2,367	2,367
046	RADIO, IMPROVED HF (COTS) FAMILY	6,555	6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	18,583	18,583
	COMM—INTELLIGENCE COMM		
048	CI AUTOMATION ARCHITECTURE (MIP)	1,414	1,414
	INFORMATION SECURITY		
049	TSEC—ARMY KEY MGT SYS (AKMS)	29,525	29,525
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	33,189	33,189
	COMM—LONG HAUL COMMUNICATIONS		
051	TERRESTRIAL TRANSMISSION	1,890	1,890
052	BASE SUPPORT COMMUNICATIONS	25,525	25,525
053	ELECTROMAG COMP PROG (EMCP)		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
054	WW TECH CON IMP PROG (WWTCIP)	31,256	31,256
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	216,057	216,057
056	DEFENSE MESSAGE SYSTEM (DMS)	6,203	6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	147,111	147,111
058	PENTAGON INFORMATION MGT AND TELECOM	39,906	39,906
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)		
062	JTT/CIBS-M (MIP)	3,279	3,279
063	PROPHET GROUND (MIP)	64,498	64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS)MIP		
065	SMALL UNMANNED AERIAL SYSTEM (SUAS)		
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)		
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		
068	TACTICAL EXPLOITATION SYSTEM (MIP)		
069	DCGS-A (MIP)	85,354	85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)	6,703	6,703
071	TROJAN (MIP)	26,659	26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	7,021	7,021
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	4,509	4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	6,420	6,420
075	ITEMS LESS THAN $5.0M (MIP)	17,053	17,053
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	31,661	31,661
077	WARLOCK		
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,284	1,284
079	CI MODERNIZATION (MIP)	1,221	1,221
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	SENTINEL MODS	25,863	25,863
081	SENSE THROUGH THE WALL (STTW)	25,352	25,352
082	NIGHT VISION DEVICES	366,820	191,158
	Contractor production delays in Enhanced Night Vision Goggle line.		[–175,662]
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM	133,836	133,836
084	NIGHT VISION, THERMAL WPN SIGHT	313,237	313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	9,179	9,179
086	RADIATION MONITORING SYSTEMS	2,198	2,198
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)		
088	BASE EXPEDITIONARY TARGETING AND SURV SYS		
089	ARTILLERY ACCURACY EQUIP	5,838	5,838
090	MOD OF IN-SVC EQUIP (MMS)		
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	1,178	1,178
092	PROFILER	4,766	4,766
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	2,801	2,801
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	271,979	271,979
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	17,242	17,242
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	59,080	59,080
097	COMPUTER BALLISTICS: LHMBC XM32		
098	MORTAR FIRE CONTROL SYSTEM	15,520	15,520
099	COUNTERFIRE RADARS	194,665	194,665
100	INTEGRATED MET SYS SENSORS (IMETS)—MIP		
101	ENHANCED SENSOR & MONITORING SYSTEM	1,944	1,944
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	TACTICAL OPERATIONS CENTERS	29,934	29,934
103	FIRE SUPPORT C2 FAMILY	39,042	39,042
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	31,968	31,968
105	FAAD C2	8,289	8,289
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD	62,439	62,439
107	KNIGHT FAMILY	80,831	80,831
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,778	1,778
109	AUTOMATIC IDENTIFICATION TECHNOLOGY	31,542	31,542
110	TC AIMS II	11,124	11,124
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)		
112	TACTICAL INTERNET MANAGER		
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	53,898	53,898
114	MANEUVER CONTROL SYSTEM (MCS)	77,646	77,646
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	46,861	46,861

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	11,118	11,118
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	926	926
	ELECT EQUIP—AUTOMATION		
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	85,801	85,801
119	ARMY TRAINING MODERNIZATION	12,823	12,823
120	AUTOMATED DATA PROCESSING EQUIP	254,723	239,723
	Program Reduction		[–15,000]
121	CSS COMMUNICATIONS	33,749	33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,675	39,675
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
123	AFRTS		
124	ITEMS LESS THAN $5.0M (A/V)	2,709	2,709
125	ITEMS LESS THAN $5M (SURVEYING EQUIPMENT)	5,172	5,172
	ELECT EQUIP—MODS TACTICAL SYS/EQ		
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)		
	ELECT EQUIP—SUPPORT		
127	ITEMS UNDER $5M (SSE)		
128	PRODUCTION BASE SUPPORT (C-E)	518	518
	CLASSIFIED PROGRAMS	2,522	2,522
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		
129	PROTECTIVE SYSTEMS	2,081	2,081
130	CBRN SOLDIER PROTECTION	108,334	108,334
131	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)	7,135	7,135
	BRIDGING EQUIPMENT		
132	TACTICAL BRIDGING	58,509	58,509
133	TACTICAL BRIDGE, FLOAT-RIBBON	135,015	135,015
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST	42,264	42,264
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS	56,123	59,123
	FIDO explosives detector		[3,000]
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	49,333	49,333
137	$5M, COUNTERMINE EQUIPMENT	3,479	3,479
138	AERIAL DETECTION	11,200	200
	Funding ahead of need		[–11,000]
	COMBAT SERVICE SUPPORT EQUIPMENT		
139	HEATERS AND ECU'S	11,924	11,924
140	LAUNDRIES, SHOWERS AND LATRINES		
141	SOLDIER ENHANCEMENT	4,071	4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)		
142A	LAND WARRIOR		
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	6,981	6,981
144	GROUND SOLDIER SYSTEM	1,809	1,809
145	MOUNTED SOLDIER SYSTEM	1,085	1,085
146	FORCE PROVIDER		
147	FIELD FEEDING EQUIPMENT	57,872	57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	66,381	66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM:	16,585	16,585
150	ITEMS LESS THAN $5M (ENG SPT)	25,531	25,531
	PETROLEUM EQUIPMENT		
151	QUALITY SURVEILLANCE EQUIPMENT		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	84,019	84,019
	WATER EQUIPMENT		
153	WATER PURIFICATION SYSTEMS	7,173	7,173
	MEDICAL EQUIPMENT		
154	COMBAT SUPPORT MEDICAL	33,694	37,694
	Combat casualty care equipment upgrade program		[3,000]
	Life Support for Trauma and Transport (LSTAT)		[1,000]
	MAINTENANCE EQUIPMENT		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	137,002	137,002
156	ITEMS LESS THAN $5.0M (MAINT EQ)	812	812
	CONSTRUCTION EQUIPMENT		
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	50,897	50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	18,387	18,387
159	SCRAPERS, EARTHMOVING		
160	DISTR, WATER, SP MIN 2500G SEC/NON-SEC		
161	MISSION MODULES—ENGINEERING	44,420	44,420

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
162	LOADERS	20,824	20,824
163	HYDRAULIC EXCAVATOR	18,785	18,785
164	TRACTOR, FULL TRACKED	50,102	50,102
165	CRANES		
166	PLANT, ASPHALT MIXING	12,915	12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	36,451	36,451
168	CONST EQUIP ESP	8,391	8,391
169	ITEMS LESS THAN $5.0M (CONST EQUIP)	12,562	12,562
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	JOINT HIGH SPEED VESSEL (JHSV)	183,666	183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC.	10,962	10,962
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	6,785	6,785
	GENERATORS		
173	GENERATORS AND ASSOCIATED EQUIP	146,067	146,067
	MATERIAL HANDLING EQUIPMENT		
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	41,239	41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM	44,898	44,898
	TRAINING EQUIPMENT		
176	COMBAT TRAINING CENTERS SUPPORT	22,967	22,967
177	TRAINING DEVICES, NONSYSTEM	261,348	276,698
	Operator driving simulator		[350]
	Joint fires & effects training systems (JFETS)		[5,000]
	Virtual interactive combat environment (VICE)		[4,000]
	Mobile Firing Range—TX ARNG		[1,500]
	Virtual Interactive Combat Environment (V.I.C.E.) Training System—VA ARNG.		[2,000]
	Immersive Group Simulation Virtual Training Systems for the Hawaii ARNG.		[2,500]
178	CLOSE COMBAT TACTICAL TRAINER	65,155	65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA	12,794	12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	7,870	7,870
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
181	CALIBRATION SETS EQUIPMENT	16,844	16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	101,320	101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD)	15,526	15,526
	OTHER SUPPORT EQUIPMENT		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	21,770	21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3)	49,758	49,758
186	BASE LEVEL COM'L EQUIPMENT	1,303	1,303
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	53,884	53,884
188	PRODUCTION BASE SUPPORT (OTH)	3,050	3,050
189	BUILDING, PRE-FAB, RELOCATABLE		
190	SPECIAL EQUIPMENT FOR USER TESTING	45,516	45,516
191	AMC CRITICAL ITEMS OPA3	12,232	12,232
192	MA8975	4,492	4,492
	SPARES AND REPAIR PARTS		
	OPA2		
193	INITIAL SPARES—C&E	25,867	25,867
194	WIN-T INCREMENT 2 SPARES	9,758	9,758
194a	Procurement of computer services / systems		
	TOTAL—OTHER PROCUREMENT, ARMY	**9,907,151**	**9,450,863**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	203,100	0
	Transfer to OCO		[–203,100]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	199,100	0
	Transfer to OCO		[–199,100]
	FORCE TRAINING		
003	TRAIN THE FORCE	41,100	0
	Transfer to OCO		[–41,100]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	121,550	0
	Transfer to OCO		[–121,550]

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—JOINT IED DEFEAT FUND	**564,850**	**0**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	AV–8B (V/STOL) HARRIER		
002	EA–18G	1,611,837	1,611,837
003	ADVANCE PROCUREMENT (CY)	20,559	20,559
004	F/A–18E/F (FIGHTER) HORNET	1,009,537	1,521,817
	Additional aircraft		[512,280]
005	ADVANCE PROCUREMENT (CY)	51,431	159,431
	EOQ for MYP III		[108,000]
006	JOINT STRIKE FIGHTER	3,997,048	3,997,048
007	ADVANCE PROCUREMENT (CY)	481,000	481,000
008	V–22 (MEDIUM LIFT)	2,215,829	2,215,829
009	ADVANCE PROCUREMENT (CY)	84,342	84,342
010	UH–1Y/AH–1Z	709,801	609,801
	UH–1Y/AH–1Z Program Reduction		[–100,000]
011	ADVANCE PROCUREMENT (CY)	70,550	70,550
012	MH–60S (MYP)	414,145	414,145
013	ADVANCE PROCUREMENT (CY)	78,830	78,830
014	MH–60R	811,781	811,781
015	ADVANCE PROCUREMENT (CY)	131,504	131,504
016	P–8A POSEIDON	1,664,525	1,664,525
017	ADVANCE PROCUREMENT (CY)	160,526	149,646
	Excessive advance procurement growth		[–7,680]
	Funding for production line slots		[–3,200]
018	E–2D ADV HAWKEYE	511,245	511,245
019	ADVANCE PROCUREMENT (CY)	94,924	94,924
	AIRLIFT AIRCRAFT		
020	C–40A	74,381	74,381
	TRAINER AIRCRAFT		
021	T–45TS (TRAINER) GOSHAWK		
022	JPATS	266,539	266,539
	OTHER AIRCRAFT		
023	KC–130J		
024	ADVANCE PROCUREMENT (CY)		
025	RQ–7 UAV	56,797	53,797
	Attrition vehicles		[–3,000]
026	MQ–8 UAV	77,616	77,616
027	OTHER SUPPORT AIRCRAFT		
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	39,977	39,977
029	AV–8 SERIES	35,668	35,668
030	F–18 SERIES	484,129	480,729
	Excessive growth of IR Marker ECP		[–3,400]
031	H–46 SERIES	35,325	35,325
032	AH–1W SERIES	66,461	66,461
033	H–53 SERIES	68,197	68,197
034	SH–60 SERIES	82,253	82,253
035	H–1 SERIES	20,040	20,040
036	EP–3 SERIES	92,530	92,530
037	P–3 SERIES	485,171	445,571
	P–3 Series Program Reduction		[–39,600]
038	S–3 SERIES		
039	E–2 SERIES	22,853	22,853
040	TRAINER A/C SERIES	20,907	20,907
041	C–2A	21,343	21,343
042	C–130 SERIES	22,449	22,449
043	FEWSG	9,486	9,486
044	CARGO/TRANSPORT A/C SERIES	19,429	19,429
045	E–6 SERIES	102,646	102,646
046	EXECUTIVE HELICOPTERS SERIES	42,456	42,456
047	SPECIAL PROJECT AIRCRAFT	14,869	14,869
048	T–45 SERIES	51,484	51,484
049	POWER PLANT CHANGES	26,395	26,395
050	JPATS SERIES	4,922	4,922

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
051	AVIATION LIFE SUPPORT MODS	5,594	5,594
052	COMMON ECM EQUIPMENT	47,419	49,419
	Crane Integrated Defensive Countermeasures (IDECM) Depot Capability.		[2,000]
053	COMMON AVIONICS CHANGES	151,112	151,112
054	COMMON DEFENSIVE WEAPON SYSTEM		
055	ID SYSTEMS	24,125	24,125
056	V–22 (TILT/ROTOR ACFT) OSPREY	24,502	24,502
	AIRCRAFT SPARES AND REPAIR PARTS		
057	SPARES AND REPAIR PARTS	1,264,012	1,262,412
	UH–1Y/AH–1Z reduction		[–1,600]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
058	COMMON GROUND EQUIPMENT	363,588	363,588
059	AIRCRAFT INDUSTRIAL FACILITIES	11,075	11,075
060	WAR CONSUMABLES	55,406	55,406
061	OTHER PRODUCTION CHARGES	23,861	23,861
062	SPECIAL SUPPORT EQUIPMENT	42,147	42,147
063	FIRST DESTINATION TRANSPORTATION	1,734	1,734
064	CANCELLED ACCOUNT ADJUSTMENTS		
	TOTAL—AIRCRAFT PROCUREMENT, NAVY	**18,378,312**	**18,842,112**
	WEAPONS PROCUREMENT, NAVY		
	BALLISTIC MISSILES		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,060,504	1,060,504
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	3,447	3,447
	OTHER MISSILES		
	STRATEGIC MISSILES		
003	TOMAHAWK	283,055	283,055
	TACTICAL MISSILES		
004	AMRAAM	145,506	140,506
	Diminished manufacturing sources funding ahead of need		[–5,000]
005	SIDEWINDER	56,845	56,845
006	JSOW	145,336	145,336
007	SLAM-ER		
008	STANDARD MISSILE	249,233	249,233
009	RAM	74,784	74,784
010	HELLFIRE	59,411	59,411
011	AERIAL TARGETS	47,003	47,003
012	OTHER MISSILE SUPPORT	3,928	3,928
	MODIFICATION OF MISSILES		
013	ESSM	51,388	51,388
014	HARM MODS	47,973	47,973
015	STANDARD MISSILES MODS	81,451	81,451
	SUPPORT EQUIPMENT & FACILITIES		
016	WEAPONS INDUSTRIAL FACILITIES	3,211	13,211
	Accelerate facility restoration program		[10,000]
017	FLEET SATELLITE COMM FOLLOW-ON	487,280	487,280
018	ADVANCE PROCUREMENT (CY)	28,847	28,847
	ORDNANCE SUPPORT EQUIPMENT		
019	ORDNANCE SUPPORT EQUIPMENT	48,883	48,883
	TORPEDOES AND RELATED EQUIPMENT		
	TORPEDOES AND RELATED EQUIP.		
020	SSTD		
021	ASW TARGETS	9,288	9,288
	MOD OF TORPEDOES AND RELATED EQUIP		
022	MK–46 TORPEDO MODS	94,159	87,023
	Support funding carryover		[–7,136]
023	MK–48 TORPEDO ADCAP MODS	61,608	56,308
	Support funding carryover		[–5,300]
024	QUICKSTRIKE MINE	4,680	4,680
	SUPPORT EQUIPMENT		
025	TORPEDO SUPPORT EQUIPMENT	39,869	39,869
026	ASW RANGE SUPPORT	10,044	10,044
	DESTINATION TRANSPORTATION		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
027	FIRST DESTINATION TRANSPORTATION	3,434	3,434
	OTHER WEAPONS		
	GUNS AND GUN MOUNTS		
028	SMALL ARMS AND WEAPONS	12,742	12,742
	MODIFICATION OF GUNS AND GUN MOUNTS		
029	CIWS MODS	158,896	158,896
030	COAST GUARD WEAPONS	21,157	21,157
031	GUN MOUNT MODS	30,761	30,761
032	LCS MODULE WEAPONS		
033	CRUISER MODERNIZATION WEAPONS	51,227	51,227
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,309	12,309
	OTHER		
035	MARINE CORPS TACTIAL UNMANNED AERIAL SYSTEM		
036	CANCELLED ACCOUNT ADJUSTMENTS		
	SPARES AND REPAIR PARTS		
037	SPARES AND REPAIR PARTS	65,196	65,196
	TOTAL—WEAPONS PROCUREMENT, NAVY	**3,453,455**	**3,446,019**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		
	PROC AMMO, NAVY		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	75,227	75,227
002	JDAM	1,968	1,968
003	AIRBORNE ROCKETS, ALL TYPES	38,643	38,643
004	MACHINE GUN AMMUNITION	19,622	12,062
	20MM linkless TP cost growth		[–2,900]
	20MM linked TP cost growth		[–1,990]
	20MM linked HEI cost growth		[–2,670]
005	PRACTICE BOMBS	33,803	24,503
	Enhanced laser guided training round cost growth		[–9,300]
006	CARTRIDGES & CART ACTUATED DEVICES	50,600	50,600
007	AIR EXPENDABLE COUNTERMEASURES	79,102	69,302
	MJU–55 production termination		[–9,800]
008	JATOS	3,230	3,230
009	5 INCH/54 GUN AMMUNITION	27,483	27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION	25,974	25,974
011	OTHER SHIP GUN AMMUNITION	35,934	35,934
012	SMALL ARMS & LANDING PARTY AMMO	43,490	43,490
013	PYROTECHNIC AND DEMOLITION	10,623	10,623
014	AMMUNITION LESS THAN $5 MILLION	3,214	3,214
	PROC AMMO, MC		
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	87,781	87,781
016	LINEAR CHARGES, ALL TYPES	23,582	23,582
017	40 MM, ALL TYPES	57,291	57,291
018	60MM, ALL TYPES	22,037	22,037
019	81MM, ALL TYPES	54,869	54,869
020	120MM, ALL TYPES	29,579	29,579
021	CTG 25MM, ALL TYPES	2,259	2,259
022	GRENADES, ALL TYPES	10,694	10,694
023	ROCKETS, ALL TYPES	13,948	13,948
024	ARTILLERY, ALL TYPES	57,948	57,948
025	EXPEDITIONARY FIGHTING VEHICLE		
026	DEMOLITION MUNITIONS, ALL TYPES	14,886	14,886
027	FUZE, ALL TYPES	575	575
028	NON LETHALS	3,034	3,034
029	AMMO MODERNIZATION	8,886	8,886
030	ITEMS LESS THAN $5 MILLION	4,393	4,393
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.	**840,675**	**814,015**
	SHIPBUILDING AND CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM	739,269	739,269

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
002	ADVANCE PROCUREMENT (CY)	484,432	484,432
003	VIRGINIA CLASS SUBMARINE	1,964,317	1,964,317
004	ADVANCE PROCUREMENT (CY)	1,959,725	1,959,725
005	CVN REFUELING OVERHAULS	1,563,602	1,563,602
006	ADVANCE PROCUREMENT (CY)	211,820	211,820
007	SSBN ERO		
008	ADVANCE PROCUREMENT (CY)		
009	DDG 1000	1,084,161	1,084,161
010	ADVANCE PROCUREMENT (CY)		
011	DDG–51	1,912,267	1,912,267
012	ADVANCE PROCUREMENT (CY)	328,996	328,996
013	LITTORAL COMBAT SHIP	1,380,000	1,380,000
	AMPHIBIOUS SHIPS		
014	LPD–17	872,392	872,392
015	ADVANCE PROCUREMENT (CY)	184,555	184,555
016	LHA REPLACEMENT		
017	ADVANCE PROCUREMENT (CY)		
018	INTRATHEATER CONNECTOR	177,956	177,956
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
019	OUTFITTING	391,238	391,238
020	SERVICE CRAFT	3,694	3,694
021	LCAC SLEP	63,857	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS	454,586	454,586
	TOTAL—SHIPBUILDING AND CONVERSION, NAVY	**13,776,867**	**13,776,867**
	OTHER PROCUREMENT, NAVY		
	SHIPS SUPPORT EQUIPMENT		
	SHIP PROPULSION EQUIPMENT		
001	LM–2500 GAS TURBINE	8,014	8,014
002	ALLISON 501K GAS TURBINE	9,162	9,162
003	OTHER PROPULSION EQUIPMENT		
	NAVIGATION EQUIPMENT		
004	OTHER NAVIGATION EQUIPMENT	34,743	34,743
	PERISCOPES		
005	SUB PERISCOPES & IMAGING EQUIP	75,127	70,127
	Digital periscope contract delay		[–5,000]
	OTHER SHIPBOARD EQUIPMENT		
006	DDG MOD	142,262	142,262
007	FIREFIGHTING EQUIPMENT	11,423	14,523
	Smart valves for fire suppression		[3,100]
008	COMMAND AND CONTROL SWITCHBOARD	4,383	4,383
009	POLLUTION CONTROL EQUIPMENT	24,992	24,992
010	SUBMARINE SUPPORT EQUIPMENT	16,867	16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT	103,153	103,153
012	SUBMARINE BATTERIES	51,482	51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP	15,672	15,672
014	DSSP EQUIPMENT	10,641	10,641
015	CG MODERNIZATION	315,323	315,323
016	LCAC	6,642	6,642
017	MINESWEEPING EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	19,232	19,232
019	ITEMS LESS THAN $5 MILLION	127,554	124,430
	CVN auto voltage regulators ahead of need		[–3,124]
020	CHEMICAL WARFARE DETECTORS	8,899	8,899
021	SUBMARINE LIFE SUPPORT SYSTEM	14,721	14,721
	REACTOR PLANT EQUIPMENT		
022	REACTOR POWER UNITS		
023	REACTOR COMPONENTS	262,354	262,354
	OCEAN ENGINEERING		
024	DIVING AND SALVAGE EQUIPMENT	5,304	5,304
	SMALL BOATS		
025	STANDARD BOATS	35,318	35,318
	TRAINING EQUIPMENT		
026	OTHER SHIPS TRAINING EQUIPMENT	15,113	15,113
	PRODUCTION FACILITIES EQUIPMENT		
027	OPERATING FORCES IPE	47,172	47,172

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	OTHER SHIP SUPPORT		
028	NUCLEAR ALTERATIONS	136,683	136,683
029	LCS MODULES	137,259	137,259
	LOGISTIC SUPPORT		
030	LSD MIDLIFE	117,856	117,856
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	SHIP RADARS		
031	RADAR SUPPORT	9,968	9,968
032	SPQ–9B RADAR	13,476	13,476
033	AN/SQQ–89 SURF ASW COMBAT SYSTEM	111,093	95,593
	SQQ–89 backfit suites ahead of need		[–15,500]
034	SSN ACOUSTICS	299,962	303,962
	TB–33 thinline towed array		[4,000]
035	UNDERSEA WARFARE SUPPORT EQUIPMENT	38,705	38,705
036	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
	ASW ELECTRONIC EQUIPMENT		
037	SUBMARINE ACOUSTIC WARFARE SYSTEM	20,681	20,681
038	SSTD	2,184	2,184
039	FIXED SURVEILLANCE SYSTEM	63,017	63,017
040	SURTASS	24,108	24,108
041	TACTICAL SUPPORT CENTER	22,464	22,464
	ELECTRONIC WARFARE EQUIPMENT		
042	AN/SLQ–32	34,264	34,264
	RECONNAISSANCE EQUIPMENT		
043	SHIPBOARD IW EXPLOIT	105,883	105,883
	SUBMARINE SURVEILLANCE EQUIPMENT		
044	SUBMARINE SUPPORT EQUIPMENT PROG	98,645	83,495
	Multi-function modular mast units ahead of need		[–15,150]
	OTHER SHIP ELECTRONIC EQUIPMENT		
045	NAVY TACTICAL DATA SYSTEM		
046	COOPERATIVE ENGAGEMENT CAPABILITY	30,522	30,522
047	GCCS-M EQUIPMENT	13,594	13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,933	35,933
049	ATDLS	7,314	7,314
050	MINESWEEPING SYSTEM REPLACEMENT	79,091	74,291
	RMS restructure		[–4,800]
051	SHALLOW WATER MCM	7,835	7,835
052	NAVSTAR GPS RECEIVERS (SPACE)	10,845	10,845
053	ARMED FORCES RADIO AND TV	3,333	3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP	4,149	4,149
	TRAINING EQUIPMENT		
055	OTHER TRAINING EQUIPMENT	36,784	36,784
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	17,468	17,468
057	SHIPBOARD AIR TRAFFIC CONTROL	7,970	7,970
058	AUTOMATIC CARRIER LANDING SYSTEM	18,878	18,878
059	NATIONAL AIR SPACE SYSTEM	28,988	28,988
060	AIR STATION SUPPORT EQUIPMENT	8,203	8,203
061	MICROWAVE LANDING SYSTEM	10,526	10,526
062	ID SYSTEMS	38,682	38,682
063	TAC A/C MISSION PLANNING SYS(TAMPS)	9,102	9,102
	OTHER SHORE ELECTRONIC EQUIPMENT		
064	DEPLOYABLE JOINT COMMAND AND CONT	8,719	11,719
	Shelter Upgrade Program		[3,000]
065	TADIX-B	793	793
066	GCCS-M EQUIPMENT TACTICAL/MOBILE	11,820	11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS	27,632	27,632
068	CANES	1,181	1,181
069	RADIAC	5,990	5,990
070	GPETE	3,737	3,737
071	INTEG COMBAT SYSTEM TEST FACILITY	4,423	4,423
072	EMI CONTROL INSTRUMENTATION	4,778	4,778
073	ITEMS LESS THAN $5 MILLION	65,760	65,760
	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS		
075	PORTABLE RADIOS		
076	SHIP COMMUNICATIONS AUTOMATION	310,605	290,305

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Shipboard network systems ahead of need		[–20,300]
077	AN/URC–82 RADIO	4,913	4,913
078	COMMUNICATIONS ITEMS UNDER $5M	25,314	25,314
	SUBMARINE COMMUNICATIONS		
079	SUBMARINE BROADCAST SUPPORT	105	105
080	SUBMARINE COMMUNICATION EQUIPMENT	48,729	48,729
	SATELLITE COMMUNICATIONS		
081	SATELLITE COMMUNICATIONS SYSTEMS	50,172	50,172
082	NAVY MULTIBAND TERMINAL (NMT)	72,496	72,496
	SHORE COMMUNICATIONS		
083	JCS COMMUNICATIONS EQUIPMENT	2,322	2,322
084	ELECTRICAL POWER SYSTEMS	1,293	1,293
085	NAVAL SHORE COMMUNICATIONS	2,542	2,542
	CRYPTOGRAPHIC EQUIPMENT		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,054	119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP	16,839	16,839
	OTHER ELECTRONIC SUPPORT		
088	COAST GUARD EQUIPMENT	18,892	18,892
	DRUG INTERDICTION SUPPORT		
089	OTHER DRUG INTERDICTION SUPPORT		
	AVIATION SUPPORT EQUIPMENT		
	SONOBUOYS		
090	SONOBUOYS—ALL TYPES	91,976	91,976
	AIRCRAFT SUPPORT EQUIPMENT		
091	WEAPONS RANGE SUPPORT EQUIPMENT	75,329	75,329
092	EXPEDITIONARY AIRFIELDS	8,343	8,343
093	AIRCRAFT REARMING EQUIPMENT	12,850	12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	48,670	46,849
	ADMACS Block II upgrade cost growth		[–1,821]
095	METEOROLOGICAL EQUIPMENT	21,458	21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT	1,582	1,582
097	AVIATION LIFE SUPPORT	27,367	32,367
	Multi Climate Protection System		[5,000]
098	AIRBORNE MINE COUNTERMEASURES	55,408	55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT	23,694	23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS	9,710	9,710
101	OTHER AVIATION SUPPORT EQUIPMENT	16,541	16,541
	ORDNANCE SUPPORT EQUIPMENT		
	SHIP GUN SYSTEM EQUIPMENT		
102	NAVAL FIRES CONTROL SYSTEM	1,391	1,391
103	GUN FIRE CONTROL EQUIPMENT	7,891	7,891
	SHIP MISSILE SYSTEMS EQUIPMENT		
104	NATO SEASPARROW	13,556	13,556
105	RAM GMLS	7,762	7,762
106	SHIP SELF DEFENSE SYSTEM	34,079	34,079
107	AEGIS SUPPORT EQUIPMENT	108,886	108,886
108	TOMAHAWK SUPPORT EQUIPMENT	88,475	88,475
109	VERTICAL LAUNCH SYSTEMS	5,513	5,513
	FBM SUPPORT EQUIPMENT		
110	STRATEGIC MISSILE SYSTEMS EQUIP	155,579	155,579
	ASW SUPPORT EQUIPMENT		
111	SSN COMBAT CONTROL SYSTEMS	118,528	118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT	5,200	5,200
113	SURFACE ASW SUPPORT EQUIPMENT	13,646	13,646
114	ASW RANGE SUPPORT EQUIPMENT	7,256	7,256
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	54,069	54,069
116	ITEMS LESS THAN $5 MILLION	3,478	3,478
	OTHER EXPENDABLE ORDNANCE		
117	ANTI-SHIP MISSILE DECOY SYSTEM	37,128	37,128
118	SURFACE TRAINING DEVICE MODS	7,430	7,430
119	SUBMARINE TRAINING DEVICE MODS	25,271	25,271
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	4,139	4,139
121	GENERAL PURPOSE TRUCKS	1,731	1,731
122	CONSTRUCTION & MAINTENANCE EQUIP	12,931	12,931
123	FIRE FIGHTING EQUIPMENT	12,976	12,976

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
124	TACTICAL VEHICLES	25,352	25,352
125	AMPHIBIOUS EQUIPMENT	2,950	2,950
126	POLLUTION CONTROL EQUIPMENT	5,097	5,097
127	ITEMS UNDER $5 MILLION	23,787	23,787
128	PHYSICAL SECURITY VEHICLES	1,115	1,115
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	17,153	17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT	6,368	6,368
131	FIRST DESTINATION TRANSPORTATION	6,217	6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS	71,597	71,597
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	TRAINING DEVICES		
133	TRAINING SUPPORT EQUIPMENT	12,944	12,944
	COMMAND SUPPORT EQUIPMENT		
134	COMMAND SUPPORT EQUIPMENT	55,267	55,267
135	EDUCATION SUPPORT EQUIPMENT	2,084	2,084
136	MEDICAL SUPPORT EQUIPMENT	5,517	5,517
137	NAVAL MIP SUPPORT EQUIPMENT	1,537	1,537
139	OPERATING FORCES SUPPORT EQUIPMENT	12,250	12,250
140	C4ISR EQUIPMENT	5,324	5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT	18,183	18,183
142	PHYSICAL SECURITY EQUIPMENT	128,921	128,921
143	ENTERPRISE INFORMATION TECHNOLOGY	79,747	79,747
	OTHER		
144	CANCELLED ACCOUNT ADJUSTMENTS		
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	19,463	19,463
	SPARES AND REPAIR PARTS		
145	SPARES AND REPAIR PARTS	247,796	247,796
145a	Procurement of computer services / systems		
	TOTAL—OTHER PROCUREMENT, NAVY	**5,661,176**	**5,610,581**
	PROCUREMENT, MARINE CORPS		
	WEAPONS AND COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	9,127	9,127
002	LAV PIP	34,969	34,969
003	IMPROVED RECOVERY VEHICLE (IRV)		
004	M1A1 FIREPOWER ENHANCEMENTS		
	ARTILLERY AND OTHER WEAPONS		
005	EXPEDITIONARY FIRE SUPPORT SYSTEM	19,591	19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER	7,420	7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	71,476	71,476
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	25,949	25,949
	WEAPONS		
009	MODULAR WEAPON SYSTEM		
	OTHER SUPPORT		
010	MODIFICATION KITS	33,990	33,990
011	WEAPONS ENHANCEMENT PROGRAM	22,238	22,238
	GUIDED MISSILES AND EQUIPMENT		
	GUIDED MISSILES		
012	GROUND BASED AIR DEFENSE	11,387	11,387
013	JAVELIN		
014	FOLLOW ON TO SMAW	25,333	25,333
015	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	71,225	71,225
	OTHER SUPPORT		
016	MODIFICATION KITS	2,114	2,114
	COMMUNICATIONS & ELECTRONICS EQUIPMENT		
	COMMAND AND CONTROL SYSTEMS		
017	UNIT OPERATIONS CENTER	19,832	19,832
	REPAIR AND TEST EQUIPMENT		
018	REPAIR AND TEST EQUIPMENT	31,087	31,087
	OTHER SUPPORT (TEL)		
019	COMBAT SUPPORT SYSTEM	11,368	11,368
020	MODIFICATION KITS		
	COMMAND AND CONTROL SYSTEM (NON-TEL)		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
021	ITEMS UNDER $5 MILLION (COMM & ELEC)	3,531	3,531
022	AIR OPERATIONS C2 SYSTEMS	45,084	45,084
	RADAR + EQUIPMENT (NON-TEL)		
023	RADAR SYSTEMS	7,428	7,428
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	2,580	2,580
025	INTELLIGENCE SUPPORT EQUIPMENT	37,581	37,581
026	RQ–11 UAV	42,403	42,403
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
027	NIGHT VISION EQUIPMENT	10,360	10,360
	OTHER SUPPORT (NON-TEL)		
028	COMMON COMPUTER RESOURCES	115,263	115,263
029	COMMAND POST SYSTEMS	49,820	49,820
030	RADIO SYSTEMS	61,954	61,954
031	COMM SWITCHING & CONTROL SYSTEMS	98,254	98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT	15,531	15,531
	SUPPORT VEHICLES		
	ADMINISTRATIVE VEHICLES		
033	COMMERCIAL PASSENGER VEHICLES	1,265	1,265
034	COMMERCIAL CARGO VEHICLES	13,610	13,610
035	5/4T TRUCK HMMWV (MYP)	9,796	9,796
036	MOTOR TRANSPORT MODIFICATIONS	6,111	6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,792	10,792
038	LOGISTICS VEHICLE SYSTEM REP	217,390	217,390
039	FAMILY OF TACTICAL TRAILERS	26,497	26,497
040	TRAILERS	18,122	18,122
	OTHER SUPPORT		
041	ITEMS LESS THAN $5 MILLION	5,948	5,948
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,121	5,121
043	BULK LIQUID EQUIPMENT	13,035	13,035
044	TACTICAL FUEL SYSTEMS	35,059	38,159
	Nitrile Rubber Collapsible Storage Units		[3,100]
045	POWER EQUIPMENT ASSORTED	21,033	21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT	39,876	39,876
047	EOD SYSTEMS	93,335	93,335
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	12,169	12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,825	11,825
050	MATERIAL HANDLING EQUIP	41,430	41,430
051	FIRST DESTINATION TRANSPORTATION	5,301	5,301
	GENERAL PROPERTY		
052	FIELD MEDICAL EQUIPMENT	6,811	6,811
053	TRAINING DEVICES	14,854	14,854
054	CONTAINER FAMILY	3,770	3,770
055	FAMILY OF CONSTRUCTION EQUIPMENT	37,735	37,735
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	10,360	10,360
057	BRIDGE BOATS		
058	RAPID DEPLOYABLE KITCHEN	2,159	2,159
	OTHER SUPPORT		
059	ITEMS LESS THAN $5 MILLION	8,792	8,792
	SPARES AND REPAIR PARTS		
060	SPARES AND REPAIR PARTS	41,547	41,547
	TOTAL—PROCUREMENT, MARINE CORPS	**1,600,638**	**1,603,738**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	COMBAT AIRCRAFT		
	TACTICAL FORCES		
001	F–35	2,048,830	2,178,830
	F136 engine procurement		[130,000]
002	ADVANCE PROCUREMENT (CY)	300,600	278,600
	Reduction of 2 aircraft previously funded in fiscal year 2009		[–22,000]
003	F–22A	95,163	95,163
004	ADVANCE PROCUREMENT (CY)		
	AIRLIFT AIRCRAFT		
	TACTICAL AIRLIFT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
005	C–17A (MYP)	88,510	88,510
	OTHER AIRLIFT		
006	C–130J	285,632	285,632
007	ADVANCE PROCUREMENT (CY)	108,000	108,000
008	HC/MC–130 RECAP	879,231	375,231
	Funded in fiscal year 2009 supplemental		[–504,000]
009	ADVANCE PROCUREMENT (CY)	137,360	137,360
010	JOINT CARGO AIRCRAFT	319,050	319,050
	TRAINER AIRCRAFT		
	UPT TRAINERS		
011	USAFA POWERED FLIGHT PROGRAM	4,144	4,144
	OPERATIONAL TRAINERS		
012	JPATS	15,711	15,711
	OTHER AIRCRAFT		
	HELICOPTERS		
013	V22 OSPREY	437,272	437,272
014	ADVANCE PROCUREMENT (CY)	13,835	13,835
	MISSION SUPPORT AIRCRAFT		
015	C–29A FLIGHT INSPECTION ACFT		
016	C–12 A		
017	C–40	154,044	259,294
	Program Increase		[105,250]
018	CIVIL AIR PATROL A/C	2,426	2,426
	OTHER AIRCRAFT		
020	TARGET DRONES	78,511	78,511
021	C–37A	66,400	66,400
022	GLOBAL HAWK	554,775	554,775
023	ADVANCE PROCUREMENT (CY)	113,049	113,049
024	MQ–1		
025	MQ–9	489,469	489,469
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	3,608	3,608
	MODIFICATION OF IN-SERVICE AIRCRAFT		
	STRATEGIC AIRCRAFT		
026	B–2A	283,955	264,155
	USAF requested transfer to APAF 78A, B–2 Post Production Support for the B–2 Weapon System Support Center.		[–19,800]
027	ADVANCE PROCUREMENT (CY)		
028	B–1B	107,558	78,558
	Program delay for various programs. Funding transferred to PE 11126F (RDAF 119).		[–29,000]
029	B–52	78,788	61,466
	Air Force identified excess		[–17,322]
	TACTICAL AIRCRAFT		
030	A–10	252,488	252,488
031	F–15	92,921	143,421
	5 AESA Radars		[50,500]
032	F–16	224,642	221,875
	Funding ahead of need—BLOS Installs		[–2,767]
033	F–22A	350,735	192,336
	Common Configuration—Early to need		[–158,399]
	AIRLIFT AIRCRAFT		
034	C–5	606,993	578,993
	Funding ahead of need—RERP Install		[–28,000]
035	ADVANCE PROCUREMENT (CY)	108,300	108,300
036	C–9C	10	10
037	C–17A	469,731	424,431
	Funding requested ahead of need		[–45,300]
038	C–21	562	562
039	C–32A	10,644	10,644
040	C–37A	4,336	4,336
	TRAINER AIRCRAFT		
041	GLIDER MODS	119	119
042	T–6	33,074	33,074
043	T–1	35	35
044	T–38	75,274	61,057
	Improved Brake System Program Termination		[–14,217]

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
045	T–43		
	OTHER AIRCRAFT		
046	KC–10A (ATCA)	9,441	9,441
047	C–12	472	472
048	MC–12W	63,000	63,000
049	C–20 MODS	734	734
050	VC–25A MOD	15,610	15,610
051	C–40	9,162	9,162
052	C–130	354,421	134,171
	Scathe View Hyper-Spectral Imagery Upgrade		[4,500]
	Senior Scout COMINT Capability Upgrade		[3,750]
	Program Excess		[–209,500]
	Centerwing Replacements—Early to need		[–19,000]
053	C130J MODS	13,627	13,627
054	C–135	150,425	150,425
055	COMPASS CALL MODS	29,187	29,187
056	DARP	107,859	107,859
057	E–3	79,263	79,263
058	E–4	73,058	73,058
059	E–8	225,973	225,973
060	H–1	18,280	18,280
061	H–60	14,201	95,201
	HH–60G AAQ–29 FLIR		[81,000]
062	GLOBAL HAWK MODS	134,864	134,864
063	HC/MC–130 MODIFICATIONS	1,964	1,964
064	OTHER AIRCRAFT	103,274	127,274
	Litening ATP upgrade kits		[24,000]
065	MQ–1 MODS	123,889	123,889
066	MQ–9 MODS	48,837	48,837
	Reflect USAF decision to change sensor payload		
067	CV–22 MODS	24,429	24,429
067A	CAF Restructure		
	AIRCRAFT SPARES + REPAIR PARTS		
068	INITIAL SPARES/REPAIR PARTS	418,604	418,604
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
	COMMON SUPPORT EQUIP		
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP	105,820	105,820
	POST PRODUCTION SUPPORT		
070	B–1	3,929	3,929
071	B–2A		
072	B–2A	24,481	24,481
073	C–5	2,259	2,259
074	C–5	11,787	11,787
075	KC–10A (ATCA)	4,125	4,125
076	C–17A	91,400	0
	Funding requested ahead of need		[–91,400]
077	C–130	28,092	28,092
078	EC–130J	5,283	5,283
078A	B–2 POST PRODUCTION SUPPORT		19,800
	USAF requested transfer from APAF 26 for the B–2 Weapon System Support Center.		[19,800]
079	F–15	15,744	15,744
080	F–16	19,951	19,951
081	OTHER AIRCRAFT	51,980	51,980
082	T–1		
	INDUSTRIAL PREPAREDNESS		
083	INDUSTRIAL RESPONSIVENESS	25,529	25,529
	WAR CONSUMABLES		
084	WAR CONSUMABLES	134,427	134,427
	OTHER PRODUCTION CHARGES		
085	OTHER PRODUCTION CHARGES	490,344	490,344
	OTHER PRODUCTION CHARGES—SOF		
087	CANCELLED ACCT ADJUSTMENTS		
	DARP		
088	DARP	15,323	15,323
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	19,443	19,443

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**11,966,276**	**11,224,371**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	PROCUREMENT OF AMMO, AIR FORCE		
	ROCKETS		
001	ROCKETS	43,461	43,461
	CARTRIDGES		
002	CARTRIDGES	123,886	123,886
	BOMBS		
003	PRACTICE BOMBS	52,459	52,459
004	GENERAL PURPOSE BOMBS	225,145	225,145
005	JOINT DIRECT ATTACK MUNITION	103,041	103,041
	FLARE, IR MJU–7B		
006	CAD/PAD	40,522	40,522
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	3,302	3,302
008	SPARES AND REPAIR PARTS	4,582	4,582
009	MODIFICATIONS	1,289	1,289
010	ITEMS LESS THAN $5,000,000	5,061	5,061
	FUZES		
011	FLARES	152,515	152,515
012	FUZES	61,037	61,037
	WEAPONS		
	SMALL ARMS		
013	SMALL ARMS	6,162	6,162
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE	**822,462**	**822,462**
	MISSILE PROCUREMENT, AIR FORCE		
	BALLISTIC MISSILES		
	MISSILE REPLACEMENT EQUIPMENT-BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	58,139	58,139
	OTHER MISSILES		
	TACTICAL		
002	JASSM	52,666	52,666
003	SIDEWINDER (AIM–9X)	78,753	78,753
004	AMRAAM	291,827	286,827
	Funding ahead of need for DMS		[–5,000]
005	PREDITOR HELLFIRE MISSILE	79,699	64,530
	Updated pricing		[–15,169]
006	SMALL DIAMETER BOMB	134,801	134,801
	INDUSTRIAL FACILITIES		
007	INDUSTR'L PREPAREDNS/POL PREVENTION	841	841
	MODIFICATION OF IN-SERVICE MISSILES		
	CLASS IV		
008	ADVANCED CRUISE MISSILE	32	32
009	MM III MODIFICATIONS	199,484	199,484
010	AGM–65D MAVERICK	258	258
011	AGM–88A HARM	30,280	30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM)		
	SPARES AND REPAIR PARTS		
	MISSILE SPARES + REPAIR PARTS		
013	INITIAL SPARES/REPAIR PARTS	70,185	70,185
	OTHER SUPPORT		
	SPACE PROGRAMS		
014	ADVANCED EHF	1,843,475	1,843,475
015	ADVANCE PROCUREMENT (CY)		
016	WIDEBAND GAPFILLER SATELLITES(SPACE)	201,671	151,671
	Program delay		[–50,000]
017	ADVANCE PROCUREMENT (CY)	62,380	62,380
018	SPACEBORNE EQUIP (COMSEC)	9,871	9,871
019	GLOBAL POSITIONING (SPACE)	53,140	53,140
020	ADVANCE PROCUREMENT (CY)		
021	NUDET DETECTION SYSTEM		
022	DEF METEOROLOGICAL SAT PROG(SPACE)	97,764	97,764
023	TITAN SPACE BOOSTERS(SPACE)		
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,295,325	1,102,225

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Reduction in Requirement for Launch Vehicles		[–88,100]
	EELV reduction for AFSPC 4		[–105,000]
025	MEDIUM LAUNCH VEHICLE(SPACE)		
026	SBIR HIGH (SPACE)	307,456	307,456
027	ADVANCE PROCUREMENT (CY)	159,000	159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE	3,900	3,900
	SPECIAL PROGRAMS		
029	DEFENSE SPACE RECONN PROGRAM	105,152	105,152
031	SPECIAL UPDATE PROGRAMS	311,070	311,070
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	853,559	853,559
	TOTAL—MISSILE PROCUREMENT, AIR FORCE	**6,300,728**	**6,037,459**
	OTHER PROCUREMENT, AIR FORCE		
	VEHICULAR EQUIPMENT		
	CARGO + UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	25,922	25,922
003	CAP VEHICLES	897	897
	SPECIAL PURPOSE VEHICLES		
004	SECURITY AND TACTICAL VEHICLES	44,603	44,603
	FIRE FIGHTING EQUIPMENT		
005	FIRE FIGHTING/CRASH RESCUE VEHICLES	27,760	27,760
	MATERIALS HANDLING EQUIPMENT		
006	HALVERSEN LOADER		
	BASE MAINTENANCE SUPPORT		
007	RUNWAY SNOW REMOV AND CLEANING EQU	24,884	24,884
008	ITEMS LESS THAN $5,000,000(VEHICLES)	57,243	40,243
	Reduce program growth		[–17,000]
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	18,163	18,163
	ELECTRONICS AND TELECOMMUNICATIONS		
	COMM SECURITY EQUIPMENT(COMSEC)		
009	COMSEC EQUIPMENT	209,249	209,249
010	MODIFICATIONS (COMSEC)	1,570	1,570
	INTELLIGENCE PROGRAMS		
011	INTELLIGENCE TRAINING EQUIPMENT	4,230	4,230
012	INTELLIGENCE COMM EQUIPMENT	21,965	27,465
	Eagle Vision-ANG		[4,000]
	Eagle Vision Upgrade-ANG		[1,500]
	ELECTRONICS PROGRAMS		
013	AIR TRAFFIC CONTROL & LANDING SYS	22,591	22,591
014	NATIONAL AIRSPACE SYSTEM	47,670	47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN	56,776	56,776
016	WEATHER OBSERVATION FORECAST	19,357	19,357
017	STRATEGIC COMMAND AND CONTROL	35,116	35,116
018	CHEYENNE MOUNTAIN COMPLEX	28,608	28,608
019	DRUG INTERDICTION SPT	452	452
	SPCL COMM-ELECTRONICS PROJECTS		
020	GENERAL INFORMATION TECHNOLOGY	111,282	111,282
021	AF GLOBAL COMMAND & CONTROL SYS	15,499	15,499
022	MOBILITY COMMAND AND CONTROL	8,610	8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM	137,293	77,293
	Weapons Storage Area—Request ahead of need		[–60,000]
024	COMBAT TRAINING RANGES	40,633	44,633
	Unmanned modular threat emitter (UMTE)		[3,000]
	Joint threat emitter (JTE)		[1,000]
025	C3 COUNTERMEASURES	8,177	8,177
026	GCSS-AF FOS	81,579	81,579
027	THEATER BATTLE MGT C2 SYSTEM	29,687	29,687
028	AIR & SPACE OPERATIONS CTR-WPN SYS	54,093	54,093
	AIR FORCE COMMUNICATIONS		
029	BASE INFO INFRASTRUCTURE	433,859	384,859
	Excess funding		[–49,000]
030	USCENTCOM	38,958	38,958
031	AUTOMATED TELECOMMUNICATIONS PRG		
	DISA PROGRAMS		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
032	SPACE BASED IR SENSOR PGM SPACE	34,440	34,440
033	NAVSTAR GPS SPACE	6,415	6,415
034	NUDET DETECTION SYS SPACE	15,436	15,436
035	AF SATELLITE CONTROL NETWORK SPACE	58,865	58,865
036	SPACELIFT RANGE SYSTEM SPACE	100,275	100,275
037	MILSATCOM SPACE	110,575	110,575
038	SPACE MODS SPACE	30,594	30,594
039	COUNTERSPACE SYSTEM	29,793	29,793
	ORGANIZATION AND BASE		
040	TACTICAL C-E EQUIPMENT	240,890	207,890
	Reduce Vehicle Communication Systems		[–33,000]
041	COMBAT SURVIVOR EVADER LOCATER	35,029	35,029
042	RADIO EQUIPMENT	15,536	15,536
043	TV EQUIPMENT (AFRTV)		
044	CCTV/AUDIOVISUAL EQUIPMENT	12,961	12,961
045	BASE COMM INFRASTRUCTURE	121,049	121,049
	MODIFICATIONS		
046	COMM ELECT MODS	64,087	64,087
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP		
	PERSONAL SAFETY & RESCUE EQUIP		
047	NIGHT VISION GOGGLES	28,226	28,226
048	ITEMS LESS THAN $5,000,000 (SAFETY)	17,223	17,223
	DEPOT PLANT+MTRLS HANDLING EQ		
049	MECHANIZED MATERIAL HANDLING EQUIP	15,449	15,449
	BASE SUPPORT EQUIPMENT		
050	BASE PROCURED EQUIPMENT	14,300	14,300
051	CONTINGENCY OPERATIONS	22,973	10,000
	Reduce program growth		[–12,973]
052	PRODUCTIVITY CAPITAL INVESTMENT	3,020	3,020
053	MOBILITY EQUIPMENT	32,855	32,855
054	ITEMS LESS THAN $5,000,000 (BASE S)	8,195	11,195
	Aircrew Body Armor and Load Carriage Vest		[3,000]
	SPECIAL SUPPORT PROJECTS		
056	DARP RC135	23,132	23,132
057	DISTRIBUTED GROUND SYSTEMS	293,640	293,640
059	SPECIAL UPDATE PROGRAM	471,234	471,234
060	DEFENSE SPACE RECONNAISSANCE PROG.	30,041	30,041
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	13,830,722	13,830,722
	SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	19,460	19,460
061a	Procurement of computer services / systems		
	TOTAL—OTHER PROCUREMENT, AIR FORCE	**17,293,141**	**17,133,668**
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		600,000
	Additional MRAP vehicles to meet new requirement		[600,000]
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND		**600,000**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT		
	MAJOR EQUIPMENT, AFIS		
001	MAJOR EQUIPMENT, AFIS		
	MAJOR EQUIPMENT, BTA		
002	MAJOR EQUIPMENT, BTA	8,858	8,858
	MAJOR EQUIPMENT, DCAA		
003	ITEMS LESS THAN $5 MILLION	1,489	1,489
	MAJOR EQUIPMENT, DCMA		
004	MAJOR EQUIPMENT	2,012	2,012
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION	10,431	10,431
	MAJOR EQUIPMENT, DISA		
017	INTERDICTION SUPPORT		
018	INFORMATION SYSTEMS SECURITY	13,449	13,449
019	GLOBAL COMMAND AND CONTROL SYSTEM	7,053	7,053

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
020	GLOBAL COMBAT SUPPORT SYSTEM	2,820	2,820
021	TELEPORT PROGRAM	68,037	68,037
022	ITEMS LESS THAN $5 MILLION	196,232	196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES)	3,051	3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN)	89,725	89,725
025	PUBLIC KEY INFRASTRUCTURE	1,780	1,780
026	JOINT COMMAND AND CONTROL PROGRAM	2,835	2,835
027	CYBER SECURITY INITIATIVE	18,188	18,188
	MAJOR EQUIPMENT, DLA		
028	MAJOR EQUIPMENT	7,728	7,728
	MAJOR EQUIPMENT, DMACT		
029	MAJOR EQUIPMENT	10,149	10,149
	MAJOR EQUIPMENT, DODEA		
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,463	1,463
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY		
031	EQUIPMENT		
032	VEHICLES	50	50
033	OTHER MAJOR EQUIPMENT	7,447	7,447
	MAJOR EQUIPMENT, DTSA		
034	MAJOR EQUIPMENT	436	436
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
035	THAAD SYSTEM	420,300	420,300
036	SM–3	168,723	191,923
	Additional SM–3 Block 1A missiles		[23,200]
036A	TPY–2 Radar		
	MAJOR EQUIPMENT, NSA		
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	4,013	4,013
	MAJOR EQUIPMENT, OSD		
047	MAJOR EQUIPMENT, OSD	111,487	111,487
	MAJOR EQUIPMENT, TJS		
048	MAJOR EQUIPMENT, TJS	12,065	12,065
	MAJOR EQUIPMENT, WHS		
049	WHS MOTOR VEHICLES		
050	MAJOR EQUIPMENT, WHS	26,945	26,945
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	818,766	818,766
	SPECIAL OPERATIONS COMMAND AVIATION PROGRAMS		
051	ROTARY WING UPGRADES AND SUSTAINMENT	101,936	101,936
052	MH–47 SERVICE LIFE EXTENSION PROGRAM	22,958	22,958
053	MH–60 SOF MODERNIZATION PROGRAM	146,820	146,820
054	NON-STANDARD AVIATION	227,552	197,552
	Procurement Schedule		[–30,000]
055	UNMANNED VEHICLES		
056	SOF TANKER RECAPITALIZATION	34,200	34,200
057	SOF U–28	2,518	2,518
058	MC–130H, COMBAT TALON II		
059	CV–22 SOF MOD	114,553	114,553
060	MQ–1 UAV	10,930	10,930
061	MQ–9 UAV	12,671	12,671
062	STUASL0	12,223	12,223
063	C–130 MODIFICATIONS	59,950	145,950
	MC–130W multi-mission modifications		[85,000]
	Intelligence Broadcast Receiver (IBR) for AFSOC MC–130		[1,000]
064	AIRCRAFT SUPPORT	973	973
	SHIPBUILDING		
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)	5,236	0
	Program termination		[–5,236]
066	MK8 MOD1 SEAL DELIVERY VEHICLE	1,463	1,463
	AMMUNITION PROGRAMS		
067	SOF ORDNANCE REPLENISHMENT	61,360	61,360
068	SOF ORDNANCE ACQUISITION	26,791	26,791
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	55,080	55,080
070	SOF INTELLIGENCE SYSTEMS	72,811	72,811
071	SMALL ARMS AND WEAPONS	35,235	42,735

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Advanced lightweight grenade launcher		[5,000]
	Special Operations Forces Combat Assault Rifle (SCAR)		[2,500]
072	MARITIME EQUIPMENT MODIFICATIONS	791	791
073	SPEC APPLICATION FOR CONT		
074	SOF COMBATANT CRAFT SYSTEMS	6,156	16,156
	Special Operations Craft-Riverine		[10,000]
075	SPARES AND REPAIR PARTS	2,010	2,010
076	TACTICAL VEHICLES	18,821	18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS	17,265	17,265
078	COMBAT MISSION REQUIREMENTS	20,000	20,000
079	MILCON COLLATERAL EQUIPMENT	6,835	6,835
081	SOF AUTOMATION SYSTEMS	60,836	60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	12,401	12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	26,070	26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	550	550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS.	33,741	38,741
	Special operations visual augmentation systems		[5,000]
086	SOF TACTICAL RADIO SYSTEMS	53,034	63,034
	Special operations forces multi-band inter/intra team radio		[10,000]
087	SOF MARITIME EQUIPMENT	2,777	2,777
088	DRUG INTERDICTION		
089	MISCELLANEOUS EQUIPMENT	7,576	7,576
090	SOF OPERATIONAL ENHANCEMENTS	273,998	273,998
091	PSYOP EQUIPMENT	43,081	43,081
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	5,573	5,573
	CHEMICAL/BIOLOGICAL DEFENSE		
	CBDP		
092	Installation Force Protection	65,590	65,590
093	Individual Force Protection	92,004	92,004
094	Decontamination	22,008	22,008
095	Joint Bio Defense Program (Medical)	12,740	12,740
096	Collective Protection	27,938	27,938
097	Contamination Avoidance	151,765	151,765
097a	Procurement of computer services / systems		
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**3,984,352**	**4,090,816**
	RAPID ACQUISITION FUND		
001	JOINT RAPID ACQUISITION CELL	79,300	0
	Program Reduction		[–79,300]
	TOTAL—RAPID ACQUISITION FUND	**79,300**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	RESERVE EQUIPMENT		
	UNDISTRIBUTED		600,000
	ARMY RESERVE		
001	MISCELLANEOUS EQUIPMENT		
	NAVY RESERVE		
002	MISCELLANEOUS EQUIPMENT		
	MARINE CORPS RESERVE		
003	MISCELLANEOUS EQUIPMENT		
	AIR FORCE RESERVE		
004	MISCELLANEOUS EQUIPMENT		
	ARMY NATIONAL GUARD		
005	MISCELLANEOUS EQUIPMENT		
	AIR NATIONAL GUARD		
006	MISCELLANEOUS EQUIPMENT		
	TOTAL—NATIONAL GUARD & RESERVE EQUIPMENT	**0**	**600,000**
	Total Procurement	**105,819,330**	**105,029,379**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	AIRCRAFT PROCUREMENT, ARMY		
	AIRCRAFT		
	FIXED WING		
003	MQ–1 UAV	250,000	250,000
004	RQ–11 (RAVEN)	44,640	44,640
004A	C–12A	45,000	45,000
	ROTARY WING		
011	UH–60 BLACKHAWK (MYP)	74,340	74,340
013	CH–47 HELICOPTER	141,200	141,200
	MODIFICATION OF AIRCRAFT		
018	GUARDRAIL MODS (MIP)	50,210	50,210
019	MULTI SENSOR ABN RECON (MIP)	54,000	54,000
020	AH–64 MODS	315,300	315,300
026	UTILITY HELICOPTER MODS	2,500	2,500
027	KIOWA WARRIOR	94,335	94,335
030	RQ–7 UAV MODS	326,400	326,400
030A	C–12A	60,000	60,000
	SPARES AND REPAIR PARTS		
031	SPARE PARTS (AIR)	18,200	18,200
	SUPPORT EQUIPMENT AND FACILITIES		
	GROUND SUPPORT AVIONICS		
033	ASE INFRARED CM	111,600	111,600
	OTHER SUPPORT		
035	COMMON GROUND EQUIPMENT	23,704	23,704
036	AIRCREW INTEGRATED SYSTEMS	24,800	24,800
	TOTAL—AIRCRAFT PROCUREMENT, ARMY	**1,636,229**	**1,636,229**
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	219,700	219,700
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	140,979	115,979
	Funding ahead of need		[–25,000]
007	TOW 2 SYSTEM SUMMARY	59,200	34,200
	Funding ahead of need		[–25,000]
008	GUIDED MLRS ROCKET (GMLRS)	60,600	60,600
	MODIFICATIONS		
014	MLRS MODS	18,772	18,772
015	HIMARS MODIFICATIONS	32,319	32,319
	TOTAL—MISSILE PROCUREMENT, ARMY	**531,570**	**481,570**
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
009	FIST VEHICLE (MOD)	36,000	36,000
010	BRADLEY PROGRAM (MOD)	243,600	243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)	37,620	37,620
	SUPPORT EQUIPMENT & FACILITIES		
	WEAPONS AND OTHER COMBAT VEHICLES		
027	XM320 GRENADE LAUNCHER MODULE (GLM)	13,900	13,900
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO	235,000	235,000
033	HOWITZER LT WT 155MM (T)	107,996	107,996
	MOD OF WEAPONS AND OTHER COMBAT VEH		
036	M2 50 CAL MACHINE GUN MODS	27,600	27,600
037	M249 SAW MACHINE GUN MODS	20,900	20,900
038	M240 MEDIUM MACHINE GUN MODS	4,800	4,800
040	M119 MODIFICATIONS	21,250	21,250
041A	M14 7.62 RIFLE MODS	5,800	5,800
	SUPPORT EQUIPMENT & FACILITIES		
043	ITEMS LESS THAN $5.0M (WOCV-WTCV)	5,000	5,000

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	TOTAL—PROCUREMENT OF WTCV, ARMY	**759,466**	**759,466**
	PROCUREMENT OF AMMUNITION, ARMY		
	AMMUNITION		
	SMALL/MEDIUM CALIBER AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	22,000	22,000
002	CTG, 7.62MM, ALL TYPES	8,300	8,300
003	CTG, HANDGUN, ALL TYPES	500	500
004	CTG, .50 CAL, ALL TYPES	26,500	26,500
006	CTG, 30MM, ALL TYPES	530	530
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	20,000	20,000
	TANK AMMUNITION		
	ARTILLERY AMMUNITION		
014	CTG, ARTY, 105MM: ALL TYPES	9,200	9,200
016	PROJ 155MM EXTENDED RANGE XM982	52,200	52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	10,000	10,000
	ARTILLERY FUZES		
018	ARTILLERY FUZES, ALL TYPES	7,800	7,800
	MINES		
019	MINES, ALL TYPES	5,000	5,000
020	MINE, CLEARING CHARGE, ALL TYPES	7,000	7,000
	ROCKETS		
024	ROCKET, HYDRA 70, ALL TYPES	169,505	169,505
	OTHER AMMUNITION		
027	SIGNALS, ALL TYPES	100	100
	MISCELLANEOUS		
030	NON-LETHAL AMMUNITION, ALL TYPES	32,000	32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY	**370,635**	**370,635**
	OTHER PROCUREMENT, ARMY		
	TACTICAL AND SUPPORT VEHICLES		
	TACTICAL VEHICLES		
001	TACTICAL TRAILERS/DOLLY SETS	1,948	1,948
002	SEMITRAILERS, FLATBED:	40,403	40,403
003	SEMITRAILERS, TANKERS	8,651	8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	1,251,038	875,718
	Army end strength budget amendment		[–375,320]
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	461,657	286,337
	Army end strength budget amendment		[–175,320]
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	623,230	623,230
009	ARMORED SECURITY VEHICLES (ASV)	13,206	13,206
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	62,654	62,654
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	COMM-JOINT COMMUNICATIONS		
023	WIN-T—GROUND FORCES TACTICAL NETWORK	13,500	13,500
	COMM—SATELLITE COMMUNICATIONS		
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	53,486	53,486
029	SMART-T (SPACE)	26,000	26,000
032	MOD OF IN-SVC EQUIP (TAC SAT)	23,900	23,900
	COMM—COMBAT SUPPORT COMM		
032A	MOD-IN-SERVICE PROFILER	6,070	6,070
	COMM—COMBAT COMMUNICATIONS		
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	239	239
037	SINCGARS FAMILY	128,180	53,180
	Unjustified program growth		[–75,000]
038	AMC CRITICAL ITEMS—OPA2	100,000	100,000
046	RADIO, IMPROVED HF (COTS) FAMILY	11,286	11,286
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	18	18
	INFORMATION SECURITY		
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	32,095	32,095
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	330,342	330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	227,733	227,733
	ELECT EQUIP—TACT INT REL ACT (TIARA)		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
062	JTT/CIBS-M (MIP)	1,660	1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)	265	265
069	DCGS-A (MIP)	167,100	167,100
073	CI HUMINT AUTO REPRTING AND COLL(CHARCS) (MIP	34,208	34,208
075	ITEMS LESS THAN $5.0M (MIP)	5,064	5,064
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	58,590	58,590
077	WARLOCK	164,435	164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	126,030	126,030
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
082	NIGHT VISION DEVICES	93,183	93,183
084	NIGHT VISION, THERMAL WPN SIGHT	25,000	25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	15,000	15,000
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)	150,400	150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	1,900	1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)	242,999	242,999
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD	97,020	97,020
097	COMPUTER BALLISTICS: LHMBC XM32	3,780	3,780
099	COUNTERFIRE RADARS	26,000	26,000
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
103	FIRE SUPPORT C2 FAMILY	14,840	14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC	16	16
107	KNIGHT FAMILY	178,500	178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	58,900	58,900
114	MANEUVER CONTROL SYSTEM (MCS)	5,000	5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	1,440	1,440
	ELECT EQUIP—SUPPORT		
	CLASSIFIED PROGRAMS	760	760
	CHEMICAL DEFENSIVE EQUIPMENT		
129	PROTECTIVE SYSTEMS	44,460	44,460
130	CBRN SOLDIER PROTECTION	38,811	38,811
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGE, FLOAT-RIBBON	13,525	13,525
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	10,800	10,800
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	LAUNDRIES, SHOWERS AND LATRINES	21,561	21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	1,955	1,955
146	FORCE PROVIDER	245,382	245,382
147	FIELD FEEDING EQUIPMENT	4,011	4,011
150	ITEMS LESS THAN $5M (ENG SPT)	4,987	4,987
	PETROLEUM EQUIPMENT		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	58,554	58,554
	WATER EQUIPMENT		
153	WATER PURIFICATION SYSTEMS	3,017	3,017
	MEDICAL EQUIPMENT		
154	COMBAT SUPPORT MEDICAL	11,386	11,386
	MAINTENANCE EQUIPMENT		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	12,365	12,365
156	ITEMS LESS THAN $5.0M (MAINT EQ)	546	546
	CONSTRUCTION EQUIPMENT		
162	LOADERS	1,100	1,100
163	HYDRAULIC EXCAVATOR	290	290
166	PLANT, ASPHALT MIXING	2,500	2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	16,500	16,500
169	ITEMS LESS THAN $5.0M (CONST EQUIP)	360	360
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
172	ITEMS LESS THAN $5.0M (FLOAT/RAIL)	3,550	3,550
	GENERATORS		
173	GENERATORS AND ASSOCIATED EQUIP	62,210	62,210
	MATERIAL HANDLING EQUIPMENT		
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	54,360	54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM	49,319	49,319
	TRAINING EQUIPMENT		
176	COMBAT TRAINING CENTERS SUPPORT	60,200	60,200
177	TRAINING DEVICES, NONSYSTEM	28,200	28,200
	TEST MEASURE AND DIG EQUIPMENT (TMD)		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	1,524	1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD)	3,817	3,817
	OTHER SUPPORT EQUIPMENT		
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	27,000	27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	555,950	555,950
	TOTAL—OTHER PROCUREMENT, ARMY	**6,225,966**	**5,600,326**
	JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	812,000	1,015,100
	Transfer from base budget		[203,100]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	536,000	735,100
	Transfer from base budget		[199,100]
	FORCE TRAINING		
003	TRAIN THE FORCE	187,000	228,100
	Transfer from base budget		[41,100]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS		121,550
	Transfer from base budget		[121,550]
	TOTAL—JOINT IED DEFEAT FUND	**1,535,000**	**2,099,850**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
010	UH–1Y/AH–1Z	55,006	55,006
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	45,000	45,000
029	AV–8 SERIES	28,296	19,396
	ALE–47 upgrades complete		[–8,900]
030	F–18 SERIES	96,000	96,000
031	H–46 SERIES	17,485	17,485
033	H–53 SERIES	164,730	164,730
034	SH–60 SERIES	11,192	11,192
035	H–1 SERIES	11,217	11,217
037	P–3 SERIES	74,900	74,900
039	E–2 SERIES	17,200	17,200
041	C–2A	14,100	14,100
042	C–130 SERIES	52,324	52,324
049	POWER PLANT CHANGES	4,456	0
	Non-emergency modifications		[–4,456]
052	COMMON ECM EQUIPMENT	263,382	263,382
054	COMMON DEFENSIVE WEAPON SYSTEM	5,500	5,500
056	V–22 (TILT/ROTOR ACFT) OSPREY	53,500	53,500
	AIRCRAFT SPARES AND REPAIR PARTS		
057	SPARES AND REPAIR PARTS	2,265	2,265
	TOTAL—AIRCRAFT PROCUREMENT, NAVY	**916,553**	**903,197**
010	HELLFIRE	73,700	50,700
	Army end strength budget amendment		[–23,000]
	TOTAL—WEAPONS PROCUREMENT, NAVY	**73,700**	**50,700**
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS		
	PROC AMMO, NAVY		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	40,500	40,500
003	AIRBORNE ROCKETS, ALL TYPES	42,510	42,510
004	MACHINE GUN AMMUNITION	109,200	80,377
	Army end strength budget amendment		[–28,823]
007	AIR EXPENDABLE COUNTERMEASURES	5,501	5,501
009	5 INCH/54 GUN AMMUNITION	352	352
011	OTHER SHIP GUN AMMUNITION	2,835	2,835
012	SMALL ARMS & LANDING PARTY AMMO	14,229	14,229

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
013	PYROTECHNIC AND DEMOLITION	1,442	1,442
	PROC AMMO, MC		
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	16,930	16,930
016	LINEAR CHARGES, ALL TYPES	5,881	5,881
017	40 MM, ALL TYPES	104,824	104,824
018	60MM, ALL TYPES	43,623	43,623
019	81MM, ALL TYPES	103,647	103,647
020	120MM, ALL TYPES	62,265	62,265
021	CTG 25MM, ALL TYPES	563	563
022	GRENADES, ALL TYPES	6,074	6,074
023	ROCKETS, ALL TYPES	8,117	8,117
024	ARTILLERY, ALL TYPES	81,975	81,975
026	DEMOLITION MUNITIONS, ALL TYPES	9,241	9,241
027	FUZE, ALL TYPES	51,071	51,071
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.	**710,780**	**681,957**
	OTHER PROCUREMENT, NAVY		
	OTHER SHIPBOARD EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	12,040	12,040
	SMALL BOATS		
025	STANDARD BOATS	13,000	13,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	400	400
	SHIPBOARD COMMUNICATIONS		
076	SHIP COMMUNICATIONS AUTOMATION	1,500	1,500
	AIRCRAFT SUPPORT EQUIPMENT		
092	EXPEDITIONARY AIRFIELDS	37,345	37,345
097	AVIATION LIFE SUPPORT	17,883	17,883
	ORDNANCE SUPPORT EQUIPMENT		
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	43,650	43,650
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	25	25
121	GENERAL PURPOSE TRUCKS	93	93
122	CONSTRUCTION & MAINTENANCE EQUIP	11,167	11,167
124	TACTICAL VEHICLES	54,008	54,008
127	ITEMS UNDER $5 MILLION	10,842	10,842
128	PHYSICAL SECURITY VEHICLES	1,130	1,130
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	25	25
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	COMMAND SUPPORT EQUIPMENT		
134	COMMAND SUPPORT EQUIPMENT	4,000	4,000
139	OPERATING FORCES SUPPORT EQUIPMENT	15,452	15,452
140	C4ISR EQUIPMENT	3,100	3,100
142	PHYSICAL SECURITY EQUIPMENT	89,521	64,521
	OCO unjustified request		[–25,000]
	SPARES AND REPAIR PARTS		
145	SPARES AND REPAIR PARTS	2,837	2,837
	TOTAL—OTHER PROCUREMENT, NAVY	**318,018**	**293,018**
	PROCUREMENT, MARINE CORPS		
	WEAPONS AND COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	58,229	58,229
	ARTILLERY AND OTHER WEAPONS		
006	155MM LIGHTWEIGHT TOWED HOWITZER	54,000	0
	Army end strength budget amendment		[–54,000]
008	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	3,351	3,351
	OTHER SUPPORT		
010	MODIFICATION KITS	20,183	20,183
011	WEAPONS ENHANCEMENT PROGRAM	9,151	9,151

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	GUIDED MISSILES AND EQUIPMENT		
	OTHER SUPPORT		
016	MODIFICATION KITS	8,506	8,506
	COMMUNICATIONS & ELECTRONICS EQUIPMENT		
	REPAIR AND TEST EQUIPMENT		
018	REPAIR AND TEST EQUIPMENT	11,741	11,741
	OTHER SUPPORT (TEL)		
019	COMBAT SUPPORT SYSTEM	462	462
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
021	ITEMS UNDER $5 MILLION (COMM & ELEC)	4,153	4,153
022	AIR OPERATIONS C2 SYSTEMS	3,096	3,096
	RADAR + EQUIPMENT (NON-TEL)		
023	RADAR SYSTEMS	3,417	3,417
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	521	521
025	INTELLIGENCE SUPPORT EQUIPMENT	37,547	37,547
026	RQ–11 UAV	13,000	13,000
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
027	NIGHT VISION EQUIPMENT	12,570	0
	Army end strength budget amendment		[–12,570]
	OTHER SUPPORT (NON-TEL)		
028	COMMON COMPUTER RESOURCES	23,105	23,105
029	COMMAND POST SYSTEMS	23,041	23,041
030	RADIO SYSTEMS	32,497	32,497
031	COMM SWITCHING & CONTROL SYSTEMS	2,044	2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT	64	64
	SUPPORT VEHICLES		
	ADMINISTRATIVE VEHICLES		
035	5/4T TRUCK HMMWV (MYP)	205,036	205,036
036	MOTOR TRANSPORT MODIFICATIONS	10,177	0
	Army end strength budget amendment		[–10,177]
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	131,044	131,044
038	LOGISTICS VEHICLE SYSTEM REP	59,219	59,219
039	FAMILY OF TACTICAL TRAILERS	13,388	13,388
	OTHER SUPPORT		
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,119	5,119
043	BULK LIQUID EQUIPMENT	4,549	4,549
044	TACTICAL FUEL SYSTEMS	33,421	33,421
045	POWER EQUIPMENT ASSORTED	24,860	24,860
047	EOD SYSTEMS	47,697	47,697
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	19,720	2,720
	Army end strength budget amendment		[–17,000]
050	MATERIAL HANDLING EQUIP	56,875	56,875
	GENERAL PROPERTY		
053	TRAINING DEVICES	157,734	147,304
	Army end strength budget amendment		[–10,430]
055	FAMILY OF CONSTRUCTION EQUIPMENT	35,818	35,818
058	RAPID DEPLOYABLE KITCHEN	55	55
	OTHER SUPPORT		
059	ITEMS LESS THAN $5 MILLION	39,055	39,055
	SPARES AND REPAIR PARTS		
	TOTAL—PROCUREMENT, MARINE CORPS	**1,164,445**	**1,060,268**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	OTHER AIRLIFT		
006	C–130J	72,000	72,000
	OTHER AIRCRAFT		
	CLASSIFIED PROGRAMS		
	MODIFICATION OF IN-SERVICE AIRCRAFT		
	STRATEGIC AIRCRAFT		
028	B–1B	20,500	20,500
	TACTICAL AIRCRAFT		
030	A–10	10,000	10,000
032	F–16	20,025	0

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
	Army end strength budget amendment—secure line-of-sight/beyond line-of-sight mods.		[–20,025]
	AIRLIFT AIRCRAFT		
034	C–5	57,400	57,400
037	C–17A	132,300	120,725
	Army end strength budget amendment—LAIRCM mods		[–11,575]
	OTHER AIRCRAFT		
052	C–130	210,800	86,400
	Army end strength budget amendment—LAIRCM mods		[–124,400]
054	C–135	16,916	16,916
056	DARP	10,300	10,300
063	HC/MC–130 MODIFICATIONS	7,000	7,000
064	OTHER AIRCRAFT	90,000	90,000
065	MQ–1 MODS	65,000	65,000
066	MQ–9 MODS	99,200	99,200
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES		
	POST PRODUCTION SUPPORT		
076	C–17A	11,000	11,000
	WAR CONSUMABLES		
	OTHER PRODUCTION CHARGES		
085	OTHER PRODUCTION CHARGES	114,000	114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	**936,441**	**780,441**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	3,488	3,488
	CARTRIDGES		
002	CARTRIDGES	39,236	39,236
	BOMBS		
004	GENERAL PURPOSE BOMBS	34,085	34,085
005	JOINT DIRECT ATTACK MUNITION	97,978	97,978
	FLARE, IR MJU–7B		
007	EXPLOSIVE ORDINANCE DISPOSAL (EOD)	4,800	4,800
	FUZES		
011	FLARES	41,000	41,000
012	FUZES	14,595	14,595
	WEAPONS		
	SMALL ARMS		
013	SMALL ARMS	21,637	21,637
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE	**256,819**	**256,819**
	MISSILE PROCUREMENT, AIR FORCE		
	OTHER MISSILES		
	TACTICAL		
005	PREDITOR HELLFIRE MISSILE	29,325	29,325
006	SMALL DIAMETER BOMB	7,300	7,300
	TOTAL—MISSILE PROCUREMENT, AIR FORCE	**36,625**	**36,625**
	OTHER PROCUREMENT, AIR FORCE		
	VEHICULAR EQUIPMENT		
	CARGO + UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	3,364	3,364
	SPECIAL PURPOSE VEHICLES		
004	SECURITY AND TACTICAL VEHICLES	11,337	11,337
	FIRE FIGHTING EQUIPMENT		
005	FIRE FIGHTING/CRASH RESCUE VEHICLES	8,626	8,626
	MATERIALS HANDLING EQUIPMENT		
	SPCL COMM-ELECTRONICS PROJECTS		
023	AIR FORCE PHYSICAL SECURITY SYSTEM	1,600	1,600
	DISA PROGRAMS		
037	MILSATCOM SPACE	714	714
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP		
	PERSONAL SAFETY & RESCUE EQUIP		
047	NIGHT VISION GOGGLES	14,528	14,528

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Agreement
048	ITEMS LESS THAN $5,000,000 (SAFETY)	4,900	4,900
	DEPOT PLANT+MTRLS HANDLING EQ		
	BASE SUPPORT EQUIPMENT		
051	CONTINGENCY OPERATIONS	11,300	11,300
	SPECIAL SUPPORT PROJECTS		
060	DEFENSE SPACE RECONNAISSANCE PROG.	34,400	34,400
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	2,230,780	2,230,780
	TOTAL—OTHER PROCUREMENT, AIR FORCE	**2,321,549**	**2,321,549**
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND	5,456,000	6,056,000
	Additional MRAP vehicles to meet new requirement		[600,000]
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND	**5,456,000**	**6,056,000**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
019	GLOBAL COMMAND AND CONTROL SYSTEM	1,500	1,500
021	TELEPORT PROGRAM	7,411	7,411
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	304,794	304,794
	SPECIAL OPERATIONS COMMAND		
	AVIATION PROGRAMS		
052	MH–47 SERVICE LIFE EXTENSION PROGRAM	5,900	5,900
057	SOF U–28	3,000	3,000
060	MQ–1 UAV	1,450	0
	Funding Early to Need		[–1,450]
062	STUASL0	12,000	12,000
063	C–130 MODIFICATIONS	19,500	19,500
	SHIPBUILDING		
	AMMUNITION PROGRAMS		
067	SOF ORDNANCE REPLENISHMENT	51,156	51,156
068	SOF ORDNANCE ACQUISITION	17,560	17,560
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,000	2,000
070	SOF INTELLIGENCE SYSTEMS	23,260	23,260
071	SMALL ARMS AND WEAPONS	3,800	3,800
076	TACTICAL VEHICLES	6,865	6,865
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,000	11,000
086	SOF TACTICAL RADIO SYSTEMS	5,448	5,448
090	SOF OPERATIONAL ENHANCEMENTS	11,900	11,900
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	2,886	2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE	**491,430**	**489,980**
	Total Procurement	**23,741,226**	**23,878,630**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH ..	19,671	19,671
002	0601102A	DEFENSE RESEARCH SCIENCES	173,024	176,524
		Ballistic materials research		[3,500]
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	92,421
		Nanocomposite materials research		[2,000]
		Open source intelligence research		[1,000]
		Smart Wound Dressing for MRSA-Infected Battle Wounds.		[1,000]
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	98,844
		Immersive simulation research		[1,200]
		Materials processing research		[1,500]
		SUBTOTAL, BASIC RESEARCH, ARMY	**377,260**	**387,460**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	27,206	47,206
		Advanced renewable jet fuels		[3,000]
		Applied composite materials research		[3,000]
		High strength fibers for ballistic armor applications		[2,000]
		Moldable fabric armor		[2,000]
		Smart materials and structures		[1,000]
		Dual Stage Variable Energy Absorber		[3,000]
		Next Generation High Strength Glass Fibers for Ballistic Armor Applications.		[2,000]
		Ultra Lightweight Metallic Armor		[1,000]
		Nanomanufacturing of Multifunctional Sensors		[3,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641	53,141
		Nanoelectronic memory, sensor and energy devices		[2,500]
007	0602122A	TRACTOR HIP	14,324	14,324
008	0602211A	AVIATION TECHNOLOGY	41,332	41,332
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	16,119	16,119
010	0602303A	MISSILE TECHNOLOGY	50,716	50,716
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	19,678	19,678
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	17,473	19,473
		Cognitive modeling and simulation research		[2,000]
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	55,937	74,437
		Advanced composite materials research		[3,500]
		Composite vehicle shelters		[2,000]
		Tactical metal fabrication program		[1,000]
		Tribology research		[2,000]
		Vehicle systems engineering and integration activities		[10,000]
014	0602618A	BALLISTICS TECHNOLOGY	61,843	65,843
		Electromagnetic gun		[–2,000]
		Reactive armor research		[3,000]
		Beneficial Infrastructure for Rotorcraft Risk Reduction		[1,000]
		Lethality research		[2,000]
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	5,293	5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,674	7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	41,085	59,085
		Acoustic gun detection systems		[2,000]
		Acoustic research		[3,000]
		UGV weaponization		[2,500]
		Highly Integrated Production for Expediting RESET		[2,500]
		Hybrid Projectile Program		[3,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Specialized Compact Automated Mechanical Clearance Platform.		[4,000]
		Defense Support for Civil Authorities (DSCA) for Key Resource Protection—South Central, PA.		[1,000]
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	61,404	67,104
		Hybrid portable power program		[3,200]
		Novel Zinc Air Power Sources for Military		[2,500]
019	0602709A	NIGHT VISION TECHNOLOGY	26,893	26,893
020	0602712A	COUNTERMINE SYSTEMS	18,945	18,945
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	18,605	33,605
		LWI Training-Based Collaborative Research		[15,000]
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	15,902	20,402
		Cluster Bomb Unit & Combined Effects Munitions Demil System.		[1,000]
		SUNY Cobleskill Biowaste-to-Bioenergy Center		[2,500]
		Renewable Energy Testing Center		[1,000]
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	24,833	24,833
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	5,639	5,639
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	54,818	59,818
		Cellulose Nanocomposite Panels for Ballistic Protection		[2,000]
		Geosciences Atmospheric Research		[3,000]
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	18,701	18,701
027	0602786A	WARFIGHTER TECHNOLOGY	27,109	29,609
		Thermal resistant fiber research		[2,500]
028	0602787A	MEDICAL TECHNOLOGY	99,027	134,527
		Biomechanics research		[3,500]
		Blast wave modeling		[3,000]
		Hemorrhage research		[3,000]
		Malaria vaccine development		[2,500]
		Neurotrauma research		[3,500]
		Secondary trauma research		[2,500]
		Advanced Functional Nanomaterials for Biological Processes.		[2,500]
		Improving Soldier Recovery from Catastrophic Bone Injuries.		[4,000]
		Advanced Bio-Engineering for Enhancement of Soldier Survivability.		[3,000]
		Self-Powered Prosthetic Limb Technology		[2,000]
		Human Organ and Tissue Preservation Technology		[2,000]
		Optical Neural Techniques for Combat and Post Trauma Care.		[4,000]
		SUBTOTAL, APPLIED RESEARCH, ARMY	**781,197**	**914,397**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574	45,874
		High Pressure Pasteurization & Pressure Assisted Thermal Sterilization.		[4,300]
		Next Generation Precision Airdrop System		[2,500]
		Onyx System Precision Guided Airdropped Equipment		[1,500]
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	124,240
		Biosensor controller systems development		[2,000]
		Body temperature conditioner systems		[2,500]
		Gulf War illness research		[12,000]
		Integrated medical technology program		[7,500]
		Lower limb prosthetics research		[2,000]
		Regenerative medical research		[4,000]
		Proton Treatment and Research Center—Northern Illinois.		[2,000]
		Wounded Service Member Bioelectrics Research		[1,500]
		Malaria Vaccine Development		[5,000]
		Regenerative Medicine to Address Astute Hearing Loss		[3,000]
		Multi-Dose Closed Loop pH Monitoring System for Platelets.		[1,000]
		Carbide-Derived Carbon for Treatment of Combat Related Sepsis.		[1,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Clinical Technology Integration for Military Health		[2,000]
		Institute for Simulation and Interprofessional Studies		[5,800]
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	80,597
		Advanced Affordable Turbine Engine Program		[5,000]
		Robust Composite Structural Core for Army Helicopters		[2,000]
		UH–60 Transmission/Gearbox Galvanic Corrosion Reduction.		[1,500]
		Drive System Composite Structural Component Risk Reduction Program.		[3,000]
		Universal Control—FADEC		[9,000]
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	66,410	61,410
		Electromagnetic gun		[–11,500]
		Lethality research		[6,500]
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	89,586	174,986
		Advanced APU development		[2,000]
		Advanced battery development program		[10,000]
		Advanced lithium ion battery systems		[3,000]
		Advanced suspension systems for heavy vehicles		[2,700]
		Advanced thermal management systems		[3,000]
		Alternative energy research		[20,000]
		Hybrid engine development program		[4,000]
		Hybrid truck development		[4,000]
		Smart plug-in hybrid electric vehicle program		[4,100]
		Threat cue research		[2,000]
		Unmanned ground vehicle initiative		[12,000]
		Vehicle prognostics technologies		[3,100]
		Unmanned Robotic System Utilizing Hydrocarbon Fueled Solid Oxide Fuel Cell.		[3,000]
		Advanced Composites for Light Weight, Low Cost Transportation Systems Using a 3+ Ring Extruder.		[3,000]
		Protective 3–D Armor Structure to Safeguard Military Vehicles and Troops.		[2,000]
		Fire Shield		[2,000]
		Hydraulic Hybrid Vehicle (HHV) for the Tactical Wheeled Fleet.		[3,500]
		Heavy Duty Hybrid Electric Vehicle		[2,000]
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	8,667	12,467
		Applied Communications and Information Networking (ACIN).		[3,800]
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	7,410	7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,458	50,458
037	0603009A	TRACTOR HIKE	11,328	11,328
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	19,415	24,915
		Combat medic training systems		[2,000]
		Joint Fires & Effects Trainer System enhancements		[2,500]
		HapMed Combat Medic Trainer		[1,000]
039	0603020A	TRACTOR ROSE	14,569	14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY		2,000
		Propellant Conversion to Fertilizer Program for Tooele Army Depot.		[2,000]
041	0603105A	MILITARY HIV RESEARCH	6,657	6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT.	11,989	11,989
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	19,192	22,692
		Laser systems for light aircraft missile defense		[1,000]
		Advanced Ground Electronic Warfare & Signals Intelligence System.		[2,500]
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,951	67,251
		Discriminatory imaging research		[2,500]
		Scenario Generation for Integrated Air and Missile Defense Evaluation.		[800]
045	0603322A	TRACTOR CAGE	12,154	12,154

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	30,317	30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	8,996	8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,329	52,329
		Bradley third generation FLIR		[5,000]
		Buster/Blacklight UAV Development		[1,000]
		Hyper Spectral Sensor for Improved Force Protection System.		[2,000]
		Brownout Situational Awareness		[3,000]
		High Resolution Personal Miniature Thermal Viewer		[1,000]
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	15,706	15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	5,911	19,211
		Permafrost tunnel		[500]
		Photovoltaic technology development		[2,000]
		PacCom Renewable Energy Security System		[3,000]
		Field Deployable Hologram Production System		[4,800]
		Demonstration of Thin Film Solar Modules as a Renewable Energy Source.		[1,000]
		Nanotechnology for Potable Water and Waste Treatment		[2,000]
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	41,561	45,061
		Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar.		[2,000]
		Optimizing Natural Language Processing of Open Source Intelligence (OSINT).		[1,500]
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY.	**695,217**	**902,617**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID)		
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION(NON SPACE).	14,683	30,183
		Biological Air Filtering System Technology		[3,000]
		Compact Pulsed Power for Military Applications		[4,000]
		Adaptive robotic technology		[3,500]
		Advanced electronics integration		[3,000]
		Advanced environmental controls		[2,000]
054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE).	117,471	117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	209,531	160,531
		Center for Defense Systems Research		[1,000]
		Excessive Project Cost Growth—Integrated Air and Missile Defense.		[–50,000]
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM)		
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	17,536	17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	4,920	4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	33,934	33,934
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	90,299	90,299
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	31,752	31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	18,228	18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT		
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	4,770	8,770
		Cadmium Emissions Reduction—Letterkenny Army Depot.		[1,000]
		Vanadium Technology Program		[3,000]
065	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL	180,673	180,673
066	0603790A	NATO RESEARCH AND DEVELOPMENT	5,048	5,048
067	0603801A	AVIATION—ADV DEV	8,537	8,537
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	46,373
		Premature JLTV program growth		[–10,000]
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	9,868	9,868

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275	31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832	73,832
		Acid Alkaline Direct Methanol Fuel Cell		[2,000]
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476	1,476
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY.	**908,206**	**870,706**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
073	0604201A	AIRCRAFT AVIONICS	92,977	92,977
074	0604220A	ARMED, DEPLOYABLE HELOS	65,515	65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	248,463	248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM	13,107	13,107
077	0604328A	TRACTOR CAGE	16,286	16,286
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	78,814
		Lightweight caliber .50 machine gun		[4,000]
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	5,683
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDD.	978	978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	9,477
		Heavy tactical vehicle development		[2,000]
082	0604633A	AIR TRAFFIC CONTROL	7,578	7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	88,660	88,660
084	0604647A	NON-LINE OF SIGHT CANNON	58,216	31,216
		Unjustified Termination Costs		[–27,000]
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHI-CLE.	368,557	184,557
		Unjustified Termination Costs		[–184,000]
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,067,191	1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	68,701	68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES	125,616	125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS	26,919	26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D	749,182	749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION		
092	0604710A	NIGHT VISION SYSTEMS—SDD	55,410	55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,092	2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,209	30,209
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTEL-LIGENCE—SDD.	28,936	28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOP-MENT.	33,213	33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	15,320	15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD.	15,727	15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	9,446	9,446
100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	26,243	26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM		
102	0604802A	WEAPONS AND MUNITIONS—SDD	34,878	42,378
		Common guidance control module		[7,500]
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018	37,518
		Autonomous Sustainment Cargo Container Sea Truck		[1,500]
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYS-TEMS—SDD.	88,995	88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DE-FENSE EQUIPMENT—SDD.	33,893	34,693
		Plasma Sterilizer		[800]
106	0604808A	LANDMINE WARFARE/BARRIER—SDD	82,260	60,960
		Program reduction		[–21,300]
107	0604814A	ARTILLERY MUNITIONS	42,452	42,452
108	0604817A	COMBAT IDENTIFICATION	20,070	20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	90,864	90,864
110	0604820A	RADAR DEVELOPMENT		
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	6,002	6,002
112	0604823A	FIREFINDER	20,333	20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	19,786	19,786

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Conference Authorized
114	0604854A	ARTILLERY SYSTEMS	23,318	81,534
		Accelerate Paladin integration management		[58,216]
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP).	569,182	569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK.	7,140	7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	35,309	66,109
		Transfer from RDDW, line 117, for DIMHRS execution		[30,800]
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,439	127,439
119	0605625A	MANNED GROUND VEHICLE	100,000	100,000
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY.	**4,640,455**	**4,512,971**
		RDT&E MANAGEMENT SUPPORT		
120	0604256A	THREAT SIMULATOR DEVELOPMENT	22,222	22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT	13,615	13,615
122	0604759A	MAJOR T&E INVESTMENT	51,846	51,846
123	0605103A	RAND ARROYO CENTER	16,305	18,305
		Program Increase		[2,000]
124	0605301A	ARMY KWAJALEIN ATOLL	163,514	163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	23,445	23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH		
127	0605601A	ARMY TEST RANGES AND FACILITIES	354,693	354,693
128	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	72,911	84,111
		Common regional operational systems		[3,000]
		Data fusion systems		[2,500]
		Dugway field test improvements		[4,500]
		MOTS All Sky Imager		[1,200]
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016	45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	8,891
		Program increase		[6,000]
131	0605606A	AIRCRAFT CERTIFICATION	3,766	3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,391	8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS	19,969	19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,432	5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING	77,877	77,877
136	0605716A	ARMY EVALUATION CENTER	66,309	66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	5,357	5,357
138	0605801A	PROGRAMWIDE ACTIVITIES	77,823	77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES	51,620	51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	45,053	47,053
		3D woven preform technology for Army munitions		[2,000]
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	5,191	5,191
142	0605898A	MANAGEMENT HQ—R&D	15,866	15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY.	**1,149,112**	**1,170,312**
		OPERATIONAL SYSTEMS DEVELOPMENT		
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	27,693	27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV		
146	0102419A	AEROSTAT JOINT PROJECT OFFICE	360,076	340,076
		Program delay reduction		[–20,000]
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727	26,227
		AFATDS Voice Recognition and Cross Platform Speech Interface System.		[2,500]
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	190,301	190,301
149	0203740A	MANEUVER CONTROL SYSTEM	21,394	21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	209,401	209,401

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Conference Authorized
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	792	792
152	0203758A	DIGITIZATION	10,692	10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)		
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	39,273	39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS.		5,000
		Javelin Warhead Improvement Plan		[5,000]
156	0203808A	TRACTOR CARD	20,035	20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)		
158	0208053A	JOINT TACTICAL GROUND SYSTEM	13,258	13,258
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082	3,082
160	0301359A	SPECIAL ARMY PROGRAM	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144	2,144
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	74,355	74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	144,733	144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	40,097	40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	12,034	12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2)	20,365	20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	202,521	202,521
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414	190,714
		Joint STARS Surveillance and Control Data Link (SCDL) Technology Refresh.		[1,000]
		Adaptive Defense High-Speed IP Packet Inspection Engine on a Chip.		[1,300]
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS-COMBINED		
170	0307207A	AERIAL COMMON SENSOR (ACS)	210,035	210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM		
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,466	71,966
		Smart machine platform initiative		[2,000]
		Weapon systems repair technologies		[1,500]
999	9999999	OTHER PROGRAMS	3,883	3,883
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY.	**1,886,771**	**1,880,071**
		TOTAL, RDT&E ARMY	**10,438,218**	**10,638,534**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	99,472
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,076	18,076
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	416,243
		Nanoelectronics, Nanometrology, and Nanobiology Initiative.		[2,500]
		SUBTOTAL, BASIC RESEARCH, NAVY	**531,291**	**533,791**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	64,787
		Energetics research		[3,000]
		Multifunctional Materials, their Applications and Devices		[2,000]
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	124,400
		Alternative energy research		[20,000]
		Energy systems integration research		[4,000]
		Port security technologies		[2,000]
		Design Optimization of Composite High-Speed Boats Using Advanced Composite and Manufacturing and Non-destructive Evaluation.		[2,000]

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Lithium Ion Storage Advancement for Aircraft Applications.		[2,500]
		Non-Traditional Weaving Applications for Aramid Ballistic Fibers and Fabrics.		[2,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	39,308	39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY		
008	0602235N	COMMON PICTURE APPLIED RESEARCH	83,163	83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	104,169	107,169
		Anti-reverse engineering technologies		[1,000]
		Managing and Extending DOD Asset Lifecycles (MEDAL)		[2,000]
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	64,816	64,816
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	48,750	51,750
		Advanced UUV research		[1,000]
		Laser underwater imaging and communications research		[2,000]
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,008	6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	55,694	55,694
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	40,880	42,880
		Electromagnetic signature assessment system		[2,000]
		SUBTOTAL, APPLIED RESEARCH, NAVY	**593,975**	**639,975**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	116,369
		Countermine Lidar UAV-Based System (CLUBS)		[2,000]
		Detection, Tracking, and Identification for ISRTE of Mobile Asymmetric Targets.		[2,500]
		Quiet Drive Advanced Rotary Actuator		[2,000]
		Tactical High Speed Anti-Radiation Missile Demonstration.		[1,900]
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	78,035
		Advance coatings for aviation components		[2,000]
		Single generator operations lithium ion battery		[5,000]
		High-Temperature Radar Dome Materials		[2,000]
		Pure Hydrogen Supply from Logistic Fuels		[3,000]
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	108,394	49,294
		High-integrity GPS		[–59,100]
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY.	86,239	86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	65,827	65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	107,363	112,363
		Acoustic combat sensors		[5,000]
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	10,998	10,998
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	18,609	21,109
		Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center.		[2,500]
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	68,037	68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	52,643	52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	28,782	28,782
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY.	**720,896**	**689,696**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	116,082	117,482
		Semi-submersible for UUV sensor developments		[1,400]
027	0603216N	AVIATION SURVIVABILITY	6,505	9,505

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Lighter Than Air Stratospheric UAV for Persistant Communications Relay and Surveillance.		[3,000]
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032	6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT	16,585	20,585
		Sonobuoy wave energy module		[1,000]
		Marine Mammal Awareness, Alert, and Response Systems.		[3,000]
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	7,713	7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,677	1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	76,739	76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE	57,538	62,038
		Continuous Active Sonar for Torpedo Systems		[4,500]
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594	173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	1,691	18,791
		DDG–51 hybrid propulsion system		[8,100]
		Advanced Steam Turbine		[4,000]
		Next Generation Shipboard Intergrated Power: Fuel Efficiency and Advanced Capability Enhancer.		[5,000]
036	0603525N	PILOT FISH	79,194	79,194
037	0603527N	RETRACT LARCH	99,757	99,757
038	0603536N	RETRACT JUNIPER	120,752	120,752
039	0603542N	RADIOLOGICAL CONTROL	1,372	1,372
040	0603553N	SURFACE ASW	21,995	21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	551,836	553,836
		Submarine Fatline Vector Sensor Towed Array		[2,000]
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172	10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	22,541	22,541
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135	32,135
		Support for Naval Ship Hydrodynamics Test Facilities		[4,000]
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887	259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599	9,099
		High Denstiy Power Conversion and Distribution Equipment.		[1,500]
		Hybrid Electric Drive		[2,000]
047	0603576N	CHALK EAGLE	443,555	443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS)	360,518	360,518
049	0603582N	COMBAT SYSTEM INTEGRATION	22,558	22,558
050	0603609N	CONVENTIONAL MUNITIONS	3,458	3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES	293,466	293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV		
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	73,798	61,798
		Premature JLTV program growth		[–12,000]
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	21,054	21,054
055	0603658N	COOPERATIVE ENGAGEMENT	56,586	56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	17,328	17,328
057	0603721N	ENVIRONMENTAL PROTECTION	20,661	20,661
058	0603724N	NAVY ENERGY PROGRAM	8,476	16,226
		Molten carbonate fuel cell demonstrator		[3,000]
		Solar heat reflective film development		[4,750]
059	0603725N	FACILITIES IMPROVEMENT	4,002	9,602
		Wave Energy Powerbuoy Generating System		[2,400]
		Photovoltaic Rooftop Systems—Navy		[1,500]
		Regenerative Fuel Cell Back-Up Power		[1,700]
060	0603734N	CHALK CORAL	70,772	70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	6,301
		Highly integrated optical interconnects for advanced air vehicles.		[1,000]
		RFID technology exploitation		[1,000]
062	0603746N	RETRACT MAPLE	210,237	210,237
063	0603748N	LINK PLUMERIA	69,313	69,313
064	0603751N	RETRACT ELM	152,151	152,151
065	0603755N	SHIP SELF DEFENSE	6,960	6,960
066	0603764N	LINK EVERGREEN	123,660	123,660
067	0603787N	SPECIAL PROCESSES	54,115	54,115

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194	10,194
069	0603795N	LAND ATTACK TECHNOLOGY	1,238	1,238
070	0603851M	NONLETHAL WEAPONS	46,971	46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS.	150,304	150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE).	52,716	52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS		
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS.	5,003	7,003
		Joint Technology Insertion & Accelerated System Intergration Capability for Electronic Warfare.		[2,000]
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	63,702	63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)		
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	67,843	67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	40,926	40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	42,533	42,533
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY.	**4,163,795**	**4,208,645**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
080	0604212N	OTHER HELO DEVELOPMENT	54,092	54,092
081	0604214N	AV–8B AIRCRAFT—ENG DEV	20,886	20,886
082	0604215N	STANDARDS DEVELOPMENT	53,540	55,540
		Measurement Standards Research and Development		[2,000]
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	81,953	86,653
		USN MH–60S ″Close the Lethality Gap″ M230 Pylon Qualification.		[4,700]
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	7,485	7,485
085	0604221N	P–3 MODERNIZATION PROGRAM	3,659	3,659
086	0604230N	WARFARE SUPPORT SYSTEM	6,307	6,307
087	0604231N	TACTICAL COMMAND SYSTEM	86,462	86,462
088	0604234N	ADVANCED HAWKEYE	364,557	364,557
089	0604245N	H–1 UPGRADES	32,830	32,830
090	0604261N	ACOUSTIC SEARCH SENSORS	56,369	56,369
091	0604262N	V–22A	89,512	89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT	14,265	14,265
093	0604269N	EA–18	55,446	55,446
094	0604270N	ELECTRONIC WARFARE DEVELOPMENT	97,635	97,635
095	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	85,240	85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ)	127,970	127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	876,374	876,374
098	0604300N	SC–21 TOTAL SHIP SYSTEM ENGINEERING		
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	178,459	180,459
		Surface Ship Advanced Capability Build		[2,000]
100	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	5,304	5,304
101	0604329N	SMALL DIAMETER BOMB (SDB)	43,902	43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS	182,197	182,197
103	0604373N	AIRBORNE MCM	48,712	48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	11,727	11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS	236,078	251,078
		Mobile maritime sensor technology development		[15,000]
106	0604503N	SSN–688 AND TRIDENT MODERNIZATION	122,733	122,733
107	0604504N	AIR CONTROL	6,533	6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS	80,623	80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION	13,305	13,305
110	0604558N	NEW DESIGN SSN	154,756	162,756
		Common command & control system module		[6,000]

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Mold-in-Place Coating for Development of U.S. Submarine Fleet.		[2,000]
111	0604561N	SSN–21 DEVELOPMENTS		
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	59,703	69,703
		Artificial Intelligence-based combat system kernel		[4,000]
		Submarine environment for evaluation & development		[3,000]
		Weapon acquisition & firing system		[3,000]
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	92,488
		Automated Fiber Optic Manufacturing Initiative for Navy Ships.		[2,500]
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,620	4,620
115	0604601N	MINE DEVELOPMENT	2,249	2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	21,105	21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	10,327	10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	5,898	5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS	10,022	10,022
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	35,459	38,459
		AUSV		[3,000]
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	34,236	46,236
		Phalanx Next Generation		[12,000]
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	88,895	88,895
123	0604761N	INTELLIGENCE ENGINEERING	14,438	14,438
124	0604771N	MEDICAL DEVELOPMENT	9,888	23,488
		Composite tissue transplantation research		[2,000]
		Custom body implant development		[2,000]
		Multivalent dengue vaccine program		[1,600]
		Orthopedic surgery instrumentation		[3,000]
		U.S. Navy Vaccine Program		[3,000]
		U.S. Navy Pandemic Influenza Vaccine Program: Enhancement of Influenza Vaccine Efficacy.		[2,000]
125	0604777N	NAVIGATION/ID SYSTEM	63,184	63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM		
127	0604800N	JOINT STRIKE FIGHTER (JSF)	1,741,296	1,956,296
		F136 Development		[215,000]
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868	9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	69,026	77,126
		Information systems research		[4,000]
		Integrated network-centric technology systems		[2,600]
		Maintenance Planning and Assessment Technology (MPAT) Insertion.		[1,500]
130	0605212N	CH–53K RDTE	554,827	554,827
131	0605430N	C/KC–130 AVIONICS MODERNIZATION PROGRAM (AMP)		
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	81,434	81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	1,162,417	1,162,417
134	0204201N	CG(X)	150,022	110,022
		Program delay		[–40,000]
135	0204202N	DDG–1000	539,053	539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	19,016	19,016
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY.	**7,975,882**	**8,231,782**
		RDT&E MANAGEMENT SUPPORT		
137	0604256N	THREAT SIMULATOR DEVELOPMENT	25,534	25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT	79,603	79,603
139	0604759N	MAJOR T&E INVESTMENT	44,844	49,844
		Aviation enterprise interoperability upgrades		[5,000]
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	11,422	11,422
141	0605154N	CENTER FOR NAVAL ANALYSES	49,821	49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH		
143	0605804N	TECHNICAL INFORMATION SERVICES	735	3,235
		Center for Commercialization of Advanced Technology		[2,500]
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	60,590	60,590

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145	0605856N	STRATEGIC TECHNICAL SUPPORT	3,633	3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,942	70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION		
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	193,353	193,353
149	0605864N	TEST AND EVALUATION SUPPORT	380,733	380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,010	12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	2,703	2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,921	20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	19,004	19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,464	2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	4,197	4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY.	**982,509**	**990,009**
		OPERATIONAL SYSTEMS DEVELOPMENT		
158	0604227N	HARPOON MODIFICATIONS		
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	311,204	311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	74,939	76,109
		Advanced LINAC Facility		[1,170]
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479	34,479
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211	7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982	46,982
		E–6B Strategic Communications Upgrade Block 1A (VLF-TX & HPTS).		[3,000]
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	39,125	39,125
165	0204136N	F/A–18 SQUADRONS	127,733	127,733
166	0204152N	E–2 SQUADRONS	63,058	63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,431	37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	13,238	13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM	24,835	24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	2,324	2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	49,293	49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,609	1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	37,524	37,524
174	0205601N	HARM IMPROVEMENT	30,045	30,045
175	0205604N	TACTICAL DATA LINKS	25,003	25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	41,803	41,803
177	0205632N	MK–48 ADCAP	28,438	28,438
178	0205633N	AVIATION IMPROVEMENTS	135,840	123,349
		F135 engine funding ahead of need		[–12,491]
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,716	3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	72,031	72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	287,348	287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	120,379	124,379
		Expandable rigid wall composite shelters		[1,000]
		Marine personnel carrier support system		[3,000]
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	18,057
		High performance capabilities for military vehicles		[1,000]
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	30,167	30,167
185	0207161N	TACTICAL AIM MISSILES	2,298	2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	3,604	3,604
187	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	8,431	8,431
188	0301303N	MARITIME INTELLIGENCE	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]	[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]

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192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	474,009
193	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	45,513	45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	24,226
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,453	2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,139	4,139
197	0305149N	COBRA JUDY	62,061	62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC).	28,094	28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	4,600	4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,971	8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES		
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	46,208	46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	22,599	22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,079	18,079
205	0305220N	RQ–4 UAV	465,839	465,839
206	0305231N	MQ–8 UAV	25,639	25,639
207	0305232M	RQ–11 UAV	553	553
208	0305233N	RQ–7 UAV	986	986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	18,763	18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	23,594	23,594
211	0307207N	AERIAL COMMON SENSOR (ACS)		
212	0307217N	EP–3E REPLACEMENT (EPX)	11,976	11,976
213	0308601N	MODELING AND SIMULATION SUPPORT	8,028	8,028
214	0702207N	DEPOT MAINTENANCE (NON-IF)	14,675	14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	2,725	2,725
216	0708011N	INDUSTRIAL PREPAREDNESS	56,691	66,691
		Integrated manufacturing enterprise		[5,000]
		Life extension of weapon system structures research		[2,500]
		Laser Optimization Remote Lighting Systems		[2,500]
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		4,000
		National Shipbuilding Research Program		[4,000]
999	9999999	OTHER PROGRAMS	1,258,018	1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E.	**4,302,584**	**4,313,263**
		TOTAL, RDT&E NAVY	**19,270,932**	**19,607,161**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	322,028
		Coal transformation research		[1,000]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	138,449
		Cybersecurity for control networks research		[1,700]
		End-user software safeguard research		[2,000]
		Informatics research		[1,000]
		Information security research		[1,500]
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	12,834	12,834
004	0301555F	CLASSIFIED PROGRAMS	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM	[ ]	[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**466,111**	**473,311**
		APPLIED RESEARCH		
006	0602015F	MEDICAL DEVELOPMENT		
007	0602102F	MATERIALS	127,957	136,957
		Advanced aerospace heat exchangers		[3,000]
		Energy and automation technologies		[2,000]
		Energy efficiency, recovery, and generation systems		[1,000]
		Health monitoring sensors for aerospace components		[2,000]
		Mid-infrared laser source research		[1,000]
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	136,529

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		Unmanned aerial system collaboration technologies		[2,500]
		UAV Sensor and Maintenance Development		[4,900]
		Unmanned Sense, Track, and Avoid Radar		[2,000]
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122	85,122
010	0602203F	AEROSPACE PROPULSION	196,529	210,029
		Hybrid bearing development		[1,000]
		Integrated electrical starter/generator systems		[2,000]
		Lithium ion technologies for aviation batteries		[1,500]
		Thermally efficient engine pumping system		[2,000]
		Advanced Lithium Battery Scale-Up and Manufacturing		[2,000]
		Advanced Vehicle Propulsion Center (AVPC)		[3,000]
		Multi-Mode Propulsion Phase IIA: High Performance Green Propellant.		[2,000]
011	0602204F	AEROSPACE SENSORS	121,768	126,568
		Net-Centric Sensor Grids		[3,000]
		Information Quality Tools for Persistent Surveliance Data Sets.		[1,800]
012	0602601F	SPACE TECHNOLOGY	104,148	113,248
		Reconfigurable electronics research		[1,000]
		Seismic research program		[5,000]
		Advanced Modular Avionics for ORS Use		[3,100]
013	0602602F	CONVENTIONAL MUNITIONS	58,289	58,289
014	0602605F	DIRECTED ENERGY TECHNOLOGY	105,677	101,427
		Chemical laser technology		[–4,250]
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS		
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	115,278	115,278
017	0602890F	HIGH ENERGY LASER RESEARCH	52,754	48,654
		Advanced deformable mirrors for high energy laser weapons.		[2,000]
		Chemical laser technology		[–6,100]
		SUBTOTAL, APPLIED RESEARCH, AIR FORCE	**1,094,651**	**1,132,101**
		ADVANCED TECHNOLOGY DEVELOPMENT		
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	54,201
		Sewage-derived biofuels program		[4,800]
		Metals Affordability Initiative		[10,000]
		Rapid Automated Processing of Advances Low Observables.		[1,500]
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955	2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	53,482
		Reconfigurable secure computing technologies		[2,000]
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844	81,844
		Long Loiter, Load Bearing Antenna Platform for Pervasive Airborne Intelligence.		[5,000]
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	175,676	198,676
		Alternative energy research		[20,000]
		Silicon carbide power electronics research		[3,000]
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY.		
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	31,021	31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	83,909	86,909
		Small Responsive Spacecraft at Low-Cost (SRSL)		[3,000]
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	5,813	5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	24,565	24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	14,356	14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY	30,056	30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	39,913	45,163
		Next generation casting initiative		[3,250]
		Production of Nanocomposites for Aerospace Applications		[2,000]
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	39,708	46,208
		Optical interconnects research		[2,500]
		Cyber Attack and Security Environment		[4,000]
032	0603789F	C3I ADVANCED DEVELOPMENT		

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033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	3,831	3,831
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE.	**618,030**	**679,080**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,009	5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT	3,623	3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III		
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT		
038	0603430F	ADVANCED EHF MILSATCOM (SPACE)	464,335	464,335
039	0603432F	POLAR MILSATCOM (SPACE)	253,150	253,150
040	0603438F	SPACE CONTROL TECHNOLOGY	97,701	102,701
		Space situational awareness		[5,000]
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,252	27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT	4,351	4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	632	632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)		
045	0603850F	INTEGRATED BROADCAST SERVICE	20,739	20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	66,079	66,079
047	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	70,956	70,956
048	0603859F	POLLUTION PREVENTION	2,896	2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS.	23,174	23,174
050	0604015F	NEXT GENERATION BOMBER		
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	22,612	22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	20,891	20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	6,882	6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	35,533	35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	18,778	18,778
056	0604796F	ALTERNATIVE FUELS	89,020	91,020
		Advanced Propulsion Non-Tactical Vehicle		[2,000]
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING	43,158	43,158
058	0604856F	COMMON AERO VEHICLE (CAV)		
059	0604857F	OPERATIONALLY RESPONSIVE SPACE	112,861	112,861
060	0604858F	TECH TRANSITION PROGRAM	9,611	9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS).	396,641	396,641
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT.		50,000
		Next generation MILSATCOM technology development		[50,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE.	**1,795,884**	**1,852,884**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
062	0603840F	GLOBAL BROADCAST SERVICE (GBS)	31,124	31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT	37,860	37,860
064	0604226F	B–1B		
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,227	6,227
066	0604240F	B–2 ADVANCED TECHNOLOGY BOMBER		12,000
		Advanced Data Link		[12,000]
067	0604261F	PERSONNEL RECOVERY SYSTEMS		
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT	97,275	97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	88,444	88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT	50	50
071	0604329F	SMALL DIAMETER BOMB (SDB)	153,815	153,815
072	0604421F	COUNTERSPACE SYSTEMS	64,248	64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS	308,134	271,434
		SBSS follow-on—program delay		[–36,700]
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107	11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	512,642	512,642

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076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS).	143,169	143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	18,671	18,671
078	0604604F	SUBMUNITIONS	1,784	1,784
079	0604617F	AGILE COMBAT SUPPORT	11,261	12,261
		Backpack Medical Oxygen System		[1,000]
080	0604706F	LIFE SUPPORT SYSTEMS	10,711	13,111
		ACES 5 Ejection Seat		[2,400]
081	0604735F	COMBAT TRAINING RANGES	29,718	29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A).	10	4,010
		Distributed Mission Interoperability Toolkit (DMIT)		[4,000]
083	0604750F	INTELLIGENCE EQUIPMENT	1,495	1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	1,858,055	2,073,055
		F136 Engine Development		[215,000]
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010	60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE).	26,545	26,545
087	0605011F	RDT&E FOR AGING AIRCRAFT		
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	439,615	439,615
089	0605277F	CSAR-X RDT&E	89,975	0
		Use available prior year funds		[–89,975]
090	0605278F	HC/MC–130 RECAP RDT&E	20,582	20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	34,877	34,877
092	0207434F	LINK–16 SUPPORT AND SUSTAINMENT		
093	0207450F	E–10 SQUADRONS		
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	13,466	13,466
095	0207701F	FULL COMBAT MISSION TRAINING	99,807	99,807
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR		
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	9,353	9,353
098	0401318F	CV–22	19,640	19,640
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	20,056	20,056
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE.	**4,219,726**	**4,327,451**
		RDT&E MANAGEMENT SUPPORT		
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789	27,789
101	0604759F	MAJOR T&E INVESTMENT	60,824	68,324
		Holloman High Speed Test Track		[5,000]
		Eglin AFB Range Operations Control Center		[2,500]
102	0605101F	RAND PROJECT AIR FORCE	27,501	27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH		
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	25,833	25,833
105	0605807F	TEST AND EVALUATION SUPPORT	736,488	755,788
		Program increase		[19,300]
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,637	14,637
107	0605864F	SPACE TEST PROGRAM (STP)	47,215	47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	52,409	52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	29,683	29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	18,947	18,947
111	0804731F	GENERAL SKILL TRAINING	1,450	1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
113	1001004F	INTERNATIONAL ACTIVITIES	3,748	3,748
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE.	**1,046,524**	**1,073,324**
		OPERATIONAL SYSTEMS DEVELOPMENT		
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	9,513	9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	47,276	47,276
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]	[ ]
117	0101113F	B–52 SQUADRONS	93,930	93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,652	3,652

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Conference Authorized
119	0101126F	B–1B SQUADRONS	148,025	177,025
		Transferred from APAF Line 28		[29,000]
120	0101127F	B–2 SQUADRONS	415,414	415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	33,836	33,836
122	0101314F	NIGHT FIST—USSTRATCOM	5,328	5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[ ]
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	9,832	9,832
125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	25,734	25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES.	18	18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	11,996	11,996
128	0205219F	MQ–9 UAV	39,245	39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT.	14,747	14,747
130	0207131F	A–10 SQUADRONS	9,697	9,697
131	0207133F	F–16 SQUADRONS	141,020	141,020
132	0207134F	F–15E SQUADRONS	311,167	312,167
		Corrosion Detection and Visualization Program		[1,000]
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION	10,748	10,748
134	0207138F	F–22A SQUADRONS	569,345	569,345
135	0207161F	TACTICAL AIM MISSILES	5,915	5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	49,971	49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,529	2,529
138	0207227F	COMBAT RESCUE—PARARESCUE	2,950	2,950
139	0207247F	AF TENCAP	11,643	11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	2,950	2,950
141	0207253F	COMPASS CALL	13,019	13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	166,563	154,563
		F135 Engine—Early to need		[–12,000]
143	0207277F	CSAF INNOVATION PROGRAM	4,621	4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	29,494	29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	99,405	99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC)	52,508	52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	176,040	176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS		
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	63,782	63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]	[ ]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	1,475	1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	19,067	19,067
153	0207445F	FIGHTER TACTICAL DATA LINK	72,106	72,106
154	0207446F	BOMBER TACTICAL DATA LINK		
155	0207448F	C2ISR TACTICAL DATA LINK	1,667	1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	26,792	26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS).	140,670	140,670
158	0207590F	SEEK EAGLE	22,071	22,071
159	0207601F	USAF MODELING AND SIMULATION	27,245	27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS	7,018	7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	6,740	6,740
162	0208006F	MISSION PLANNING SYSTEMS	91,995	91,995
163	0208021F	INFORMATION WARFARE SUPPORT	12,271	12,271
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]	[ ]
		Open Source Research Centers		[1,000]
166	0301314F	COBRA BALL	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[ ]
168	0301324F	FOREST GREEN	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]	[ ]
170	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	26,107	26,107
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM)		

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	72,694	72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	196,621	196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	3,375	3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,149	3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,087	3,087
177	0303601F	MILSATCOM TERMINALS	257,693	257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE	176,989	176,989
180	0304311F	SELECTED ACTIVITIES	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]	[ ]
		Advanced Technical Intelligence Center		[6,500]
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,028	6,028
183	0305103F	CYBER SECURITY INITIATIVE	2,065	2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE)	20,991	20,991
185	0305111F	WEATHER SERVICE	33,531	33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	9,006	9,006
187	0305116F	AERIAL TARGETS	54,807	54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	742	742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]	[ ]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	39	39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	137,692	137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	52,039	52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]	[ ]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	3,599	3,599
198	0305174F	SPACE WARFARE CENTER	3,009	3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,957	9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	1,240	1,240
201	0305202F	DRAGON U–2		
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,736	38,736
		ISIS		[–35,000]
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	143,892	145,892
		GORGON STARE		
		Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective.		[2,000]
204	0305207F	MANNED RECONNAISSANCE SYSTEMS	12,846	15,346
		Rivet Joint Services Oriented Architecture (SOA)		[2,500]
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	82,765	82,765
206	0305219F	MQ–1 PREDATOR A UAV	18,101	22,101
		Sense and avoid		[4,000]
207	0305220F	RQ–4 UAV	317,316	317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,160	8,160
209	0305265F	GPS III SPACE SEGMENT	815,095	717,695
		GPS Control Segment (OCX)		[–97,400]
210	0305614F	JSPOC MISSION SYSTEM	131,271	137,271
		Karnac		[6,000]
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE.	5,267	5,267
212	0305906F	NCMC—TW/AA SYSTEM		
213	0305913F	NUDET DETECTION SYSTEM (SPACE)	84,021	84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE	10,634	10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS	54,648	54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT.	30,076	30,076
217	0308699F	SHARED EARLY WARNING (SEW)	3,082	3,082
218	0401115F	C–130 AIRLIFT SQUADRON	201,250	201,250
219	0401119F	C–5 AIRLIFT SQUADRONS (IF)	95,266	95,266
220	0401130F	C–17 AIRCRAFT (IF)	161,855	161,855
221	0401132F	C–130J PROGRAM	30,019	30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	31,784	31,784

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
223	0401218F	KC–135S	10,297	10,297
224	0401219F	KC–10S	35,586	35,586
225	0401221F	KC–135 TANKER REPLACEMENT		
226	0401314F	OPERATIONAL SUPPORT AIRLIFT	4,916	4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK		
228	0408011F	SPECIAL TACTICS / COMBAT CONTROL	8,222	8,222
229	0702207F	DEPOT MAINTENANCE (NON-IF)	1,508	1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS		
231	0708011F	INDUSTRIAL PREPAREDNESS		2,000
		Wire Integrity Technology		[2,000]
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483	246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288	8,288
		ALC Logistics Integration Environment		[2,000]
234	0804743F	OTHER FLIGHT TRAINING	805	805
235	0804757F	JOINT NATIONAL TRAINING CENTER	3,220	3,220
236	0804772F	TRAINING DEVELOPMENTS	1,769	1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES	116	116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY	6,376	11,376
		Biometric signature and passive physiological monitoring		[5,000]
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)		
240	0901218F	CIVILIAN COMPENSATION PROGRAM	8,174	8,174
241	0901220F	PERSONNEL ADMINISTRATION	10,492	30,982
		DIMHRS—OSD requested transfer from RDDW, Line 117		[20,490]
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	55,991	55,991
999	9999999	OTHER PROGRAMS	11,955,084	12,137,084
		Program Increase		[172,500]
		Carbon Nanotube Enhanced Power Sources for Space		[2,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE.	**18,751,901**	**18,863,491**
		TOTAL, RDT&E AIR FORCE	**27,992,827**	**28,401,642**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	48,544	48,544
002	0601101E	DEFENSE RESEARCH SCIENCES	226,125	226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH		
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.		
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	89,980	89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	58,974	64,874
		In-vitro models for bio-defense vaccines		[1,900]
		Synchrotron Beamline and Experimental Station		[4,000]
		SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE	**423,623**	**429,523**
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	22,669	18,961
		Partial Program Growth Reduction		[–3,708]
008	0602227D8Z	MEDICAL FREE ELECTRON LASER		
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.	15,164	20,164
		Historically Black Colleges and Universities and Minority Serving Institutions Program.		[5,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	34,034	34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	282,749	272,749
		Program Reduction		[–10,000]
012	0602304E	COGNITIVE COMPUTING SYSTEMS	142,840	142,840
013	0602383E	BIOLOGICAL WARFARE DEFENSE	40,587	40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	209,072	212,972

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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Chemical and biological infrared detector		[1,900]
		Chemical and Biological Resistant Clothing		[2,000]
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT.	4,940	4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	9,446	9,446
017	0602702E	TACTICAL TECHNOLOGY	276,075	266,075
		Program Reduction		[–10,000]
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859	263,859
		Program Reduction		[–5,000]
019	0602716E	ELECTRONICS TECHNOLOGY	223,841	213,841
		Program Reduction		[–10,000]
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	219,130	220,630
		Blast mitigation and protection		[1,500]
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384	27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT		
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	**1,776,790**	**1,748,482**
		ADVANCED TECHNOLOGY DEVELOPMENT		
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538	16,754
		Partial Program Growth Reduction		[–6,784]
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808	43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	92,368
		Reconnaissance and data exploitation systems		[3,500]
		Affordable Robust Mid-Sized UGV		[2,000]
		Integrated Rugged Checkpoint Container		[2,500]
		Combating Terrorism: Threat and Risk Assessment		[2,500]
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	233,203	233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760	104,760
		General Reduction		[–5,000]
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	7,817
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	23,276	23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	249,360
		Program Reduction		[–89,000]
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612	200,612
032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	282,235	284,235
		Total Perimeter Surveillance		[2,000]
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838	10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	177,352
		JCTD new starts		[–25,000]
		High Accuracy Network Determination System—Intelligent Optical Networks (HANDS-ION).		[2,000]
		Distributed Network Switching and Security		[2,000]
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	28,212	28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH	4,935	4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,993	10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	11,480	11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	14,638	24,638
		High performance defense manufacturing technology		[10,000]
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	11,110
		Robotics training systems		[2,000]
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	19,043	33,643
		Biofuels program		[2,000]
		Biomass conversion research		[1,600]
		Fuel cell manufacturing research		[1,000]
		Vehicle fuel cell and hydrogen logistics program		[8,000]
		Next Generation Manufacturing Technologies Initiative		[2,000]
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	29,356	29,356

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043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175	69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	26,310	30,810
		Feature Size Yield Enhancement at DMEA's Semiconductors Foundry.		[2,500]
		End to End Semi Fab Alpha Tool		[2,000]
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135	11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912	190,912
		Program Reduction		[–15,000]
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD).	4,864	4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS		
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	221,286	224,286
		Computational design of novel materials		[3,000]
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	293,476	275,326
		CCC-CLS execution delays		[–18,150]
051	0603764E	LAND WARFARE TECHNOLOGY		
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526	186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941	135,941
054	0603767E	SENSOR TECHNOLOGY	243,056	218,056
		Program Reduction		[–15,000]
		SEN-CLS execution delays		[–10,000]
055	0603768E	GUIDANCE TECHNOLOGY	37,040	37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	13,822	13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	31,298	31,298
058	0603805S	DUAL USE TECHNOLOGY		
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,984	94,484
		Quick Reaction Fund		[–15,000]
		Special warfare domain awareness		[1,500]
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	122,180
		Tidewater Full Scale Exercise		[2,700]
		National Center for Small Unit Excellence		[–5,000]
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE.	38,505	38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	95,734	95,734
063	0603942D8Z	TECHNOLOGY TRANSFER	2,219	5,219
		National Radio Frequency RD&T Transfer Center		[3,000]
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS		
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	31,675	36,775
		Lithium ion battery safety research		[1,600]
		Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center.		[3,500]
066	1160422BB	AVIATION ENGINEERING ANALYSIS	3,544	3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,988	4,988
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE.	**3,570,404**	**3,429,370**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	36,019	36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT		
070	0603527D8Z	RETRACT LARCH	21,718	21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM	11,803	13,803
		Autonomous Machine Vision for Mapping and Investigation of Remote Sites.		[2,000]
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771	17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	31,613	31,613

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074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	719,465	719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	982,922	1,002,922
		GBI vendor base sustainment		[20,000]
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT.	186,697	186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	207,552
		Real-time non-specific viral agent detector		[1,600]
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	636,856
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR		
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752	940,752
		Target Synchronization with Test Schedule		[–26,000]
081	0603890C	BMD ENABLING PROGRAMS	369,145	354,145
		Programs Reduction		[–15,000]
082	0603891C	SPECIAL PROGRAMS—MDA	301,566	286,566
		Program Decrease due to excessive growth		[–15,000]
083	0603892C	AEGIS BMD	1,690,758	1,690,758
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000	173,200
		Demonstration Satellites		[–6,800]
085	0603894C	MULTIPLE KILL VEHICLE		
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	12,549	12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATIONS.	340,014	340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186	48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	60,921	61,421
		Independent Advisory Group to Review Ballistic Missile Defense Training Needs.		[500]
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	86,949	86,949
091	0603906C	REGARDING TRENCH	6,164	6,164
092	0603907C	SEA BASED X-BAND RADAR (SBX)	174,576	174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE		
094	0603909C	BMD EUROPEAN MIDCOURSE RADAR		
095	0603911C	BMD EUROPEAN CAPABILITY	50,504	50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT		
097	0603913C	ISRAELI COOPERATIVE PROGRAMS	119,634	144,634
		Short-range ballistic missile defense		[25,000]
098	0603920D8Z	HUMANITARIAN DEMINING	14,687	14,687
099	0603923D8Z	COALITION WARFARE	13,885	13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,887	8,387
		Corrosion control research		[3,500]
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	55,289	55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	18,577	18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	7,006	7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,744	19,744
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM.	16,972	16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	24,647	24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	3,949	3,949
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE.	**7,438,177**	**7,427,977**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP).	28,862	28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	7,628	7,628

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	166,913	166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	332,895	332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM	5,127	5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO).	39,911	39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,633	20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	8,735	8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,705	11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS).	70,000	18,710
		Transfer to RDA, line 117 for DIMHRS execution		[–30,800]
		Transfer to RDAF, line 241 for DIMHRS execution		[–20,490]
118	0605020BTA	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES.	197,008	197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395	395
120	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,000	5,000
121	0605140D8Z	TRUSTED FOUNDRY	41,223	41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM.	4,267	4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	18,431	18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2)	49,047	49,047
125	0807708D8Z	WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE.	1,609	1,609
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE.	**1,009,389**	**958,099**
		RDT&E MANAGEMENT SUPPORT		
126	0603757D8Z	TRAINING TRANSFORMATION (T2)		
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	13,121	13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	15,247	15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	145,052	155,052
		Joint Gulf Range Test and Training Complex		[3,000]
		Gulf Range Mobile Instrumentation Capability		[3,000]
		Advanced SAM Hardware Simulator Development		[4,000]
130	0604943D8Z	THERMAL VICAR	9,045	9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	9,455	9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	44,760	44,760
133	0605110D8Z	USD(A&T)—CRITICAL TECHNOLOGY SUPPORT	4,914	4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION.	94,921	94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	96,909	96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P)	[ ]	[ ]
137	0605130D8Z	FOREIGN COMPARATIVE TESTING	35,054	35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	6,474	6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	14,916	14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,888	5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,477	106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH		
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA		
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH		
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH		
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH		
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION.	2,163	4,063
		Anti-tamper software systems		[1,900]
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	11,005	11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS		
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE	19,981	19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	54,411	49,411

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Conference Authorized
		Program Reduction		[–5,000]
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	19,554	19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	23,512	23,512
154	0605897E	DARPA AGENCY RELOCATION	45,000	45,000
155	0605898E	MANAGEMENT HQ—R&D	51,055	51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,929	5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	8,000	8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT	1,250	1,250
159	0301555G	CLASSIFIED PROGRAMS	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM	[ ]	[ ]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	30,604	30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,667	4,667
163	0305103E	CYBER SECURITY INITIATIVE	50,000	50,000
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	20,648	20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	[ ]	[ ]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT.	829	829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	34,306	34,306
168	0901585C	PENTAGON RESERVATION	19,709	19,709
169	0901598C	MANAGEMENT HQ—MDA	57,403	57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES	980	980
170A	9999999	OTHER PROGRAMS	124,705	124,705
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE.	**1,187,944**	**1,194,844**
		OPERATIONAL SYSTEMS DEVELOPMENT		
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS).	1,384	1,384
172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	2,001	2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	292	292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	6,198	6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	46,214	46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT		
177	0208043J	CLASSIFIED PROGRAMS	2,179	2,179
178	0208045K	C4I INTEROPERABILITY	74,786	74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	10,767	10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[ ]
		Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB).		[2,500]
		Portable Device for Latent Fingerprint Identification		[1,800]
182	0301318BB	HUMINT (CONTROLLED)	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]	[ ]
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	548	548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	17,655	17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS	9,406	9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	9,830	9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	8,116	8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	41,002	41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	13,477	13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	408,316	408,316
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM		
196	0303148K	DISA MISSION SUPPORT OPERATIONS	1,205	1,205

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
197	0303149J	C4I FOR THE WARRIOR	4,098	4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	23,761	23,761
199	0303153K	JOINT SPECTRUM CENTER	18,944	18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	1,782	1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	942	942
202	0303610K	TELEPORT PROGRAM	5,239	5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	16,381	16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP).	[ ]	[ ]
206	0305103D8Z	CYBER SECURITY INITIATIVE	993	993
207	0305103G	CYBER SECURITY INITIATIVE	[ ]	[ ]
208	0305103K	CYBER SECURITY INITIATIVE	10,080	10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,725	12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES		
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES.	[ ]	[ ]
215	0305186D8Z	POLICY R&D PROGRAMS	6,948	6,948
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)		
217	0305199D8Z	NET CENTRICITY	1,479	1,479
218	0305202G	DRAGON U–2	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]	[ ]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS		
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,407	1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,158	3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	2,067	2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]	[ ]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,963	2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION.	1,389	1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES		
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS		
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT.	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[ ]
		Technology applications for security enhancement		[3,000]
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT		
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV.	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]	[ ]
238	0708011S	INDUSTRIAL PREPAREDNESS	20,514	51,714
		Industrial Base Innovation Fund		[30,000]
		Northwest Manufacturing Initiative		[1,200]
239	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,798	2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS)	8,303	8,303
241	1001018D8Z	NATO AGS	74,485	74,485
242	1105219BB	MQ–9 UAV	4,380	4,380
243	1130435BB	STORM		
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG		
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	82,621	72,621
		Avionics Modernization Program		[–10,000]
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT.	6,182	1,594
		SOF Resource Business Information System		[–4,588]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	21,273	33,173
		Biometric Optical Surveillance System (BOSS)		[2,000]
		Counterproliferation Analysis and Planning System (CAPS).		[5,000]
		Advanced long endurance unattended ground sensor technologies.		[4,900]
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,310	60,310
249	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	12,687	12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	43,412	43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS		
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT.	1,321	0
		ASDS		[–1,321]
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS).	3,192	3,192
254	1160428BB	UNMANNED VEHICLES (UV)		
255	1160429BB	MC130J SOF TANKER RECAPITALIZATION	5,957	5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	733	733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS	2,368	2,368
258	1160477BB	SOF WEAPONS SYSTEMS	1,081	1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	597	597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS.	3,369	4,869
		Miniature Day Night Sight for Crew Served Weapons		[1,500]
261	1160480BB	SOF TACTICAL VEHICLES	1,973	1,973
262	1160482BB	SOF ROTARY WING AVIATION	18,863	18,863
263	1160483BB	SOF UNDERWATER SYSTEMS	3,452	7,452
		Transformer Technology for Combat Submersibles (TTCS)		[4,000]
264	1160484BB	SOF SURFACE CRAFT	12,250	12,250
265	1160488BB	SOF PSYOP	9,887	9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,944	4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,547	11,547
999	9999999	OTHER PROGRAMS	4,148,984	4,156,284
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE.	**5,335,215**	**5,375,206**
		DARPA execution adjustment		–150,000
		Total, RDT&E Defense-Wide	**20,741,542**	**20,413,501**
		OPERATIONAL TEST & EVALUATION, DEFENSE		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	58,647	58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,285	12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	119,838	119,838
		Total, Operational Test & Evaluation, Defense	**190,770**	**190,770**
		TOTAL RDT&E	**78,634,289**	**79,251,608**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
		SYSTEM DEVELOPMENT & DEMONSTRATION		
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,598	18,598
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	**18,598**	**18,598**
		OPERATIONAL SYSTEMS DEVELOPMENT		
160	0301359A	SPECIAL ARMY PROGRAM	[ ]	[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,644	7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	2,220	2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	29,500	29,500
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	**39,364**	**39,364**
		TOTAL, RDT&E ARMY	**57,962**	**57,962**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS		
027	0603216N	AVIATION SURVIVABILITY	8,000	0
		Non-emergency development funding		[–8,000]
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000	0
		Non-emergency development funding		[–9,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	**17,000**	**0**
		SYSTEM DEVELOPMENT & DEMONSTRATION OPERATIONAL SYSTEMS DEVELOPMENT		
188	0301303N	MARITIME INTELLIGENCE	[ ]	[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]	[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]	[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	51,900	51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	6,000	6,000
999	9999999	OTHER PROGRAMS	32,280	32,280
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	**90,180**	**90,180**
		TOTAL, RDT&E NAVY	**107,180**	**90,180**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE		
		BASIC RESEARCH		
004	0301555F	CLASSIFIED PROGRAMS	[ ]	[ ]
005	0301556F	SPECIAL PROGRAM	[ ]	[ ]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	**0**	**0**
		OPERATIONAL SYSTEMS DEVELOPMENT		
116	0605798F	ANALYSIS SUPPORT GROUP	[ ]	[ ]
123	0101815F	ADVANCED STRATEGIC PROGRAMS	[ ]	[ ]
128	0205219F	MQ–9 UAV	1,400	1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	9,375	9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[ ]	[ ]
164	0208161F	SPECIAL EVALUATION SYSTEM	[ ]	[ ]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[ ]	[ ]
166	0301314F	COBRA BALL	[ ]	[ ]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[ ]	[ ]
168	0301324F	FOREST GREEN	[ ]	[ ]
169	0301386F	GDIP COLLECTION MANAGEMENT	[ ]	[ ]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Conference Authorized
180	0304311F	SELECTED ACTIVITIES	[ ]	[ ]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[ ]	[ ]
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[ ]	[ ]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[ ]	[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS	[ ]	[ ]
206	0305219F	MQ–1 PREDATOR A UAV	1,400	1,400
999	9999999	OTHER PROGRAMS	17,111	17,111
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	**29,286**	**29,286**
		TOTAL, RDT&E AIR FORCE	**29,286**	**29,286**
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
		RDT&E MANAGEMENT SUPPORT		
159	0301555G	CLASSIFIED PROGRAMS	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM	[ ]	[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	[ ]	[ ]
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM	[ ]	[ ]
182	0301318BB	HUMINT (CONTROLLED)	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP	[ ]	[ ]
184	0301372L	CYBER SECURITY INITIATIVE—GDIP	[ ]	[ ]
185	0301555BZ	CLASSIFIED PROGRAMS	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM	[ ]	[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,750	2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP).	[ ]	[ ]
207	0305103G	CYBER SECURITY INITIATIVE	[ ]	[ ]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[ ]	[ ]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	[ ]	[ ]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	[ ]	[ ]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES.	[ ]	[ ]
218	0305202G	DRAGON U–2	[ ]	[ ]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[ ]	[ ]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[ ]	[ ]
226	0305219BB	MQ–1 PREDATOR A UAV	[ ]	[ ]
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[ ]	[ ]
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS.	[ ]	[ ]
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT.	[ ]	[ ]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[ ]	[ ]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV.	[ ]	[ ]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[ ]	[ ]
999	9999999	OTHER PROGRAMS	113,076	113,076
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	**115,826**	**115,826**
		Total, RDT&E Defense-Wide	**115,826**	**115,826**
		TOTAL RDT&E	**310,254**	**293,254**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Army		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	1,020,490	1,020,490
020	MODULAR SUPPORT BRIGADES	105,178	105,178
030	ECHELONS ABOVE BRIGADE	708,038	708,038
040	THEATER LEVEL ASSETS	718,233	718,233
050	LAND FORCES OPERATIONS SUPPORT	1,379,529	1,315,129
	Budget realignment of combat training center transportation funding in support of helicopter training ..		[–64,400]
060	AVIATION ASSETS	850,750	773,350
	Budget realignment in support of helicopter training ..		[–77,400]
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	2,088,233
080	LAND FORCES SYSTEMS READINESS	633,704	633,704
090	LAND FORCES DEPOT MAINTENANCE	692,601	695,601
	Texas Defense Manufacturing Supply Chain Initiative		[3,000]
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	7,586,455	7,588,155
	Fort Bliss Data Center		[1,700]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,221,446	2,221,446
120	MANAGEMENT AND OPERATIONAL HQ	333,119	333,119
130	COMBATANT COMMANDERS CORE OPERATIONS	123,163	123,163
140	ADDITIONAL ACTIVITIES	0	0
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	0	0
160	RESET	0	0
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159	460,159
	TOTAL, BA 01: OPERATING FORCES	**18,921,098**	**18,783,998**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
180	STRATEGIC MOBILITY	228,376	228,376
190	ARMY PREPOSITIONING STOCKS	98,129	98,129
200	INDUSTRIAL PREPAREDNESS	5,705	5,705
	TOTAL, BA 02: MOBILIZATION	**332,210**	**332,210**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	125,615	125,615
220	RECRUIT TRAINING	87,488	87,488
230	ONE STATION UNIT TRAINING	59,302	59,302

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397	449,397
	BASIC SKILL/ADVANCE TRAINING		
250	SPECIALIZED SKILL TRAINING	970,777	971,277
	Rule of law increase		[500]
260	FLIGHT TRAINING	843,893	985,693
	Budget realignment in support of helicopter training		[141,800]
270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812	166,812
280	TRAINING SUPPORT	702,031	702,031
	RECRUITING/OTHER TRAINING		
290	RECRUITING AND ADVERTISING	541,852	541,852
300	EXAMINING	147,915	147,915
310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353	238,353
320	CIVILIAN EDUCATION AND TRAINING	217,386	217,386
330	JUNIOR ROTC	156,904	156,904
	TOTAL, BA 03: TRAINING AND RECRUITING	**4,707,725**	**4,850,025**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	1,017,055	1,017,055
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	540,249	540,249
360	CENTRAL SUPPLY ACTIVITIES	614,093	614,093
370	LOGISTIC SUPPORT ACTIVITIES	481,318	481,318
380	AMMUNITION MANAGEMENT	434,661	435,661
	M24 Sniper Weapons System Upgrade		[1,000]
	SERVICEWIDE SUPPORT		
390	ADMINISTRATION	776,866	776,866
400	SERVICEWIDE COMMUNICATIONS	1,166,491	1,141,491
	Servicewide communications underexecution		[–25,000]
410	MANPOWER MANAGEMENT	289,383	289,383
420	OTHER PERSONNEL SUPPORT	221,779	229,029
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
430	OTHER SERVICE SUPPORT	993,852	993,852
440	ARMY CLAIMS ACTIVITIES	215,168	215,168
450	REAL ESTATE MANAGEMENT	118,785	118,785
	SUPPORT OF OTHER NATIONS		
460	SUPPORT OF NATO OPERATIONS	430,449	430,449
470	MISC. SUPPORT OF OTHER NATIONS	13,700	13,700
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,313,849**	**7,297,099**
	Total Operation and Maintenance, Army	**31,274,882**	**31,263,332**
	Operation and Maintenance, Navy		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
010	MISSION AND OTHER FLIGHT OPERATIONS	3,814,000	3,814,000
020	FLEET AIR TRAINING	120,868	120,868
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259	52,259
040	AIR OPERATIONS AND SAFETY SUPPORT	121,649	121,649
050	AIR SYSTEMS SUPPORT	485,321	485,321
060	AIRCRAFT DEPOT MAINTENANCE	1,057,747	1,127,774
	Aviation Depot Maintenance		[70,027]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083	32,083
	SHIP OPERATIONS		
080	MISSION AND OTHER SHIP OPERATIONS	3,320,222	3,320,222
090	SHIP OPERATIONS SUPPORT & TRAINING	699,581	699,581
100	SHIP DEPOT MAINTENANCE	4,296,544	4,296,544
110	SHIP DEPOT OPERATIONS SUPPORT	1,170,785	1,170,785
	COMBAT OPERATIONS/SUPPORT		
120	COMBAT COMMUNICATIONS	601,595	601,595
130	ELECTRONIC WARFARE	86,019	86,019
140	SPACE SYSTEMS AND SURVEILLANCE	167,050	167,050
150	WARFARE TACTICS	407,674	407,674
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,228	315,228
170	COMBAT SUPPORT FORCES	758,789	758,789
180	EQUIPMENT MAINTENANCE	186,794	186,794
190	DEPOT OPERATIONS SUPPORT	3,305	3,305
200	COMBATANT COMMANDERS CORE OPERATIONS	167,789	167,789
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	259,188	252,188
	Reduction for National Program for Small Unit Excellence		[–7,000]
	WEAPONS SUPPORT		
220	CRUISE MISSILE	131,895	131,895
230	FLEET BALLISTIC MISSILE	1,145,020	1,145,020
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731	64,731
250	WEAPONS MAINTENANCE	448,777	460,777
	Gun depot overhauls		[12,000]
260	OTHER WEAPON SYSTEMS SUPPORT	326,535	326,535
	BASE SUPPORT		
270	ENTERPRISE INFORMATION	1,095,587	1,095,587
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418	1,746,418
290	BASE OPERATING SUPPORT	4,058,046	4,058,046
	TOTAL, BA 01: OPERATING FORCES	**27,141,499**	**27,216,526**
	BUDGET ACTIVITY 02: MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
300	SHIP PREPOSITIONING AND SURGE	407,977	407,977
	ACTIVATIONS/INACTIVATIONS		
310	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491	7,491
320	SHIP ACTIVATIONS/INACTIVATIONS	192,401	195,401
	Navy Ship Disposal-Carrier Demonstration Program		[3,000]

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	MOBILIZATION PREPAREDNESS		
330	FLEET HOSPITAL PROGRAM	24,546	24,546
340	INDUSTRIAL READINESS	2,409	2,409
350	COAST GUARD SUPPORT	25,727	25,727
	TOTAL, BA 02: MOBILIZATION	**660,551**	**663,551**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
360	OFFICER ACQUISITION	145,027	145,027
370	RECRUIT TRAINING	11,011	11,011
380	RESERVE OFFICERS TRAINING CORPS	127,490	127,490
	BASIC SKILLS AND ADVANCED TRAINING		
390	SPECIALIZED SKILL TRAINING	477,383	477,383
400	FLIGHT TRAINING	1,268,846	1,268,846
410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922	161,922
420	TRAINING SUPPORT	158,685	158,685
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
430	RECRUITING AND ADVERTISING	276,564	277,215
	Navy Sea Cadet Corps		[651]
440	OFF-DUTY AND VOLUNTARY EDUCATION	154,979	154,979
450	CIVILIAN EDUCATION AND TRAINING	101,556	101,556
460	JUNIOR ROTC	49,161	49,161
	TOTAL, BA 03: TRAINING AND RECRUITING	**2,932,624**	**2,933,275**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
470	ADMINISTRATION	768,048	768,048
480	EXTERNAL RELATIONS	6,171	6,171
490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675	114,675
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115	189,365
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
510	OTHER PERSONNEL SUPPORT	298,729	298,729
520	SERVICEWIDE COMMUNICATIONS	408,744	393,744
	Servicewide communications underexecution		[–15,000]
530	MEDICAL ACTIVITIES	0	0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
540	SERVICEWIDE TRANSPORTATION	246,989	246,989
550	ENVIRONMENTAL PROGRAMS	0	0
560	PLANNING, ENGINEERING AND DESIGN	244,337	244,337
570	ACQUISITION AND PROGRAM MANAGEMENT	778,501	778,501
580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223	60,223
590	COMBAT/WEAPONS SYSTEMS	17,328	17,328
600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065	79,065
	INVESTIGATIONS AND SECURITY PROGRAMS		
610	NAVAL INVESTIGATIVE SERVICE	515,989	515,989

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SUPPORT OF OTHER NATIONS		
670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918	5,918
	CANCELLED ACCOUNTS		
680	CANCELLED ACCOUNT ADJUSTMENTS	0	0
690	JUDGMENT FUND	0	0
	OTHER PROGRAMS		
999	OTHER PROGRAMS	608,840	608,840
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**4,335,672**	**4,327,922**
	Unobligated balances estimate		–100,000
	Total Operation and Maintenance, Navy	**35,070,346**	**35,041,274**
	Operation and Maintenance, Marine Corps		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATIONAL FORCES	730,931	737,931
	Family of shelter and tents		[2,000]
	Flame Resistant Organizational Gear		[1,500]
	Ultra Lightweight Camouflage Net System		[3,500]
020	FIELD LOGISTICS	591,020	591,020
030	DEPOT MAINTENANCE	80,971	80,971
	USMC PREPOSITIONING		
050	MARITIME PREPOSITIONING	72,182	72,182
060	NORWAY PREPOSITIONING	5,090	5,090
	COMBAT OPERATIONS/SUPPORT		
070	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	0	0
	BASE SUPPORT		
080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330	666,330
090	BASE OPERATING SUPPORT	2,250,191	2,250,191
	TOTAL, BA 01: OPERATING FORCES	**4,396,715**	**4,403,715**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
100	RECRUIT TRAINING	16,129	16,129
110	OFFICER ACQUISITION	418	418
	BASIC SKILLS AND ADVANCED TRAINING		
120	SPECIALIZED SKILL TRAINING	67,336	67,336
130	FLIGHT TRAINING	369	369
140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112	28,112
150	TRAINING SUPPORT	330,885	330,885

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	RECRUITING AND OTHER TRAINING EDUCATION		
160	RECRUITING AND ADVERTISING	240,832	240,832
170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254	64,254
180	JUNIOR ROTC	19,305	19,305
	BASE SUPPORT		
190	SUSTAINMENT, RESTORATION AND MODERNIZATION	0	0
200	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 03: TRAINING AND RECRUITING	**767,640**	**767,640**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
210	SPECIAL SUPPORT	299,065	299,065
220	SERVICEWIDE TRANSPORTATION	28,924	28,924
230	ADMINISTRATION	43,879	43,879
	BASE SUPPORT		
240	SUSTAINMENT, RESTORATION, AND MODERNIZATION	0	0
250	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**371,868**	**371,868**
	Total Operation and Maintenance, Marine Corps	**5,536,223**	**5,543,223**
	Operation and Maintenance, Air Force		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	4,017,156	4,017,156
020	COMBAT ENHANCEMENT FORCES	2,754,563	2,754,563
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913	1,416,413
	Air Education and Training Command Range Improvements		[1,500]
050	DEPOT MAINTENANCE	2,389,738	2,389,738
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,420,083	1,420,083
070	BASE SUPPORT	2,859,943	2,860,183
	Wage Modification for US Azores Portugese National Employees		[240]
	COMBAT RELATED OPERATIONS		
080	GLOBAL C3I AND EARLY WARNING	1,411,813	1,411,813
090	OTHER COMBAT OPS SPT PROGRAMS	880,353	880,353
110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	552,148	552,148

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SPACE OPERATIONS		
120	LAUNCH FACILITIES	356,367	356,367
130	SPACE CONTROL SYSTEMS	725,646	725,646
	COCOM		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796	608,796
150	COMBATANT COMMANDERS CORE OPERATIONS	216,073	216,073
	TOTAL, BA 01: OPERATING FORCES	**19,607,592**	**19,609,332**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
160	AIRLIFT OPERATIONS	2,932,080	2,934,080
	Warner Robins Air Logistics Center Strategic Airlift Aircraft Availability Improvements		[2,000]
170	MOBILIZATION PREPAREDNESS	211,858	211,858
180	DEPOT MAINTENANCE	332,226	332,226
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	362,954	362,954
200	BASE SUPPORT	657,830	657,830
	TOTAL, BA 02: MOBILIZATION	**4,496,948**	**4,498,948**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		
210	OFFICER ACQUISITION	120,870	120,870
220	RECRUIT TRAINING	18,135	18,135
230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414	88,414
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	372,788	372,788
250	BASE SUPPORT	685,029	685,029
	BASIC SKILLS AND ADVANCED TRAINING		
260	SPECIALIZED SKILL TRAINING	514,048	514,048
270	FLIGHT TRAINING	833,005	833,005
280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676	215,676
290	TRAINING SUPPORT	118,877	118,877
300	DEPOT MAINTENANCE	576	576
	RECRUITING, AND OTHER TRAINING AND EDUCATION		
320	RECRUITING AND ADVERTISING	152,983	152,983
330	EXAMINING	5,584	5,584
340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198	188,198
350	CIVILIAN EDUCATION AND TRAINING	174,151	174,151
360	JUNIOR ROTC	67,549	67,549
	TOTAL, BA 03: TRAINING AND RECRUITING	**3,555,883**	**3,555,883**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	LOGISTICS OPERATIONS		
370	LOGISTICS OPERATIONS	1,055,672	1,055,672
380	TECHNICAL SUPPORT ACTIVITIES	735,036	735,036

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
400	DEPOT MAINTENANCE	15,411	15,411
410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	359,562	359,562
420	BASE SUPPORT	1,410,097	1,410,097
	SERVICEWIDE ACTIVITIES		
430	ADMINISTRATION	646,080	643,330
	Servicewide administration		[–10,000]
	Transfer from O&M, DW BTA for DIMHRS		[7,250]
440	SERVICEWIDE COMMUNICATIONS	581,951	581,951
450	OTHER SERVICEWIDE ACTIVITIES	1,062,803	1,062,803
460	CIVIL AIR PATROL	22,433	22,433
	SECURITY PROGRAMS		
470	SECURITY PROGRAMS	1,148,704	1,148,704
	SUPPORT TO OTHER NATIONS		
480	INTERNATIONAL SUPPORT	49,987	49,987
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**7,087,736**	**7,084,986**
	USAF Civilian Underexecution		–50,000
	Unobligated Balances Estimate		–172,000
	Total Operation and Maintenance, Air Force	**34,748,159**	**34,527,149**
	Operation and Maintenance, Defense-wide		
	BUDGET ACTIVITY 1: OPERATING FORCES		
	DEFENSE-WIDE ACTIVITIES		
010	JOINT CHIEFS OF STAFF	457,169	457,169
020	SPECIAL OPERATIONS COMMAND	3,611,492	3,612,992
	Special Operations Forces Modular Glove System		[1,500]
	TOTAL, BUDGET ACTIVITY 1:	**4,068,661**	**4,070,161**
	BUDGET ACTIVITY 3: TRAINING AND RECRUITING		
	DEFENSE-WIDE ACTIVITIES		
030	DEFENSE ACQUISITION UNIVERSITY	115,497	115,497
	RECRUITING AND OTHER TRAINING EDUCATION		
040	NATIONAL DEFENSE UNIVERSITY	103,408	103,408
	TOTAL, BUDGET ACTIVITY 3:	**218,905**	**218,905**
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
	DEFENSE-WIDE ACTIVITIES		
050	AMERICAN FORCES INFORMATION SERVICE	0	0
060	CIVIL MILITARY PROGRAMS	132,231	152,231
	National Guard Youth Challenge Program		[5,000]

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Junior ROTC		[15,000]
080	CLASSIFIED AND INTELLIGENCE	0	0
090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579	117,829
	DIMHRS Transfer to Services (Army, Navy and Air Force)		[–21,750]
100	DEFENSE CONTRACT AUDIT AGENCY	458,316	458,316
110	DEFENSE FINANCE AND ACCOUNTING SERVICE	0	0
120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743	665,743
130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163	1,322,163
150	DEFENSE LEGAL SERVICES	42,532	42,532
160	DEFENSE LOGISTICS AGENCY	405,873	414,873
	Procurement and Technical Assistance Program		[9,000]
170	DEFENSE MEDIA ACTIVITY	253,667	253,667
180	DEFENSE POW/MIA OFFICE	20,679	20,679
190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325	34,325
200	DEFENSE THREAT REDUCTION AGENCY	385,453	385,453
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	2,305,516
	SoAR Recruiting Initiative		[3,400]
220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,058,721	1,058,721
230	DEFENSE SECURITY COOPERATION AGENCY	721,756	621,756
	Security and Stabilization (1207)		[–100,000]
240	DEFENSE SECURITY SERVICE	497,857	497,857
	NATIONAL GUARD BORDER SECURITY	0	0
260	OFFICE OF ECONOMIC ADJUSTMENT	37,166	38,166
	Redevelopment of Naval Station Ingleside		[1,000]
270	OFFICE OF THE SECRETARY OF DEFENSE	1,955,985	1,977,985
	Readiness and Environmental Protection Initiative		[20,000]
	Critical Language Training		[2,000]
280	WASHINGTON HEADQUARTERS SERVICE	589,309	589,309
	OTHER PROGRAMS		
999	OTHER PROGRAMS	13,046,209	13,046,209
	TOTAL, BUDGET ACTIVITY 4:	**24,069,680**	**24,003,330**
	Impact Aid		30,000
	Impact aid for children with severe disabilities		5,000
	Total Operation and Maintenance, Defense-Wide	**28,357,246**	**28,327,396**
	Operation and Maintenance, Army Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	1,403	1,403
020	MODULAR SUPPORT BRIGADES	12,707	12,707
030	ECHELONS ABOVE BRIGADE	468,288	468,288
040	THEATER LEVEL ASSETS	152,439	152,439
050	LAND FORCES OPERATIONS SUPPORT	520,420	520,420
060	AVIATION ASSETS	61,063	61,063
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	290,443	290,443
080	LAND FORCES SYSTEMS READINESS	106,569	106,569
090	LAND FORCES DEPOT MAINTENANCE	94,499	94,499

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	522,310	522,310
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	234,748	234,748
120	ADDITIONAL ACTIVITIES	0	0
	TOTAL, BA 01: OPERATING FORCES	**2,464,889**	**2,464,889**
	LOGISTICS OPERATIONS		
130	SERVICEWIDE TRANSPORTATION	9,291	9,291
	SERVICEWIDE SUPPORT		
140	ADMINISTRATION	72,075	72,075
150	SERVICEWIDE COMMUNICATIONS	3,635	3,635
160	MANPOWER MANAGEMENT	9,104	9,104
170	RECRUITING AND ADVERTISING	61,202	61,202
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**155,307**	**155,307**
	Total Operation and Maintenance, Army Reserve	**2,620,196**	**2,620,196**
	Operation and Maintenance, Navy Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	570,319	570,319
020	INTERMEDIATE MAINTENANCE	16,596	16,596
030	AIR OPERATIONS AND SAFETY SUPPORT	3,171	3,171
040	AIRCRAFT DEPOT MAINTENANCE	125,004	125,004
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	397	397
	SHIP OPERATIONS		
060	MISSION AND OTHER SHIP OPERATIONS	55,873	55,873
070	SHIP OPERATIONS SUPPORT & TRAINING	592	592
080	SHIP DEPOT MAINTENANCE	41,899	41,899
	COMBAT OPERATIONS SUPPORT		
090	COMBAT COMMUNICATIONS	15,241	15,241
100	COMBAT SUPPORT FORCES	142,924	142,924
	WEAPONS SUPPORT		
110	WEAPONS MAINTENANCE	5,494	5,494
	BASE SUPPORT		
120	ENTERPRISE INFORMATION	83,611	83,611
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	69,853	69,853
140	BASE OPERATING SUPPORT	124,757	124,757
	TOTAL, BA 01: OPERATING FORCES	**1,255,731**	**1,255,731**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	SERVICEWIDE SUPPORT		
150	ADMINISTRATION	3,323	3,323
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897	13,897
170	SERVICEWIDE COMMUNICATIONS	1,957	1,957
180	OTHER SERVICEWIDE POWER	0	0
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
190	ACQUISITION AND PROGRAM MANAGEMENT	3,593	3,593
	CANCELLED ACCOUNTS		
200	CANCELLED ACCOUNT ADJUSTMENTS	0	0
210	JUDGMENT FUND	0	0
	OTHER PROGRAMS		
999	OTHER PROGRAMS	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**22,770**	**22,770**
	Total Operation and Maintenance, Navy Reserve	**1,278,501**	**1,278,501**
	Operation and Maintenance, Marine Corps Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATING FORCES	61,117	61,117
020	DEPOT MAINTENANCE	13,217	13,217
030	TRAINING SUPPORT	29,373	29,373
	BASE SUPPORT		
040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466	25,466
050	BASE OPERATING SUPPORT	73,899	73,899
	TOTAL, BA 01: OPERATING FORCES	**203,072**	**203,072**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	SPECIAL SUPPORT	5,639	5,639
070	SERVICEWIDE TRANSPORTATION	818	818
080	ADMINISTRATION	10,642	10,642
090	RECRUITING AND ADVERTISING	8,754	8,754
	BASE SUPPORT		
100	BASE OPERATING SUPPORT	0	0
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**25,853**	**25,853**
	Total Operation and Maintenance, Marine Corps Reserve	**228,925**	**228,925**

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Air Force Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	2,049,303	2,049,303
020	MISSION SUPPORT OPERATIONS	121,417	121,417
030	DEPOT MAINTENANCE	441,958	441,958
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	78,763	78,763
050	BASE SUPPORT	258,091	258,091
	TOTAL, BA 01: OPERATING FORCES	**2,949,532**	**2,949,532**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	77,476	77,476
070	RECRUITING AND ADVERTISING	24,553	24,553
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	20,838	20,838
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,121	6,121
100	AUDIOVISUAL	708	708
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**129,696**	**129,696**
	Total Operation and Maintenance, Air Force Reserve	**3,079,228**	**3,079,228**
	Operation and Maintenance, Army National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	876,269	876,269
020	MODULAR SUPPORT BRIGADES	173,843	173,843
030	ECHELONS ABOVE BRIGADE	615,160	615,160
040	THEATER LEVEL ASSETS	253,997	253,997
050	LAND FORCES OPERATIONS SUPPORT	34,441	34,441
060	AVIATION ASSETS	819,031	821,281
	Joint Command Vehicle and Supporting C3 Systems		[2,250]
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	436,799	436,799
080	LAND FORCES SYSTEMS READINESS	99,757	99,757
090	LAND FORCES DEPOT MAINTENANCE	379,646	379,646
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	798,343	800,943
	North Carolina National Guard Family Assistance Centers		[1,600]

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Our Military Kids		[1,000]
110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	580,171	580,471
	Camp Ethan Allen Training Site Road Equipment		[300]
120	MANAGEMENT AND OPERATIONAL HQ	573,452	573,452
130	ADDITIONAL ACTIVITIES	0	0
	TOTAL, BA 01: OPERATING FORCES	**5,640,909**	**5,646,059**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
140	ADMINISTRATION	119,186	119,186
150	SERVICEWIDE COMMUNICATIONS	48,020	48,020
160	MANPOWER MANAGEMENT	7,920	7,920
170	RECRUITING AND ADVERTISING	440,999	440,999
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**616,125**	**616,125**
	Total Operation and Maintenance, Army National Guard	**6,257,034**	**6,262,184**
	Operation and Maintenance, Air National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	AIRCRAFT OPERATIONS	3,347,685	3,347,685
020	MISSION SUPPORT OPERATIONS	779,917	779,917
030	DEPOT MAINTENANCE	780,347	780,347
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	302,949	302,949
050	BASE SUPPORT	606,916	606,916
	TOTAL, BA 01: OPERATING FORCES	**5,817,814**	**5,817,814**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE ACTIVITIES		
060	ADMINISTRATION	35,174	35,174
070	RECRUITING AND ADVERTISING	32,773	32,773
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**67,947**	**67,947**
	Total Operation and Maintenance, Air National Guard	**5,885,761**	**5,885,761**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,932	13,932

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000	100,000
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,869	109,869
010	COOPERATIVE THREAT REDUCTION	404,093	424,093
	Program increase		[20,000]
020	ENVIRONMENTAL RESTORATION, ARMY	415,864	415,864
030	ENVIRONMENTAL RESTORATION, NAVY	285,869	285,869
040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276	494,276
050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100	11,100
060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	267,700	267,700
070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000	0
	Program decrease		[–5,000]
080	IRAQ FREEDOM FUND	0	0
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**2,107,703**	**2,122,703**
	TOTAL TITLE III—OPERATION AND MAINTENANCE	**156,444,204**	**156,179,872**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Army		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES READINESS SUPPORT		
140	ADDITIONAL ACTIVITIES	36,330,899	36,330,899
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	1,300,000
	Program reduction		[–200,000]
160	RESET	7,867,551	7,867,551
	TOTAL, BA 01: OPERATING FORCES	**45,698,450**	**45,498,450**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SECURITY PROGRAMS		
340	SECURITY PROGRAMS	1,426,309	1,426,309
	LOGISTICS OPERATIONS		
350	SERVICEWIDE TRANSPORTATION	5,045,902	5,045,902
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**6,472,211**	**6,472,211**
	Army end strength budget amendment		[196,100]
	Total Operation and Maintenance, Army	**52,170,661**	**52,166,761**
	Operation and Maintenance, Navy		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398	1,138,398
020	FLEET AIR TRAINING	2,640	2,640
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212	1,212
040	AIR OPERATIONS AND SAFETY SUPPORT	26,815	26,815
050	AIR SYSTEMS SUPPORT	44,532	44,532
060	AIRCRAFT DEPOT MAINTENANCE	158,559	158,559
	SHIP OPERATIONS		
080	MISSION AND OTHER SHIP OPERATIONS	651,209	651,209
090	SHIP OPERATIONS SUPPORT & TRAINING	22,489	22,489
100	SHIP DEPOT MAINTENANCE	1,001,037	1,001,037
	Transfer to base		
	COMBAT OPERATIONS/SUPPORT		
120	COMBAT COMMUNICATIONS	20,704	20,704
150	WARFARE TACTICS	15,918	15,918
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	16,889	16,889
170	COMBAT SUPPORT FORCES	1,891,799	1,891,799
180	EQUIPMENT MAINTENANCE	306	306
200	COMBATANT COMMANDERS CORE OPERATIONS	6,929	6,929
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344	7,344
	WEAPONS SUPPORT		
240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	68,759	68,759
250	WEAPONS MAINTENANCE	82,496	82,496
260	OTHER WEAPON SYSTEMS SUPPORT	16,902	16,902
	BASE SUPPORT		
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	7,629	7,629
290	BASE OPERATING SUPPORT	338,604	338,604
	TOTAL, BA 01: OPERATING FORCES	**5,521,170**	**5,521,170**
	BUDGET ACTIVITY 02: MOBILIZATION		
	READY RESERVE AND PREPOSITIONING FORCES		
300	SHIP PREPOSITIONING AND SURGE	27,290	27,290
	MOBILIZATION PREPAREDNESS		
330	FLEET HOSPITAL PROGRAM	4,336	4,336
350	COAST GUARD SUPPORT	245,039	245,039
	TOTAL, BA 02: MOBILIZATION	**276,665**	**276,665**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	BASIC SKILLS AND ADVANCED TRAINING		
390	SPECIALIZED SKILL TRAINING	97,995	97,995
420	TRAINING SUPPORT	5,463	5,463

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	TOTAL, BA 03: TRAINING AND RECRUITING	**103,458**	**103,458**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
470	ADMINISTRATION	3,899	3,899
480	EXTERNAL RELATIONS	463	463
500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563	563
510	OTHER PERSONNEL SUPPORT	2,525	2,525
520	SERVICEWIDE COMMUNICATIONS	23,557	23,557
	LOGISTICS OPERATIONS AND TECHNICAL SUPPORT		
540	SERVICEWIDE TRANSPORTATION	223,890	223,890
570	ACQUISITION AND PROGRAM MANAGEMENT	642	642
	INVESTIGATIONS AND SECURITY PROGRAMS		
610	NAVAL INVESTIGATIVE SERVICE	37,452	37,452
	OTHER PROGRAMS		
999	OTHER PROGRAMS	25,299	25,299
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**318,290**	**318,290**
	Total Operation and Maintenance, Navy	**6,219,583**	**6,219,583**
	Operation and Maintenance, Marine Corps		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATIONAL FORCES	2,048,844	2,048,844
020	FIELD LOGISTICS	486,014	486,014
030	DEPOT MAINTENANCE	554,000	554,000
	USMC PREPOSITIONING		
060	NORWAY PREPOSITIONING	950	950
	BASE SUPPORT		
090	BASE OPERATING SUPPORT	121,700	121,700
	TOTAL, BA 01: OPERATING FORCES	**3,211,508**	**3,211,508**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	BASIC SKILLS AND ADVANCED TRAINING		
120	SPECIALIZED SKILL TRAINING	6,303	6,303
140	PROFESSIONAL DEVELOPMENT EDUCATION	923	923
150	TRAINING SUPPORT	205,625	205,625
	TOTAL, BA 03: TRAINING AND RECRUITING	**212,851**	**212,851**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	SERVICEWIDE SUPPORT		
210	SPECIAL SUPPORT	2,576	2,576
220	SERVICEWIDE TRANSPORTATION	269,415	269,415
230	ADMINISTRATION	5,250	5,250
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**277,241**	**277,241**
	Total Operation and Maintenance, Marine Corps	**3,701,600**	**3,701,600**
	Operation and Maintenance, Air Force		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	1,582,431	1,582,431
020	COMBAT ENHANCEMENT FORCES	1,460,018	1,460,018
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255	109,255
050	DEPOT MAINTENANCE	304,540	304,540
060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	121,881	121,881
070	BASE SUPPORT	1,394,809	1,394,809
	COMBAT RELATED OPERATIONS		
080	GLOBAL C3I AND EARLY WARNING	130,885	130,885
090	OTHER COMBAT OPS SPT PROGRAMS	407,554	407,554
	SPACE OPERATIONS		
130	SPACE CONTROL SYSTEMS	38,677	38,677
	COCOM		
140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	157,000	157,000
	TOTAL, BA 01: OPERATING FORCES	**5,707,050**	**5,707,050**
	BUDGET ACTIVITY 02: MOBILIZATION		
	MOBILITY OPERATIONS		
160	AIRLIFT OPERATIONS	3,171,148	3,171,148
170	MOBILIZATION PREPAREDNESS	169,659	169,659
180	DEPOT MAINTENANCE	167,070	167,070
190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	942	942
200	BASE SUPPORT	45,998	45,998
	TOTAL, BA 02: MOBILIZATION	**3,554,817**	**3,554,817**
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
	ACCESSION TRAINING		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,019	1,019
250	BASE SUPPORT	19,361	19,361
	BASIC SKILLS AND ADVANCED TRAINING		
260	SPECIALIZED SKILL TRAINING	48,442	48,442
270	FLIGHT TRAINING	291	291
280	PROFESSIONAL DEVELOPMENT EDUCATION	1,500	1,500
290	TRAINING SUPPORT	1,427	1,427
	TOTAL, BA 03: TRAINING AND RECRUITING	**72,040**	**72,040**
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
	LOGISTICS OPERATIONS		
370	LOGISTICS OPERATIONS	328,009	328,009
420	BASE SUPPORT	35,322	35,322
	SERVICEWIDE ACTIVITIES		
430	ADMINISTRATION	9,000	9,000
440	SERVICEWIDE COMMUNICATIONS	178,470	178,470
	SECURITY PROGRAMS		
470	SECURITY PROGRAMS	142,160	142,160
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	**692,961**	**692,961**
	Total Operation and Maintenance, Air Force	**10,026,868**	**10,026,868**
	Operation and Maintenance, Defense-wide		
	BUDGET ACTIVITY 1: OPERATING FORCES		
	DEFENSE-WIDE ACTIVITIES		
010	JOINT CHIEFS OF STAFF	25,000	25,000
020	SPECIAL OPERATIONS COMMAND	2,519,935	2,519,935
	TOTAL, BUDGET ACTIVITY 1:	**2,544,935**	**2,544,935**
	BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES		
	DEFENSE-WIDE ACTIVITIES		
100	DEFENSE CONTRACT AUDIT AGENCY	13,908	13,908
130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117	245,117
150	DEFENSE LEGAL SERVICES	115,000	115,000
170	DEFENSE MEDIA ACTIVITY	13,364	13,364
200	DEFENSE THREAT REDUCTION AGENCY	2,018	2,018
210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600	553,600
220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130	63,130
230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000	1,950,000
270	OFFICE OF THE SECRETARY OF DEFENSE	79,047	79,047
	OTHER PROGRAMS		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
999	OTHER PROGRAMS	1,998,181	1,998,181
	TOTAL, BUDGET ACTIVITY 4:	**5,033,365**	**5,033,365**
	Army end strength budget amendment		5,100
	Total Operation and Maintenance, Defense-Wide	**7,578,300**	**7,583,400**
	Operation and Maintenance, Army Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
030	ECHELONS ABOVE BRIGADE	86,881	86,881
050	LAND FORCES OPERATIONS SUPPORT	40,675	40,675
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	21,270	21,270
080	LAND FORCES SYSTEMS READINESS	17,500	17,500
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	38,000	38,000
	TOTAL, BA 01: OPERATING FORCES	**204,326**	**204,326**
	Total Operation and Maintenance, Army Reserve	**204,326**	**204,326**
	Operation and Maintenance, Navy Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	MISSION AND OTHER FLIGHT OPERATIONS	26,673	26,673
020	INTERMEDIATE MAINTENANCE	400	400
040	AIRCRAFT DEPOT MAINTENANCE	3,600	3,600
	SHIP OPERATIONS		
060	MISSION AND OTHER SHIP OPERATIONS	7,416	7,416
080	SHIP DEPOT MAINTENANCE	8,917	8,917
	COMBAT OPERATIONS SUPPORT		
090	COMBAT COMMUNICATIONS	3,147	3,147
100	COMBAT SUPPORT FORCES	13,428	13,428
	BASE SUPPORT		
140	BASE OPERATING SUPPORT	4,478	4,478
	TOTAL, BA 01: OPERATING FORCES	**68,059**	**68,059**
	Total Operation and Maintenance, Navy Reserve	**68,059**	**68,059**
	Operation and Maintenance, Marine Corps Reserve		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	BUDGET ACTIVITY 01: OPERATING FORCES		
	EXPEDITIONARY FORCES		
010	OPERATING FORCES	77,849	77,849
	BASE SUPPORT		
050	BASE OPERATING SUPPORT	8,818	8,818
	TOTAL, BA 01: OPERATING FORCES	**86,667**	**86,667**
	Total Operation and Maintenance, Marine Corps Reserve	**86,667**	**86,667**
	Operation and Maintenance, Air Force Reserve		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	PRIMARY COMBAT FORCES	3,618	3,618
020	MISSION SUPPORT OPERATIONS	7,276	7,276
030	DEPOT MAINTENANCE	114,531	114,531
050	BASE SUPPORT	500	500
	TOTAL, BA 01: OPERATING FORCES	**125,925**	**125,925**
	Total Operation and Maintenance, Air Force Reserve	**125,925**	**125,925**
	Operation and Maintenance, Army National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
010	MANEUVER UNITS	89,666	89,666
020	MODULAR SUPPORT BRIGADES	1,196	1,196
030	ECHELONS ABOVE BRIGADE	18,360	18,360
040	THEATER LEVEL ASSETS	380	380
060	AVIATION ASSETS	59,357	59,357
	LAND FORCES READINESS		
070	FORCE READINESS OPERATIONS SUPPORT	94,458	94,458
	LAND FORCES READINESS SUPPORT		
100	BASE OPERATIONS SUPPORT	22,536	22,536
120	MANAGEMENT AND OPERATIONAL HQ	35,693	35,693
	TOTAL, BA 01: OPERATING FORCES	**321,646**	**321,646**
	Total Operation and Maintenance, Army National Guard	**321,646**	**321,646**

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request	Conference Authorized
	Operation and Maintenance, Air National Guard		
	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
010	AIRCRAFT OPERATIONS	103,259	103,259
020	MISSION SUPPORT OPERATIONS	51,300	51,300
030	DEPOT MAINTENANCE	135,303	135,303
	TOTAL, BA 01: OPERATING FORCES	**289,862**	**289,862**
	Total Operation and Maintenance, Air National Guard	**289,862**	**289,862**
	Afghanistan Security Forces Fund		
010	INFRASTRUCTURE	868,320	868,320
020	EQUIPMENT AND TRANSPORTATION	1,615,192	1,615,192
030	TRAINING AND OPERATIONS	272,998	272,998
040	SUSTAINMENT	1,945,887	1,945,887
060	INFRASTRUCTURE	605,584	605,584
070	EQUIPMENT AND TRANSPORTATION	279,186	279,186
080	TRAINING AND OPERATIONS	648,217	648,217
090	SUSTAINMENT	1,219,966	1,219,966
120	SUSTAINMENT	5,919	5,919
130	TRAINING AND OPERATIONS	1,500	1,500
	TOTAL, Afghanistan Security Forces Fund	**7,462,769**	**7,462,769**
	Pakistan Counterinsurgency Capability Fund		
	INFRASTRUCTURE	41,970	0
	Realigned from Defense to International Affairs		[–41,970]
	EQUIPMENT/TRANSPORTATION	397,907	0
	Realigned from Defense to International Affairs		[–397,907]
	TRAINING AND OPERATIONS	67,953	0
	Realigned from Defense to International Affairs		[–67,953]
	INFRASTRUCTURE	73,000	0
	Realigned from Defense to International Affairs		[–73,000]
	EQUIPMENT/TRANSPORTATION	107,000	0
	Realigned from Defense to International Affairs		[–107,000]
	TRAINING AND OPERATIONS	8,170	0
	Realigned from Defense to International Affairs		[–8,170]
	HUMANITARIAN ASSISTANCE	4,000	0
	Realigned from Defense to International Affairs		[–4,000]
	TOTAL, Pakistan Counterinsurgency Capability Fund	**700,000**	**0**
	MISCELLANEOUS APPROPRIATIONS		
080	IRAQ FREEDOM FUND	115,300	0
	Program reduction		[–115,300]

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	**Item**	**FY 2010 Request**	**Conference Authorized**
	TOTAL, MISCELLANEOUS APPROPRIATIONS	**115,300**	**0**
	TOTAL TITLE III—OPERATION AND MAINTENANCE	**89,071,566**	**88,257,466**

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2010 Request	Conference Authorized
REVOLVING AND MANAGEMENT FUNDS		
DEFENSE WORKING CAPITAL FUNDS		
DEFENSE WORKING CAPITAL FUNDS	141,388	141,388
DEFENSE COMMISSARY AGENCY	1,313,616	1,313,616
Total, Defense Working Capital Funds	**1,455,004**	**1,455,004**
NATIONAL DEFENSE SEALIFT FUND		
Strategic Ship Acquisition		
T–AKE	940,115	940,115
MLP	120,047	120,047
OUTFITTING AND POST DELIVERY	29,740	29,740
DoD Mobilization Assets		
NATIONAL DEFENSE SEALIFT VESSEL	1,438	1,438
LMSR MAINTENANCE	96,363	96,363
DOD MOBILIZATION ALTERATIONS	64,167	64,167
T–AH MAINTENANCE	37,627	37,627
Strategic Sealift Support		
STRATEGIC SEALIFT SUPPORT	4,794	4,794
Sealift Research and Development		
RESEARCH AND DEVELOPMENT	72,983	72,983
Ready Reserve Force		
READY RESERVE FORCE	275,484	275,484
Total, National Defense Sealift Fund	**1,642,758**	**1,642,758**
DEFENSE COALITION SUPPORT FUND		
DEFENSE COALITION SUPPORT FUND	22,000	0
Total Revolving and Management Funds	**3,119,762**	**3,097,762**
MILITARY PROGRAMS		
DEFENSE HEALTH PROGRAM		
DEFENSE HEALTH PROGRAM—O&M	26,967,919	27,094,849
TRICARE Continuation Pending MEDICARE Eligibility		[4,000]
Transitional Dental Care (S712)		[11,000]
Pre-mobilization health care coverage for Reservists and their families		[92,000]
Madigan Medical Center Trauma Assistance Program		[2,500]
Fort Drum Regional Health Planning Organization		[430]
Extend Dental Coverage to Dependent Survivors		[2,000]
Chiropractic Clinical Trials		[5,000]
TRICARE Coverage for Gray-Area Retirees		[10,000]
DEFENSE HEALTH PROGRAM—R&D	613,102	616,102

OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
USUHS Immersive, Wide Area Virtual Environment		[3,000]
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142	322,142
Total Defense Health Program	**27,903,163**	**28,033,093**
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	1,146,802	1,146,802
CHEM DEMILITARIZATION—RDT&E	401,269	401,269
CHEM DEMILITARIZATION—PROC	12,689	12,689
Total Chemical Agents and Munitions Destruction	**1,560,760**	**1,560,760**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	1,058,984	1,054,234
EUCOM Interagency Fusion Centers (PC2365)		[–750]
PC9205 EUCOM CN Operation Support—excessive growth		[–2,000]
PC9206 AFRICOM CN Operational Support—excessive growth		[–2,000]
Total Drug Interdiction and Counter-Drug Activities	**1,058,984**	**1,054,234**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	271,444	287,100
Second year growth plan		[15,656]
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000	1,000
Total Office of the Inspector General	**272,444**	**288,100**
TOTAL OTHER AUTHORIZATIONS	**33,915,113**	**34,033,949**
Memorandum: Civil Program (non-defense)		
Armed Forces Retirement Home (Budget Function 600)	134,000	134,000

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	**FY 2010 Request**	**Conference Authorized**
REVOLVING AND MANAGEMENT FUNDS		
DEFENSE WORKING CAPITAL FUNDS		
DEFENSE WORKING CAPITAL FUNDS	396,915	396,915
Total, Defense Working Capital Funds	**396,915**	**396,915**
Total Revolving and Management Funds	**396,915**	**396,915**
MILITARY PROGRAMS		
DEFENSE HEALTH PROGRAM		
DEFENSE HEALTH PROGRAM—O&M	1,155,235	1,256,675
Army end strength budget amendment		[101,440]
Total Defense Health Program	**1,155,235**	**1,256,675**
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	324,603	356,603

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2010 Request	Conference Authorized
International Support—US CENTCOM CN Training—Mi–17 Procurement		[32,000]
Total Drug Interdiction and Counter-Drug Activities	**324,603**	**356,603**
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	8,876	8,876
Total Office of the Inspector General	**8,876**	**8,876**
TOTAL OTHER AUTHORIZATIONS	**1,885,629**	**2,019,069**

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Alabama			
Army	Anniston Army Depot	Industrial Area Elec System Upgrade		3,300
ARNG	Fort McClellan	Urban Assault Course	3,000	3,000
Army	Redstone Arsenal	Gate 7 Access Control Point		3,550
Def-Wide	Redstone Arsenal	Missile and Space Intel Center Eoe Complex.		12,000
	Alaska			
Air Force	Clear AFS	Power Plant Facility	24,300	24,300
Air Force	Eielson AFB	Arctic Utilidors—phase 1		9,900
Air Force	Eielson AFB	Taxiway Lighting		3,450
Air Force	Elmendorf AFB	Red Flag Alaska Add/Alter Operations Center.	3,100	3,100
Air Force	Elmendorf AFB	F–22 Weapons Load Training Facility	12,600	12,600
Def-Wide	Elmendorf AFB	Aeromedical Services/Mental Health Clinic.	25,017	25,017
Army	Fort Richardson	Airborne Sustainment Training Complex	6,100	6,100
Army	Fort Richardson	Training Aids Center	2,050	2,050
Army	Fort Richardson	Warrior In Transition Complex	43,000	43,000
Army	Fort Richardson	Combat Pistol Range		4,900
Def-Wide	Fort Richardson	Health Clinic	3,518	3,518
Army	Fort Wainwright	Railhead Complex	26,000	26,000
Army	Fort Wainwright	Aviation Unit Operations Complex	19,000	19,000
Army	Fort Wainwright	Aviation Task Force Complex, Ph 1, Inc 1	125,000	95,000
Army	Fort Wainwright	Warrior In Transition Complex	28,000	28,000
	Arizona			
ARNG	Camp Navajo	Combat Pistol Qualification Course	3,000	3,000
Air1Guard	Davis-Monthan AFB	TFI-Predator Beddown-FOC	5,600	5,600
Air Force	Davis-Monthan AFB	Dormitory (144 Rm)	20,000	20,000
Air Force	Davis-Monthan AFB	CSAR HC–130J Simulator Facility	8,400	8,400
Air Force	Davis-Monthan AFB	CSAR HC–130J Rqs Operations Facility	8,700	8,700
Air Force	Davis-Monthan AFB	CSAR HC–130J Infrastructure	4,800	4,800
Army	Fort Huachuca	UAV ER/MPER/MP	15,000	15,000
Army	Fort Huachuca	Battalion Headquarters UAV	6,000	6,000
Army	Fort Huachuca	Fire Station, Two company		6,700
Milcon, Naval Res	Phoenix	Reserve Center Move To Luke AFB, NOSC Phoenix.	10,986	10,986
Navy	Yuma	Aircraft Maintenance Hanger (phase 1)	27,050	27,050
Navy	Yuma	Airfield Elec. Dist. and Contol	1,720	1,720

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
	Arkansas			
Air Force	Little Rock AFB	C–130 Flight Simulator Addition	5,800	5,800
Air Force	Little Rock AFB	Security Forces Operations Facility		10,400
Army	Pine Bluff Arsenal	Fuse & Detonator Magazine, Depot Level	25,000	25,000
	California			
Milcon, Naval Res	Alameda	Reserve Training Center—Alameda, Ca	5,960	5,960
Navy	Bridgeport	Fire Station—Renovation—MWTC	4,460	4,460
Navy	Bridgeport	Mountain Warfare Training, Commissary		6,830
Navy	Camp Pendleton	Anglico Operations Complex	25,190	25,190
Navy	Camp Pendleton	Recon Bn Operations Complex	77,660	77,660
Navy	Camp Pendleton	Comm/elec Maintenance Facility	13,170	13,170
Navy	Camp Pendleton	Expansion Of SRTTP To 7.5 MGD	55,180	55,180
Navy	Camp Pendleton	North Region Tertiary Treatment Plant (Incr 1).	142,330	112,330
Navy	Camp Pendleton	Gas/Electrical Upgrades	51,040	51,040
Navy	Camp Pendleton	Recruit Barracks—School of Infantry	53,320	53,320
Navy	Camp Pendleton	Enlisted Dining Facility	32,300	32,300
Navy	Camp Pendleton	Recruit Barracks—field/K–span	23,200	23,200
Navy	Camp Pendleton	Communications Upgrades	79,492	79,492
Navy	Camp Pendleton	Electrical Distribution System	76,950	76,950
Navy	Camp Pendleton	Operations Access Points	12,740	12,740
Navy	Camp Pendleton	Enlisted Dining Facility—Edson Range	37,670	37,670
Navy	Camp Pendleton	BEQ	39,610	39,610
Navy	Camp Pendleton	Recruit Marksmanship Training Facility	13,730	13,730
Navy	Camp Pendleton	Expand Combat Aircraft Loading Apron	12,240	12,240
Navy	Camp Pendleton	Aviation Transmitter/Receiver Site	13,560	13,560
Navy	Camp Pendleton	WFTBN Support Facilities	15,780	15,780
USAR	Camp Pendleton	Army Reserve Center	19,500	19,500
Def-Wide	Coronado	SOF Close Quarters Combat Training Facility.	15,722	15,722
Navy	Edwards AFB	Edwards Ramp Extension	3,007	3,007
Def-Wide	El Centro	Aircraft Direct Fueling Station	11,000	11,000
Army	Fort Irwin	Mout Assault Course, Ph 4	9,500	9,500
Air Guard	Fresno Yosemite IAP ANG	144th Squadron Operations Facility		9,800
ARNG	Los Alamitos	Readiness Center Ph1	31,000	31,000
USAR	Los Angeles	Army Reserve Center	29,000	29,000
Air Force	Los Angeles AFB	Consolidated Parking Area, Ph1		8,000
AF Reserve	March ARB	Small Arms Firing Range		9,800
Navy	Miramar	Aircraft Parking Apron Modification	9,280	9,280
Navy	Monterey NSA	Marine Meteorology Center		10,240
Def-Wide	Point Loma Annex	Replace Fuel Storage Fac Incr 2	92,300	92,300
Navy	Point Loma Annex	Alter/Add Marine Mammal Surgical Center.		2,330
Navy	Point Loma Annex	Public Works Shops Consolidation	8,730	8,730
Navy	San Diego	Messhall Expansion	23,590	23,590
Air Guard	Socal Logistics Airport	TFI-Predator Beddown—FTU/LRE Site	8,400	8,400
Air Force	Travis AFB	Construct Kc–10 Cargo Load Training Facility.	6,900	6,900
Air Force	Travis AFB	Taxiway M Bypass Load		6,000
Def-Wide	Travis AFB	Replace Fuel Distribution System	15,357	15,357
Navy	Twentynine Palms	Station Comm Facility and Infrastructure	49,040	49,040
Navy	Twentynine Palms	Sub-Station and Electrical Upgrades	31,310	31,310
Navy	Twentynine Palms	Elec. Infra. Upgrade—34.5kv To 115kv	46,220	46,220
Navy	Twentynine Palms	Elec. Power Plant/CO—GEN/Gas Turbine—n.	53,260	53,260
Navy	Twentynine Palms	Water Improvements and Storage Tank	30,610	30,610
Navy	Twentynine Palms	Sewage System Imp. and Lift Station	5,800	5,800
Navy	Twentynine Palms	HTHW/chilled Water System	25,790	25,790
Navy	Twentynine Palms	Natural Gas System Extension	19,990	19,990
Navy	Twentynine Palms	Industrial Waste Water Pretreatment Sys..	3,330	3,330
Navy	Twentynine Palms	Laydown Site Work—north mainside	21,740	21,740
Navy	Twentynine Palms	Secondary elec.dist.—north mainside	31,720	31,720
Navy	Twentynine Palms	Construct Loads—north mainside	29,360	29,360

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Navy	Twentynine Palms	Maint. Shop—wheeled	16,040	16,040
Navy	Twentynine Palms	Maint. Sunshades— wheeled	12,580	12,580
Navy	Twentynine Palms	Comm/Elect Maint/Storage	12,660	12,660
Navy	Twentynine Palms	Dining Facility—north mainside	17,200	17,200
Navy	Twentynine Palms	BEQ	37,290	37,290
Navy	Twentynine Palms	Maint. Shop—tracked	19,780	19,780
Navy	Twentynine Palms	BEQ	37,290	37,290
Navy	Twentynine Palms	Consolidated Armory— tanks	12,670	12,670
Air Force	Vandenberg AFB	Child Development Center	13,000	13,000
	Colorado			
AirlGuard	Buckley Ang Base	Add/Alter Weapons Release		4,500
USAR	Colorado Springs	Army Reserve Center/land	13,000	13,000
Army	Fort Carson	Training Aids Center	18,500	18,500
Army	Fort Carson	Brigade Complex	69,000	69,000
Army	Fort Carson	Brigade Complex, Ph 1	102,000	
Army	Fort Carson	Railroad Tracks	14,000	14,000
Army	Fort Carson	Warrior In Transition (WT) Complex	56,000	56,000
Army	Fort Carson	Automated Qualification Training Range	11,000	11,000
Army	Fort Carson	Modified Record Fire Range	4,450	4,450
Army	Fort Carson	Automated Multipurpose Machine Gun Range.	7,400	7,400
Army	Fort Carson	Scout/recce Gunnery Complex	16,000	16,000
Army	Fort Carson	Urban Assault Course	3,100	3,100
Army	Fort Carson	Convoy Live Fire Range	6,500	6,500
Army	Fort Carson	Commissary	35,000	35,000
Army	Fort Carson	Barracks & dining, Increment 2	60,000	60,000
Def-Wide	Fort Carson	SOF Battalion Ops Complex	45,200	45,200
Def-Wide	Fort Carson	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Carson	Health and Dental Clinic	52,773	31,900
Air Force	Peterson AFB	East Gate Realignment		7,200
Air Force	Peterson AFB	C–130 Squad Ops/AMU (TFI)	5,200	5,200
Air Force	Peterson AFB	National Security Space Institute	19,900	19,900
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XI.	92,500	92,500
AF Reserve	Schriever AFB	Wing Headquarters	10,200	10,200
Air Force	U.S. Air Force Academy	Add To Cadet Fitness Center	17,500	17,500
	Connecticut			
AirlGuard	Bradley National Airport	CNAF Beddown Upgrade Facilities		9,000
USAR	Bridgeport	Army Reserve Center/land	18,500	18,500
Navy	New London NSB	Mk–48 Torpedo Magazine		6,570
	Delaware			
Air Force	Dover AFB	C–5 Cargo Aircraft maint Training Facility P1.	5,300	5,300
Air Force	Dover AFB	Consol Comm Fac	12,100	12,100
Air Force	Dover AFB	Chapel Center		7,500
	Florida			
Navy	Blount Island	Port Operations Facility	3,760	3,760
Air Force	Eglin AFB	F–35 Duke Control Tower	3,420	3,420
Air Force	Eglin AFB	Construct Dormitory (96 rm)	11,000	11,000
Air Force	Eglin AFB	F–35 Pol Ops Facility	3,180	5,236
Air Force	Eglin AFB	F–35 Hydrant Refueling System Phase 1	8,100	14,308
Air Force	Eglin AFB	F–35 Parallel Taxiway lAdder	1,440	2,371
Air Force	Eglin AFB	F–35 JPS Flightline fillstands	5,400	8,892
Air Force	Eglin AFB	F–35 JP–8 West Side bulk Fuel Tank Upgrades.	960	1,581
Air Force	Eglin AFB	F–35 Live Ordinance Load Facility	9,900	9,900
Air Force	Eglin AFB	F–35 A/C Parking Apron	16,400	27,652
Army	Eglin AFB	Operations Complex, Ph 3	80,000	80,000
Army	Eglin AFB	Indoor Firing Range	8,900	8,900
Army	Eglin AFB	Live Fire Exercise Shoothouse	8,000	8,000
Army	Eglin AFB	Live Fire Exercise Breach Facility	4,950	4,950
Army	Eglin AFB	Non-standard Small Arms range	3,400	3,400
Army	Eglin AFB	Grenade Launcher Range	1,600	1,600
Army	Eglin AFB	Hand Grenade Qualification Course	1,400	1,400
Army	Eglin AFB	Urban Assault Course	2,700	2,700

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Eglin AFB	Anti-armor, Tracking & Live Fire Range	3,400	3,400
Army	Eglin AFB	Automated Qualification/Training Range	12,000	12,000
Army	Eglin AFB	Light Demolition Range	2,200	2,200
Army	Eglin AFB	Basic 10m–25m Firing range (zero)	3,050	3,050
Def-Wide	Eglin AFB	SOF Military Working Dog Facility	3,046	3,046
Navy	Eglin AFB	F–35 Hydrant Refueling sys, Ph 1	6,208	
Navy	Eglin AFB	F–35 Parallel Taxiway ladder	931	
Navy	Eglin AFB	F–35 A/C Parking Apron	11,252	
Navy	Eglin AFB	Bachelor Enlisted Quarters, EOD School, Phase.	26,287	26,287
Navy	Eglin AFB	F–35 JP8 West Side Bulk Tank Upgrades	621	
Navy	Eglin AFB	F–35 Pol Operations Facility (Eglin)	2,056	
Navy	Eglin AFB	F–35 JP8 Flightline Fillstands (Eglin)	3,492	
Army	Eglin AFB (Camp Rudder)	Elevated Water Storage Tank		1,200
Air Force	Hurlburt Field	Refueling Vehicle Maintenance Facility	2,200	2,200
Air Force	Hurlburt Field	Electrical Distribution Substation	8,300	8,300
Air Force	Hurlburt Field	Flight Test Opns Fac (413 Flts)		9,400
Def-Wide	Hurlburt Field	SOF Simulator Facility for Mc–130 (recap).	8,156	8,156
Navy	Jacksonville	P–8/MMA Facilities Modification	5,917	5,917
Def-Wide	Jacksonville IAP	Replace Jet Fuel Storage Complex	11,500	11,500
Air Force	Macdill AFB	Dormitory (120 Room)	16,000	16,000
Air Force	Macdill AFB	Child Development Center	7,000	7,000
Air Force	Macdill AFB	Centcom Commandant Facility	15,300	15,300
Air Force	Macdill AFB	Consolidated Commo Facility		21,000
Navy	Mayport	Fitness Ctr		26,360
Navy	Mayport	Wharf Charlie Repair	29,682	29,682
Navy	Mayport	Channel Dredging	46,303	46,303
Army	Miami Doral	Southcom Headquarters, incr 3	55,400	55,400
USAR	Panama City	Army Reserve Center/land	7,300	7,300
Air Force	Patrick AFB	Combat Weapons Training Facility		8,400
Navy	Pensacola	Corry "A" School bachelor Enlisted Quarters R.	22,950	22,950
Navy	Pensacola	Simulator Addition For umfo Program	3,211	3,211
USAR	West Palm Beach	Army Reserve Center/land	26,000	26,000
Navy	Whiting Field	T–6B JPATS Trng. Ops Paraloft Facility	4,120	4,120
Georgia				
Navy	Albany MCLB	Wpns Maint Hardstand Fac		4,870
USAR	Atlanta	Army Reserve Center/land	14,000	14,000
Army	Fort Benning	Combined Arms Collective Training Facility.	10,800	10,800
Army	Fort Benning	Fire and Movement Range	2,800	2,800
Army	Fort Benning	Battle Lab	30,000	30,000
Army	Fort Benning	Training Area Tank Trails	9,700	9,700
Army	Fort Benning	Training Battalion Complex	38,000	38,000
Army	Fort Benning	Dining Facility	15,000	15,000
Army	Fort Benning	Warrior In Transition (WT) Complex	53,000	53,000
Army	Fort Benning	Training Battalion Complex, Ph 1	31,000	31,000
Army	Fort Benning	Training Battalion Complex, Ph 1	31,000	31,000
Army	Fort Benning	Trainee Barracks Complex, Ph 1	74,000	74,000
ARNG	Fort Benning	Readiness Center	15,500	15,500
Def-Wide	Fort Benning	Wilson Es Construct Gymnasium	2,330	2,330
Def-Wide	Fort Benning	SOF Expand Battalion Headquarters	3,046	3,046
Def-Wide	Fort Benning	Blood Donor Center Replacement	12,313	12,313
Def-Wide	Fort Benning	Dental Clinic	4,887	4,887
Army	Fort Gillem	Forensic Lab	10,800	10,800
Army	Fort Stewart	Brigade Complex	93,000	48,000
Army	Fort Stewart	Automated Sniper Field Fire Range	3,400	3,400
Army	Fort Stewart	Warrior In Transition (WT) Complex	49,000	49,000
Army	Fort Stewart	Barracks & Dining, Increment 2	80,000	80,000
Def-Wide	Fort Stewart	New Elementary School	22,502	
Def-Wide	Fort Stewart	New Elementary School	22,501	22,501
Def-Wide	Fort Stewart	Health and Dental Clinic	26,386	22,200
ARNG	Hunter Army Airfield	Aviation Readiness Center		8,967
Air Force	Moody AFB	Rescue Opns/maint HQ Fac		10,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Air Force	Warner Robins AFB	Hot Cargo Pad/taxiway		6,200
	Hawaii			
Def-Wide	Ford Island	Pacific Operations Facility Upgrade	9,633	9,633
Air Force	Hickam AFB	Ground Control Tower		4,000
Air lGuard	Hickam AFB	TFI—F–22 LO/composite repair Facility	26,000	26,000
Air lGuard	Hickam AFB	TFI—F–22 Parking Apron and Taxiways	7,000	7,000
Navy	Navsta Pearl Harbor	Production Services Support Facility		25,070
Navy	Oahu	Range, 1000 - Puuloa	5,380	5,380
Navy	Pearl Harbor	Pacflt Sub Drive-in Mag Silencing Fac (inc).	8,645	8,645
Navy	Pearl Harbor	APCSS Conference & Technology Learning Center.	12,775	12,775
Navy	Pearl Harbor	Missile Magazines (5), West Loch	22,407	22,407
Army	Schofield Barracks	Vehicle Maintenance Shop	63,000	63,000
Army	Schofield Barracks	Vehicle Maintenance Shop	36,000	36,000
Army	Schofield Barracks	Warrior In Transition (WT) Barracks	55,000	55,000
Army	Schofield Barracks	Warrior In Transition Complex	30,000	30,000
Air Force	Wheeler AAF	Construct ASOC Complex	15,000	15,000
Army	Wheeler AAF	Regional SATCOM Information Center	7,500	7,500
	Idaho			
ARNG	Gowen Field	Combined Arms Collective Training Facility.	16,100	16,100
Air Force	Mountain Home AFB	Logistics Readiness Center	20,000	20,000
	Illinois			
USAR	Chicago	Army Reserve Center	23,000	23,000
Milcon, Naval Res	Joliet Army Ammo Plant	Reserve Training Center—Joliet, Il	7,957	7,957
Air lGuard	Lincoln Capital Airport	Security Improv—Relocate Entrance		3,000
ARNG	Milan	Readiness Center		5,600
Air Force	Scott AFB	Aeromedical Evac Facility		7,400
	Indiana			
ARNG	Muscatatuck	Combined Arms Collective Training Facility Ph.	10,100	10,100
Navy	Naval Support Activity Crane	Strategic Weapons Systems Engineering Facility.		13,710
	Iowa			
ARNG	Camp Dodge	US Property and Fiscal Office		4,000
Air lGuard	Des Moines	Des Moines Alt Security Forces Fac		4,600
	Kansas			
Army	Fort Riley	Training Aids Center	15,500	15,500
Army	Fort Riley	Advanced Waste Water Treatment Plant	28,000	28,000
Army	Fort Riley	Igloo Storage, Installation	7,200	7,200
Army	Fort Riley	Brigade Complex	49,000	49,000
Army	Fort Riley	Battalion Complex	59,000	59,000
Army	Fort Riley	Land Vehicle Fueling Facility	3,700	3,700
Army	Fort Riley	Estes Load Access Control Point		6,100
Air lGuard	McConnell AFB	TFI-Upgrade DCGS		8,700
ARNG	Salina Army NG Aviation Facility	Taxiway Alterations		2,227
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph X	54,041	54,041
Chem Demil	Blue Grass Army Depot	Blue Grass Army Depot Chem Demil Project.		5,000
Army	Fort Campbell	Installation Chapel Center		14,400
Def-Wide	Fort Campbell	5th SFG Language Sustainment Trng Fac		6,800
Def-Wide	Fort Campbell	SOF Battalion Operations Complex	29,289	29,289
Def-Wide	Fort Campbell	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Campbell	Health Clinic	8,600	8,600
Army	Fort Knox	Warrior In Transition (WT) Complex	70,000	70,000
	Louisiana			
Air Force	Barksdale Air Force Base	Phase Five Ramp Replacement—Aircraft Apron.		12,800

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Polk	Multipurpose Machinegun Range		6,400
Army	Fort Polk	Warrior In Transition (WT) Complex	32,000	32,000
Army	Fort Polk	Land Purchases	17,000	17,000
	Maine			
Air Guard	Bangor IAP	Replace Aircraft Maint Hanger/shops	28,000	28,000
Navy	Portsmouth Naval Shipyard	Gate 2 Security Improvements		7,090
	Maryland			
Army	Aberdeen PG	Analytical Chem Wing—Advanced Chem Lab.		15,500
Def-Wide	Aberdeen PG	USAMRICD Replacement, inc I	111,400	111,400
Air Force	Andrews AFB	Replace Munitions Storage Area	9,300	9,300
Air Guard	Andrews AFB	Rpl Munitions maintenance and Storage Complex.	14,000	14,000
Navy	Carderock Nswc Det	RDTE Support Facility, ph2		6,520
Army	Fort Detrick	ATL Auditorium & Tng Cntr Expand		7,400
Army	Fort Detrick	Satellite Communications Center	18,000	18,000
Army	Fort Detrick	Satellite Communications Facility	21,000	21,000
Def-Wide	Fort Detrick	Boundary Gate At Nalin Pond	10,750	10,750
Def-Wide	Fort Detrick	Emergency Service Center	16,125	16,125
Def-Wide	Fort Detrick	USAMRIID Stage I, Inc IV	108,000	108,000
Def-Wide	Fort Detrick	Nibc Truck Inspection Station & RLoad	2,932	2,932
Army	Fort Meade	Intersection, Rockenbach Rd & Cooper Ave.		2,350
Def-Wide	Fort Meade	South Campus Utility Plant Ph 2	175,900	175,900
Def-Wide	Fort Meade	NSAW Campus Chilled Water Backup	19,100	19,100
Def-Wide	Fort Meade	Mission Support—PSAT	8,800	8,800
Navy	Patuxent River NAS	Special Commo Rqts Eng Facility		11,043
	Massachusetts			
Air Guard	Barnes ANGB	F–15 Aircraft Ready Shelters		8,100
ARNG	Hanscom AFB	Armed Forces Reserve Center (JFHQ)	29,000	29,000
Air Guard	Otis Air National Guard Base	Composite Operations and Training Facility.		12,800
	Michigan			
Air Guard	Alpena CRTC	Replace Troop Quarters		8,900
Air Guard	Battle Creek ANG Base	CNAF Bed Down Facilities		14,000
ARNG	Fort Custer	Org Maint Shop (ADRS)		7,732
Air Guard	Selfridge ANG Base	A–10 Squad Operations Facility		7,100
	Minnesota			
ARNG	Arden Hills	Readiness Center Ph2	6,700	6,700
ARNG	Camp Ripley	Urban Assault Course	1,710	1,710
Def-Wide	Duluth IAP	Jet Fuel Stoarge Complex	15,000	15,000
USAR	Fort Snelling (Minneapolis)	Army Reserve Center	12,000	12,000
Air Guard	Minn/St. Paul IAP 133rd AW Base	Minnesota Starbase Facility Alteration		1,900
	Mississippi			
ARNG	Camp Shelby	Combined Arms Collective Tng Fac Add/alt.	16,100	16,100
Air Force	Columbus AFB	Aircraft Fuel Systems Maint Dock		9,800
Air Guard	Gulfport-biloxi RA	Relocate Base Entrance		6,500
AF Reserve	Keesler AFB	Aerial Port Squadron Facility	9,800	9,800
ARNG	Monticello	Monticello National guard Readiness Center.		14,350
	Missouri			
ARNG	Boonville	Readiness Center Add/alt	1,800	1,800
Army	Fort Leonard Wood	Automated-aided Instruction Facility	27,000	27,000
Army	Fort Leonard Wood	Wheeled Vehicle Drivers Course	17,500	17,500
Army	Fort Leonard Wood	Warrior In Transition Complex	19,500	19,500

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Leonard Wood	Transient Advanced Trainee Barracks, Ph 1.	99,000	99,000
Army	Fort Leonard Wood	Health Clinic		7,800
Def-Wide	Fort Leonard Wood	Dental Clinic Addition	5,570	5,570
AirlGuard	Rosecrans Memorial Airport	Replace Fire/crash rescue Station Phase I		9,300
Air Force	Whiteman AFB	EOD Opns Complex		7,400
Air Force	Whiteman AFB	Land Acquisition North & South Bdry		5,500
	Montana			
Air Force	Malmstrom AFB	Upgrade Weapons Storage Area		10,600
	Nebraska			
ARNG	Lincoln	Armed Forces Reserve Center (JFHQ)	23,000	23,000
AirlGuard	Lincoln Map	Joint Forces Operations Center—ANG Share.	1,500	1,500
Air Force	Offutt AFB	STRATCOM Gate		10,400
	Nevada			
ARNG	Carson City	National Guard Energy Sustainable Projects.		2,000
Air Force	Creech AFB	UAS AT/FP Security Updates	2,700	2,700
Navy	Naval Air Station Fallon	Warrior Physical Training Facility		10,670
ARNG	North Las Vegas	Readiness Center	26,000	26,000
AirlGuard	Reno, NV	NV Air National Guard Fire Station Replacement.		10,800
	New Hampshire			
AirlGuard	Pease ANGB	Replace Squadron Operations Facilities		10,000
	New Jersey			
Air Force	McGuire AFB	Warfighter & Family Sup Cntr		7,900
AirlGuard	McGuire AFB	108th Air Refuel Wng, Base Civil Eng Complex.		9,700
Army	Picatinny Arsenal	Ballistic Eval Facility, Ph 2		10,200
Air Force	Cannon AFB	WB—Consolidated Communication Fac	15,000	15,000
	New Mexico			
Def-Wide	Cannon AFB	SOF Fuel Cell Hanger (MC–130)	41,269	41,269
Def-Wide	Cannon AFB	SOF AMU Addition (CV–22)	11,595	11,595
Def-Wide	Cannon AFB	SOF Ac–130 Load Out Apron Ph1		6,000
Air Force	Holloman AFB	F–22a Consolidated Munitions Maint (TFI).	5,500	5,500
Air Force	Holloman AFB	Fire-crash Rescue Station		10,400
Air Force	Holloman AFB	UAS Field Training Complex		37,500
Air Force	Kirtland AFB	Add To Space RDT&E Opns Cntr		5,800
Air Force	Kirtland AFB	MC–130J Simulator Facility	8,000	8,000
Air Force	Kirtland AFB	HC–130J Simulator Facility	8,700	8,700
ARNG	Santa Fe	Army Aviation Support Facility	39,000	39,000
	New York			
Army	Fort Drum	All Wx Marksmanship Facility		8,200
Army	Fort Drum	Water System Expansion	6,500	6,500
Army	Fort Drum	Barracks	57,000	57,000
Army	Fort Drum	Warrior In Transition Complex	21,000	21,000
AF Reserve	Niagra Falls ARB	Indoor Small Arms Range		5,700
USAR	Rochester	Army Reserve Center/land	13,600	13,600
AirlGuard	Wheeler Sack AAF	TFI-reaper LRE Beddown		2,700
	North Carolina			
Def-Wide	Camp Lejeune	SOF Academic Instruction Facility Expansion.	11,791	11,791
Navy	Camp Lejeune	Maintenance/OPS Complex	52,390	52,390
Navy	Camp Lejeune	BEQ—Wallace Creek	34,160	34,160
Navy	Camp Lejeune	Utility Expansion—Courthouse Bay	56,280	56,280
Navy	Camp Lejeune	SOI-east Facilities—Camp Geiger	56,940	56,940
Navy	Camp Lejeune	Field Training fac.—Devil Dog - SOI	37,170	37,170
Navy	Camp Lejeune	Road Network—Wallace creek	15,130	15,130
Navy	Camp Lejeune	MP Working Dog Kennel— relocation	8,370	8,370
Navy	Camp Lejeune	Consolidated Info tech/telecom Complex	46,120	46,120
Navy	Camp Lejeune	New Base Entry Point and Road (phase 1).	79,150	79,150

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Navy	Camp Lejeune	BEQ—Wallace Creek	43,480	43,480
Navy	Camp Lejeune	BEQ—Wallace Creek	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek	44,390	44,390
Navy	Camp Lejeune	BEQ—Wallace Creek	42,110	42,110
Navy	Camp Lejeune	Pre-trial Detainee Facility	18,580	18,580
Navy	Camp Lejeune	Physical Fitness Center	39,760	39,760
Navy	Camp Lejeune	4th Infantry Battalion Ops Complex	55,150	55,150
Navy	Cherry Point MCAS	Ordnance Magazines	12,360	12,360
Navy	Cherry Point MCAS	EMS/fire Vehicle Facility	10,600	10,600
ARNG	East Flat Rock	Readiness Center Add/alt		2,516
Army	Fort Bragg	Vehicle Maintenance Shop	19,500	19,500
Army	Fort Bragg	Simulations Center	50,000	50,000
Army	Fort Bragg	Vehicle Maintenance Shop	17,500	17,500
Army	Fort Bragg	Company Operations Facility	3,300	3,300
Army	Fort Bragg	Transient Training Barracks Complex	16,500	16,500
Army	Fort Bragg	Automated Sniper Field Fire Range		3,450
Army	Fort Bragg	Automated Multipurpose Machine Gun	4,350	4,350
ARNG	Fort Bragg	TUAS Support Facility		6,038
Def-Wide	Fort Bragg	Albritton JHS Addition	3,439	3,439
Def-Wide	Fort Bragg	Special Ops Prep & Conditioning Course	24,600	24,600
Def-Wide	Fort Bragg	SOF Battalion & Company HQ	15,500	15,500
Def-Wide	Fort Bragg	SOF Operations Support Addition	13,756	13,756
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	1,125	1,125
Def-Wide	Fort Bragg	SOF Battalion Headquarters Facility	13,000	13,000
Def-Wide	Fort Bragg	SOF Operations Addition North	27,513	27,513
Def-Wide	Fort Bragg	SOF TUAV Hanger	2,948	2,948
Def-Wide	Fort Bragg	SOF Military Working Dog Facility	3,046	3,046
Def-Wide	Fort Bragg	Consolidated Health Clinic	26,386	26,386
Def-Wide	Fort Bragg	Health Clinic	31,272	31,272
Navy	New River	Apron Expansion (phase 2)	35,600	35,600
Navy	New River	VMMT–204 Maintenance Hanger—phase 3.	28,210	28,210
Navy	New River	Parallel Taxiway	17,870	17,870
Navy	New River	Tactical Support Van Pad Addition	5,490	5,490
Navy	New River	Gymnasium/outdoor Pool	19,920	19,920
Air Force	Pope AFB	Pope AFB Air Traffic Control Tower		9,000
Air Force	Seymour Johnson AFB	Radar Approach Control Complex, Ph1		6,900
Army	Sunny Point Mot	Towers	3,900	3,900
Army	Sunny Point Mot	Lightning Protection System	25,000	25,000
	North Dakota			
Air Force	Grand Forks AFB	Consolidated Security Forces Facility		12,000
Air Force	Minot AFB	Munitions Trailer Storage Facility	1,500	1,500
Air Force	Minot AFB	Missile Procedures Trng Operations	10,000	10,000
	Ohio			
USAR	Cincinnati	Army Reserve Center/land	13,000	13,000
Air Guard	Mansfield Lahm Airport	TFI—Red Horse Squadron Beddown	11,400	11,400
Air Force	Wright-Patterson AFB	Info Tech Complex Ph 1	27,000	27,000
Air Force	Wright-Patterson AFB	Conversion For Advanced Power Research Lab.	21,000	21,000
Air Force	Wright-Patterson AFB	Replace West Ramp, phase I		10,600
	Oklahoma			
Air Force	Altus AFB	Repair Taxiways	20,300	20,300
Def-Wide	Altus AFB	Replace Upload Facility	2,700	2,700
Army	Fort Sill	Automated Infantry Squad Battle Course	3,500	3,500
Army	Fort Sill	Barracks	65,000	65,000
Army	Fort Sill	Warrior In Transition Complex	22,000	22,000
Def-Wide	Fort Sill	Dental Clinic	10,554	10,554
Army	McAlester	High Explosive Magazine, Depot Level	1,300	1,300
Army	McAlester	General Purpose Storage Building	11,200	11,200
Air Force	Tinker AFB	T–9 Noise Suppressor		5,200
Air Force	Tinker AFB	Building 3001 Hanger Door	13,037	13,037

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Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Air Force	Vance AFB	Control Tower		10,700
Air l Guard	Will Rogers World Airport	TFI—Air Supt Opers Sqdn (ASOS) Beddn	7,300	7,300
	Oregon			
ARNG	Clatsop County, Warrenton	Camp Rilea Infrastructure (Water Supply System).		3,369
ARNG	Polk County	Readiness Center		12,100
	Pennsylvania			
USAR	Ashley	Army Reserve Center	9,800	9,800
FH Con DW	Def Distro Depot	Def Distribution Depot New Cumberland	2,859	2,859
USAR	Harrisburg	Army Reserve Center	7,600	7,600
USAR	Newton Square	Army Reserve Center/land	20,000	20,000
AF Reserve	Pittsburgh AFR Base	Visiting Quarters Phase 1		12,400
USAR	Uniontown	Army Reserve Center/land	11,800	11,800
	Rhode Island			
Navy	Newport	Officer Training Command Quarters	45,803	45,803
Navy	Newport	Renovate of Senior Enlisted Academy		10,550
Navy	Newport	Renovate Perry Hall		8,530
	South Carolina			
Navy	Beaufort	Widebody Aircraft Fuel Lane	1,280	1,280
Milcon, Naval Res	Charleston	Reserve Vehicle Maintenance Facility	4,240	4,240
Army	Charleston NWS	Staging Area	4,100	4,100
Army	Charleston NWS	Railroad Tracks	12,000	12,000
Army	Charleston NWS	Pier and Loading/Unloading Ramps	5,700	5,700
ARNG	Eastover	Army Aviation Support Facility Add/Alt	26,000	26,000
Army	Fort Jackson	Advanced Skills Trainee Barracks	32,000	32,000
Army	Fort Jackson	Modified Record Fire Range	3,600	3,600
Army	Fort Jackson	Training Battalion Complex	66,000	66,000
Army	Fort Jackson	Infiltration Course	1,900	1,900
ARNG	Greenville	Army Aviation Support Facility	40,000	40,000
Air l Guard	McEntire JNGB	Joint Force headquarters Building		1,300
Navy	Parris Island	Electrical SubStation and Improvements	6,972	6,972
Air Force	Shaw AFB	Add/Alter USAFCENT HQ		21,183
	South Dakota			
ARNG	Camp Rapid	Joint Force HQ Readiness Center Supplement.		7,890
ARNG	Camp Rapid	Troop Medical Clinic Addition and Alteration.		1,950
Air Force	Ellsworth AFB	Add/Alter Deployment Center		14,500
Air l Guard	Joe Foss Field	Add and Alter Munitions Maintenance Complex.		1,300
Air l Guard	Joe Foss Field	Above Ground Multi-cubicle Magazine Storage.		1,300
	Tennessee			
Air l Guard	164 AirLift Wing, Mem	164th AirLift Wing ANG Eng Maint Trng Fac.		9,800
	Texas			
ARNG	Austin	Armed Forces Reserve Center	16,500	16,500
ARNG	Austin	Field Maintenance Shop, joint	5,700	5,700
USAR	Austin	Armed Forces Reserve Center/AMSA	20,000	20,000
USAR	Bryan	Army Reserve Center		12,200
Navy	Corpus Christi	Operational Facilities for T–6	19,764	19,764
Air Force	Dyess AFB	C–130J Alter Hanger	4,500	4,500
Army	Fort Bliss	Vehicle Maintenance Shop	16,000	16,000
Army	Fort Bliss	Brigade Staging Area Complex	14,800	14,800
Army	Fort Bliss	Digital Multipurpose Range Complex	45,000	45,000
Army	Fort Bliss	Fire and Military Police Stations	16,500	16,500
Army	Fort Bliss	Aircraft Fuel Storage	10,800	10,800
Army	Fort Bliss	Vehicle Maintenance Shop	20,000	20,000
Army	Fort Bliss	Automated Sniper Field Fire Range	4,250	4,250
Army	Fort Bliss	Known Distance Range	4,750	4,750
Army	Fort Bliss	Automated Multipurpose Machine Gun Range.	6,900	6,900
Army	Fort Bliss	Scout/recce Gunnery Complex	17,000	17,000
Army	Fort Bliss	Light Demolition Range	2,400	2,400

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Fort Bliss	Automated Infantry Platoon Battle Course.	7,000	7,000
Army	Fort Bliss	Simulation Center	23,000	23,000
Army	Fort Bliss	Vehicle Maintenance & Company Ops Fac	31,000	31,000
Def-Wide	Fort Bliss	Health and Dental Clinic	30,295	24,600
Def-Wide	Fort Bliss	Hospital Replacement Inc1	86,975	86,975
USAR	Fort Bliss	Army Reserve Center	9,500	9,500
Army	Fort Hood	Vehicle Maintenance Shop	23,000	23,000
Army	Fort Hood	Urban Assault Course	2,400	2,400
Army	Fort Hood	Automated Multipurpose Machine Gun Range.	6,700	6,700
Army	Fort Hood	Family Life Center		10,800
Def-Wide	Fort Hood	Alter Fuel Pump House and Fill Stand	3,000	3,000
Army	Fort Sam Houston	Access Control Point and Road Improvements.	10,800	10,800
Army	Fort Sam Houston	General Instruction building	9,000	9,000
Milcon, Naval Res	Fort Worth NAS/JRB	Replace Joint Base Comms		6,170
Air Force	Goodfellow AFB	Joint Intel Tech Trng fac, Ph 1 (tfi)	18,400	18,400
Air Force	Goodfellow AFB	Student Dormitory (100 rm)	14,000	14,000
Air Force	Goodfellow AFB	Consolidated Learning Center		12,000
USAR	Houston	Army Reserve Center/land	24,000	24,000
Air⁄Guard	Kelly Field Annex	Add/Alter Aircraft Maint Shops		7,900
Navy	Kingsville NAS	Solar Panel Array		4,470
AF Reserve	Lackland AFB	C–5 Ground Training Schoolhouse Addition.	1,500	1,500
Air Force	Lackland AFB	Evasion, Conduct After Capture Trng	4,879	4,879
Air Force	Lackland AFB	Recruit Dormitory 2, phase 2	77,000	77,000
Air Force	Lackland AFB	Bmt Satellite Classroom/dining Fac	32,000	32,000
Def-Wide	Lackland AFB	Dental Clinic replacement	29,318	29,318
Def-Wide	Lackland AFB	Ambulatory Care Center, phase 1	72,610	72,610
USAR	Robstown	Tactical Equip Maint Facility		10,200
Milcon, Naval Res	San Antonio	Reserve Training Center	2,210	2,210
USAR	San Antonio	Army Reserve Center	20,000	20,000
Air Force	Sheppard Air Force Base	ENJJPT Operations Complex, Phase 1		13,450
	Utah			
Def-Wide	Camp Williams	IC CNCI Data Center (Incr. 2)	800,000	600,000
Army	Dugway Proving Ground	Water Treatment Systems	25,000	25,000
AF Reserve	Hill AFB	Reserve Squad Ops/AMU Facility	3,200	3,200
Air Force	Hill AFB	F–22A Radar Cross Section Testing Fac	21,053	21,053
Air Force	Hill AFB	PCC Apron Northwest End Taxiway		5,100
	Vermont			
Air⁄Guard	Burlington IAP	Fire Crash and Rescue Station Addition and Alteration.		6,000
ARNG	Ethan Allen Firing Range	BOQ Additions and Improvements		1,996
	Virginia			
Def-Wide	Dahlgren	Aegis BMD Facility Expansion	24,500	24,500
Navy	Dahlgren	Electromagnetic Research and Engineering Facility.		3,660
Def-Wide	Dam Neck	SOF Operations Facility inc III	15,967	15,967
Navy	Dam Neck	SOF Cafeteria		14,170
Army	Fort A.P. Hill	Automated Infantry Platoon Battle Course.	4,900	4,900
Army	Fort A.P. Hill	Field Training Area	9,000	9,000
Army	Fort A.P. Hill	Training Aids Center	9,100	9,100
Army	Fort Belvoir	Flight Control Tower	8,400	8,400
Army	Fort Belvoir	Road and Access Control Point	9,500	9,500
Army	Fort Belvoir	Road and Infrastructure Improvements	20,000	
Army	Fort Lee	Defense Access Roads		5,000
ARNG	Fort Pickett	Regional Training Institute Ph2	32,000	32,000
Army	Ft. Eustis	Upgrade Marshalling Area		8,900
Air Force	Langley AFB	West & Lasalle Gates Force Protection/access.	10,000	10,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Little Creek	SOF Support Activity Operation Facility	18,669	18,669
Navy	Little Creek	Naval Construction Division Operations Fac.	13,095	13,095
Navy	Norfolk	E–2D Trainer Facility	11,737	11,737
Navy	Norfolk	Facility Upgrades For E–2D Program	6,402	6,402
Milcon, Naval Res	Oceana Naval Air Station	C–40 Hanger	30,400	30,400
Def-Wide	Pentagon	Pentagon Electrical Upgrade	19,272	19,272
Def-Wide	Pentagon	Secondary Uninterruptible Power Raven Rock.	8,400	8,400
Navy	Portsmouth	Ship Repair Pier replacement (Incr. 1)	226,969	126,969
Navy	Quantico	Student Quarters—TBS (phase 4)	32,060	32,060
Navy	Quantico	Battalion Training Facility—MSGBN	10,340	10,340
Navy	Quantico	MC Information Operations Center—MCIOC.	29,620	29,620
Navy	Quantico	Aircraft Trainer	3,170	3,170
Navy	Quantico	Dining Facility - TBS	14,780	14,780
Navy	Quantico	South Mainside Electrical SubStation	15,270	15,270
	Washington			
Navy	Bangor	Limited Area Production/strg Cmplx (inc 6).	87,292	87,292
Navy	Bremerton	Enclave Fencing/ parking, Silverdale WA	67,419	67,419
Navy	Bremerton	CVN Maintenance Pier replacement (inc 2).	69,064	69,064
Navy	Everett NS	Small Craft Launch		3,810
Air Force	Fairchild AFB	SERE Force Support Complex, Phase I		11,000
Air Force	Fairchild AFB	TFI Refuel Veh Maint Facility		4,150
Def-Wide	Fairchild AFB	Replace Fuel Distribution System	7,500	7,500
Army	Fort Lewis	Live Fire Exercise Shoothouse	2,550	2,550
Army	Fort Lewis	Animal Building	3,050	3,050
Army	Fort Lewis	Brigade Complex, Inc 4	102,000	102,000
Army	Fort Lewis	Modified Record Fire Range	4,100	4,100
Army	Fort Lewis	Ft Lewis-Mcchord AFB Joint Access		9,000
Def-Wide	Fort Lewis	SOF Support Company Facility	14,500	14,500
Def-Wide	Fort Lewis	Health and Dental Clinic	15,636	15,636
Navy	Indian Island NM	Ord Storage Pads W/2 Covers		13,130
Navy	Spokane	Jnt Pers Recovery agency Specialized SERE Tra.	12,707	12,707
	West Virginia			
AirlGuard	Martinsburg	C–5 Taxiway Upgrades		19,500
Navy	Navy, Sugar Grove	Emergency Services Center		10,990
ARNG	St. Albans Armory	Readiness Center Additions		2,000
	Wisconsin			
USAR	Fort McCoy	Combined Arms Collective Training Facility.	25,000	25,000
USAR	Fort McCoy	Range Utility Upgrade		3,850
AirlGuard	General Mitchell IAP	Upgrade Corrosion Control Hanger		5,000
	Wyoming			
AirlGuard	Cheyenne Airport	Squadron Operations		1,500
Air Force	F. E. Warren AFB	ADAL Missile Service Complex	9,100	9,100
	Zu			
Air Force	Unspecified Worldwide	Recission Pl 110–417 UAS Maint Complex.		–22,000
Air Force	Unspecified Worldwide	Recission Pl 110–417 UAS Ops Complex		–15,500
BRAC 05	Unspecified Worldwide	Base Realignment and Closure 2005	7,479,498	7,455,498
BRAC IV	Unspecified Worldwide	Base Realignment and Closure IV	396,768	496,768
Army	Various Locations	Brigade Combat Team Stationing		–166,000
Army	Various Locations	Trainee Troop Housing		350,000
	Afghanistan			
Air Force	Bagram Air Base	Passenger Terminal	22,000	22,000
Army	Bagram Air Base	Fuel System Ph 6	12,000	12,000
Army	Bagram Air Base	Fuel System Ph 7	5,000	5,000
Army	Bagram Air Base	Coalition Operation Center	49,000	49,000

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Bagram Air Base	APS Compound	38,000	
Army	Bagram Air Base	Aviation Support Facility	2,600	2,600
Army	Bagram Air Base	Barracks	18,500	18,500
Army	Bagram Air Base	Command and Control Facility	38,000	
Army	Bagram Air Base	Perimeter Fence and Guard Towers	7,000	
	Bahrain			
Navy	SW Asia	Waterfront Development phase 2	41,526	41,526
	Belgium			
Def-Wide	Brussels	Replace Elementary School (shape)	38,124	38,124
Army	Mons	NATO SOF Operational Support		20,000
Def-Wide	Brussels	NATO Headquarters		41,400
	Colombia			
Air Force	Palanquero Ab	Palanquero AB Development	46,000	46,000
	Czech Republic			
Def-Wide	Various Locations	Recission Pl 110–417 Emcr Site		–108,560
	Djibouti			
Navy	Camp Lemonier	Interior Paved Roads Phase A	7,275	7,275
Navy	Camp Lemonier	Ammo Supply Point	21,689	21,689
Navy	Camp Lemonier	Security Fencing I	8,109	8,109
Navy	Camp Lemonier	Fire Station	4,772	4,772
	Germany			
Army	Ansbach	Barracks	17,500	17,500
Army	Ansbach	Barracks	14,200	14,200
FH Con Army	Baumholder	Family Housing Replacement Constru(138 Units).	18,000	18,000
Def-Wide	Boeblingen	New Elementary School		50,000
Def-Wide	Kaiserlautern AB	Kaiserslautern Complex-phase 1	19,380	19,380
Def-Wide	Kaiserlautern AB	Kaiserslautern HS Replace School	74,165	74,165
Army	Kleber Kaserne	Barracks	20,000	20,000
Army	Landstuhl	Warrior In Transition (WT) Complex	25,000	
Air Force	Ramstein AB	Construct Age Maint Complex	11,500	11,500
Air Force	Ramstein AB	Contingency Response Group Command	23,200	23,200
Air Force	Spangdahlem AB	Fitness Ctr	23,500	23,500
Def-Wide	Weisbaden	Wiesbaden HS New Cafeteria and Kitchen.	5,379	5,379
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	10,000	10,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	11,000	11,000
FH Con Army	Weisbaden	Family Housing replacement Const Inc 2	11,000	11,000
	Greece			
Def-Wide	Souda Bay	Fuel Storage Tanks & Pipeline Rpl	24,000	24,000
	Guam			
Def-Wide	Agana Naval Air Station	Replace Gas Cylander Storage Facility	4,900	4,900
Air Force	Andersen AFB	Postal Service Center		3,500
Air Force	Andersen AFB	Strike Fol Electrical Infrastructure	33,750	33,750
Air Force	Andersen AFB	NW Field ATFP Perimeter Fence and Road.	4,752	4,752
Air Force	Andersen AFB	Commando Warrior Operations Fac	4,200	4,200
Air Force	Andersen AFB	NW Field Combat Spt Vehicle Maint Fac	15,500	15,500
ARNG	Barrigada	Readiness Center	30,000	30,000
Def-Wide	Guam	Hospital Replacement incr I	259,156	259,156
FH Con Navy	Guam	Replace Guam N. Tipalao ph III	20,730	20,730
Navy	Guam	Consolidated Slc Training & CSS–15 HQ Fac.	45,309	45,309
Navy	Guam	Military Working Dog Relocation, Apra Harbor.	27,070	14,000
Navy	Guam	Defense Access Road improvements	48,860	48,860
Navy	Guam	AAFB North Ramp Utilities Incr 1	21,500	21,500
Navy	Guam	AAFB North Ramp Parking incr 1	88,797	88,797
Navy	Guam	Apra Harbor Wharves Imp. Incr 1	167,033	127,033
Navy	Guam	Torpedo Exercise Support Building	15,627	15,627
Def-Wide	Various Locations	Unspecified Various locations		
	Guantanamo			
Def-Wide	Guantanamo Bay	Replace Fuel Storage Tanks	12,500	12,500
	Italy			
Air Force	Sigonella	Global Hawk Aircraft Maint and Ops Complex.	31,300	31,300

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Army	Vicenza	Bde Complex—Operations spt Fac, Incr 3	23,500	23,500
Army	Vicenza	Bde Complex—Barracks/community, Incr 3.	22,500	22,500
	Japan			
Army	Okinawa	Training Aids Center	6,000	6,000
Army	Sagamihara	Training Aids Center	6,000	6,000
	Korea			
Army	Camp Humphreys	Vehicle Maintenance Shop	19,000	19,000
Army	Camp Humphreys	Vehicle Maintenance Shop	18,000	18,000
Army	Camp Humphreys	Fire Stations	13,200	13,200
Def-Wide	K–16 Airfield	Convert Warehouses	5,050	5,050
Def-Wide	Osan AB	Replace Hydrant Fuel System	28,000	28,000
FH Con Navy	Pusan	Constr Chinhae Welcome Ctr/warehouse	4,376	4,376
	Kuwait			
Army	Camp Arifjan	APS Warehouses	82,000	82,000
Air Force	Al Musannah AB	War Reserve Material Compound	47,000	
Air Force	Al Musannah AB	AirLift Ramp and Fuel Facilities	69,000	
	Poland			
Def-Wide	Various Locations	Recission Pl 110–417 European Interceptor Site.		–42,600
	Puerto Rico			
USAR	Caguas	Army Reserve Center/land	12,400	12,400
	Qatar			
Air Force	Al Udeid, Qatar	Blatchford-preston Complex Ph Ii	60,000	60,000
	Spain			
Navy	Rota	Reception Airfield Facilities	26,278	26,278
	Turkey			
Air Force	Incirlik Ab	Construct Consolidated Community Ctr	9,200	9,200
	United Kingdom			
Def-Wide	Menwith Hill Station	MHS PSC Construction	37,588	37,588
Def-Wide	Raf Mildenhall	Connect Fuel Tank Distribution Pipe Ln	4,700	4,700
Def-Wide	Royal Air Force Alconbury	Medical/dental Clinic replacement	14,227	14,227
Def-Wide	Royal Air Force Lakenheath	Liberty IS—Gymnasium	4,509	4,509
	Virgin Islands			
ARNG	St. Croix	Regional Training Institute Ph1	20,000	20,000
	Zc			
Air Force	Classified Location	Classified Planning & Design	3,000	3,000
	Zu			
NSIP	NATO Security Invest Prgm	NATO Security Investment Program	276,314	197,414
AF Reserve	Unspecified Worldwide	Planning and Design	1,976	3,869
AF Reserve	Unspecified Worldwide	Minor Construction	800	800
Air Force	Unspecified Worldwide	Unspecified minor construction	18,000	20,000
Air Force	Unspecified Worldwide	Planning & design	79,363	100,562
Air l Guard	Unspecified Worldwide	Minor Construction	9,000	17,005
Air l Guard	Unspecified Worldwide	Planning & design	10,061	13,021
Army	Unspecified Worldwide	Minor Construction FY 10	23,000	25,000
Army	Unspecified Worldwide	Planning & design FY 10	153,029	175,519
Army	Unspecified Worldwide	Host Nation Support FY 10	25,000	25,000
ARNG	Unspecified Worldwide	Unspecified Minor construction	10,300	29,682
ARNG	Unspecified Worldwide	Planning and Design	23,981	47,429
Def-Wide	Unspecified Worldwide			

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
Def-Wide	Unspecified World-wide	Unspecified Minor construction	6,800	6,800
Def-Wide	Unspecified World-wide	Planning and Design	8,855	8,855
Def-Wide	Unspecified World-wide	Unspecified Minor construction	4,100	4,100
Def-Wide	Unspecified World-wide	Minor Construction	3,717	3,717
Def-Wide	Unspecified World-wide	Planning and Design	2,000	2,000
Def-Wide	Unspecified World-wide	Planning and Design	10,534	10,534
Def-Wide	Unspecified World-wide	Unspecified Minor construction	6,022	6,022
Def-Wide	Unspecified World-wide	Planning and Design	4,425	4,425
Def-Wide	Unspecified World-wide	JEP Exercise Related construction	7,861	7,861
Def-Wide	Unspecified World-wide	Minor Construction	4,525	4,525
Def-Wide	Unspecified World-wide	Planning and Design	72,974	72,974
Def-Wide	Unspecified World-wide	Energy Conservation Improvement Program.	90,000	123,013
Def-Wide	Unspecified World-wide	Contingency construction	10,000	10,000
Def-Wide	Unspecified World-wide	Unspecified Minor construction	3,000	
Def-Wide	Unspecified World-wide	Planning and Design	35,579	19,079
Def-Wide	Unspecified World-wide	Planning and Design	3,575	3,575
FH Con AF	Unspecified World-wide	Construction improvements	61,737	61,737
FH Con AF	Unspecified World-wide	Classified Project	50	50
FH Con AF	Unspecified World-wide	Planning and Design	4,314	4,314
FH Con Army	Unspecified World-wide	Construction improvements (2428 Units)	219,300	219,300
FH Con Army	Unspecified World-wide	Family Housing P&D	3,936	3,936
FH Con Navy	Unspecified World-wide	Improvements	118,692	118,692
FH Con Navy	Unspecified World-wide	Design	2,771	2,771
FH Ops AF	Unspecified World-wide	Utilities Account	81,686	81,686
FH Ops AF	Unspecified World-wide	Management Account	1,557	1,557
FH Ops AF	Unspecified World-wide	Management Account	51,334	51,334
FH Ops AF	Unspecified World-wide	Services Account	20,183	20,183
FH Ops AF	Unspecified World-wide	Furnishings Account	39,182	39,182
FH Ops AF	Unspecified World-wide	Miscellaneous Account	1,543	1,543
FH Ops AF	Unspecified World-wide	Leasing Account	548	548
FH Ops AF	Unspecified World-wide	Leasing	102,858	102,858
FH Ops AF	Unspecified World-wide	Maintenance Account	1,911	1,911
FH Ops AF	Unspecified World-wide	Maintenance (RPMA & RPMC)	148,318	148,318

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
FH Ops AF	Unspecified World-wide	Housing Privatization	53,816	53,816
FH Ops Army	Unspecified World-wide	Utilities Account	81,650	81,650
FH Ops Army	Unspecified World-wide	Operations	87,263	87,263
FH Ops Army	Unspecified World-wide	Miscellaneous Account	1,177	1,177
FH Ops Army	Unspecified World-wide	Leasing	205,685	205,685
FH Ops Army	Unspecified World-wide	Maintenance of Real Property	115,854	115,854
FH Ops Army	Unspecified World-wide	Privatization Support Costs	31,789	31,789
FH Ops DW	Unspecified World-wide	Furnishings Account	4,426	4,426
FH Ops DW	Unspecified World-wide	Leasing	33,579	33,579
FH Ops DW	Unspecified World-wide	Utilities Account	274	274
FH Ops DW	Unspecified World-wide	Furnishings Account	19	19
FH Ops DW	Unspecified World-wide	Services Account	29	29
FH Ops DW	Unspecified World-wide	Management Account	309	309
FH Ops DW	Unspecified World-wide	Maintenance 0f Real Property	366	366
FH Ops DW	Unspecified World-wide	Recission (Public Law 110–5)		
FH Ops DW	Unspecified World-wide	Operations	35	35
FH Ops DW	Unspecified World-wide	Leasing	10,108	10,108
FH Ops DW	Unspecified World-wide	Maintenance of Real Property	69	69
FH Ops Navy	Unspecified World-wide	Utilities Account	53,956	53,956
FH Ops Navy	Unspecified World-wide	Furnishings Account	14,624	14,624
FH Ops Navy	Unspecified World-wide	Management Account	60,278	60,278
FH Ops Navy	Unspecified World-wide	Miscellaneous Account	457	457
FH Ops Navy	Unspecified World-wide	Services Account	16,462	16,462
FH Ops Navy	Unspecified World-wide	Leasing	101,432	101,432
FH Ops Navy	Unspecified World-wide	Maintenance of Real Property	94,184	94,184
FH Ops Navy	Unspecified World-wide	Privatization Support Costs	27,147	27,147
FHIF	Unspecified World-wide	Family Housing improvement Fund	2,600	2,600
HOAP	Unspecified World-wide	Homeowners Assistance program	23,225	300,000
Milcon, Naval Res	Unspecified World-wide	Planning and Design	2,371	2,951
Navy	Unspecified World-wide	Unspecified minor construction	12,483	12,483
Navy	Unspecified World-wide	Planning and Design	166,896	179,652
USAR	Unspecified World-wide	Unspecified minor construction	3,600	3,600
USAR	Unspecified World-wide	Planning and Design	22,262	22,716

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	Budget Request	Conference Agreement
AF Reserve	Unspecified Worldwide	Programmatic Plus Up		55,000
Air Guard	Unspecified Worldwide	Programmatic Plus Up		30,000
ARNG	Unspecified Worldwide	Programmatic Plus Up		30,000
Milcon, Naval Res	Unspecified Worldwide	Programmatic Plus Up		55,000
USAR	Unspecified Worldwide	Programmatic Plus Up		30,000
		Total FY2010 Authorizations	**22,946,036**	**23,879,856**
		Prior Year Savings		**–175,800**
		General Reduction		**–529,091**
		Grand Total	**22,946,036**	**23,174,965**

SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
	AL			
Army	Anniston (Pelham Range)	Armed Forces Reserve Center	8,000	8,000
Army	Birmingham	Armed Forces Reserve Center	10,000	10,000
Army	Mobile	Armed Forces Reserve Center	20,430	20,430
Defense Wide	Redstone Arsenal	Von Braun Complex	0	27,800
Army	Tuscaloosa	Armed Forces Reserve Center	18,000	18,000
	AR			
Army	Camden	Armed Forces Reserve Center	9,800	9,800
Army	El Dorado	Armed Forces Reserve Center	14,000	14,000
Army	Hot Springs	Armed Forces Reserve Center	14,600	14,600
Army	Pine Bluff	Armed Forces Reserve Center	15,500	15,500
	AZ			
Army	Marana	Armed Forces Reserve Center	31,000	31,000
	CA			
Navy	Barstow	Industrial Machine Shop Facility	14,131	14,130
Navy	China Lake	Shipboard Shock Test Facility	3,160	3,160
Navy	China Lake	Weapons Dynamics RDT&E Center	5,970	5,970
	CT			
Army	Middletown	Armed Forces Reserve Center, Incr 2	37,000	37,000
	DC			
Navy	Washington	Navy Systems Management Activity Relocation (INCR II of II).	71,929	71,929
Navy	Washington	Renovate 3rd Floor Building 176, Washington Navy Yard.	750	750
	FL			
Army	Eglin AFB	Special Forces Complex, Incr 2	8,000	8,000
Air Force	Eglin AFB	BRAC F–35 Live Ordnance Load Area (LOLA)	6,624	6,624
Air Force	Eglin AFB	CE Facility	2,000	2,000
Air Force	Eglin AFB	F–35 (JSF) Duke Field Control Tower	2,280	2,280
Air Force	Eglin AFB	Fitness Facility	2,750	2,750
Air Force	Eglin AFB	STOVL Simulated Carrier Practice Landing Deck.	27,690	27,690
Air Force	Eglin AFB	School Age Facility	2,600	2,600
Air Force	Eglin AFB	Security Forces Facility	890	890
Air Force	Eglin AFB	Taxiway Extension	13,000	13,000
Air Force	Eglin AFB	Traffic Management Cargo Processing Facility	900	900
	GA			
Army	Benning	AAFES Troop Store	1,950	1,950

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Army	Benning	Armed Forces Reserve Center	18,000	18,000
Army	Benning	Equipment Concentration Site	43,000	43,000
Army	Benning	General Instruction Complex 2, Incr 2	58,000	58,000
Army	Benning	Maneuver Ctr HQ & CDI Bldg Expansion	42,000	42,000
Army	Benning	Medical Facility, Incr 2	77,000	77,000
	IA			
Army	Cedar Rapids	Armed Forces Reserve Center	42,000	42,000
Army	Iowa AAP	Armed Forces Reserve Center	27,000	27,000
Army	Muscatine	Armed Forces Reserve Center	8,800	8,800
	IL			
Army	Rock Island	Army Headquarters Building Renovation	20,000	20,000
	KY			
Army	Campbell	Armed Forces Reserve Center	5,900	5,900
Army	Campbell	Headquarters Building, Group	14,800	14,800
Army	Knox	Armed Forces Reserve Center	2,300	2,300
	MD			
Army	Aberdeen PG	C4ISR, Phase 2, Incr 2	156,000	156,000
Defense Wide	Bethesda (WRNMMC)	Medical Center Addition—Increment 3	108,850	108,850
Defense Wide	Bethesda (WRNMMC)	Traffic Mitigation Increment 1	18,400	18,400
Defense Wide	Bethesda (WRNMMC)	Site Utility Infrastructure Upgrade for NICoE	0	6,500
Army	Detrick	Joint Bio-Med RDA Management Center	8,300	8,300
Army	Forest Glenn	Museum	12,200	12,200
Defense Wide	Fort Meade	Construct DISA Building	131,662	131,662
Army	Fort Meade	Defense Media Activity, Incr 2	17,000	17,000
	ME			
Navy	Brunswick	Marine Corps Reserve Center	12,960	12,960
	MI			
Army	Detroit Arsenal	Administrative Office Buildings, Incr 2	0	21,384
Army	Detroit Arsenal	Weapons Systems Support and Training	8,300	8,300
Army	Ft. Custer (Augusta)	Armed Forces Reserve Center	18,500	18,500
Air Force	Selfridge ANGB	A10 Arm/Disarm Apron	1,350	1,350
Air Force	Selfridge ANGB	Repair Munitions Admin Building 891	3,100	3,100
Air Force	Selfridge ANGB	Upgrade Munitions Maintenance Shop	1,650	1,650
Air Force	Selfridge ANGB	Upgrade Munitions Missile Maintenance Bays	2,350	2,350
	MO			
Army	Kirksville	Armed Forces Reserve Center	6,600	6,600
	MT			
Army	Great Falls	Armed Forces Reserve Center	7,600	7,600
	NC			
Army	Bragg	Band Training Facility	4,200	4,200
Army	Bragg	Headquarters Bldg, FORSCOM/USARC, Incr 3.	124,000	124,000
Army	Wilmington	Armed Forces Reserve Center	17,500	17,500
	ND			
Army	Fargo	Armed Forces Reserve Center	11,200	11,200
	NE			
Army	Columbus	Armed Forces Reserve Center	9,300	9,300
Army	McCook	Armed Forces Reserve Center	7,900	7,900
	NJ			
Army	Camden	Armed Forces Reserve Center	21,000	21,000
	NY			
Army	West Point	US Military Academy Prep School, Incr 2	0	98,000
	OH			
Army	Columbus	Armed Forces Reserve Center, Incr 2	0	30,218
Navy	Akron	Armed Forces Reserve Center	13,840	13,840
	OK			
Army	Sill	Joint Fires & Effects Simulator Building	28,000	28,000
Air Force	Will Rogers World APT AGS	Relocate Global Air Traffic Operation Program Office.	1,200	1,200
	PA			

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Army	Allentown	Armed Forces Reserve Center	15,000	15,000
Army	Tobyhanna	Electronics Maintenance Shop, Depot Level	3,200	3,200
Air Force	Willow Grove ARS, NAS Willow Grove JRB	Establish Enclave	4,000	4,000
	RI			
Army	Bristol	Armed Forces Reserve Center	17,500	17,500
	SC			
Navy	Charleston	SPAWAR Data Center	9,670	9,670
Navy	Goose Creek	Consolidated Brig Addition	9,790	9,790
Army	Shaw AFB	Headquarters Building, Third US Army, Incr 2.	55,000	55,000
	TN			
Army	Chattanooga	Armed Forces Reserve Center	8,900	8,900
	TX			
Army	Bliss	Brigade Combat Team Complex #3, Incr 3	110,000	110,000
Army	Bliss	Combat Aviation Brigade Complex, Incr 3	94,000	94,000
Army	Bliss	Hospital Add/Alt, WBAMC	24,000	0
Army	Bliss	Hospital Replacement	89,000	89,000
Army	Bliss	Tactical Equipment Maintenance Facility 2	104,000	104,000
Army	Brownsville	Armed Forces Reserve Center	15,000	15,000
Army	Huntsville	Armed Forces Reserve Center	16,000	16,000
Army	Kingsville	Armed Forces Reserve Center	17,500	17,500
Air Force	Lackland AFB	Joint Base San Antonio Headquarters Facility	8,500	8,500
Army	Lufkin	Armed Forces Reserve Center	15,500	15,500
Air Force	Randolph AFB	Renovate Building 38	2,050	2,050
Army	Red River	Armed Forces Reserve Center	14,200	14,200
Defense Wide	Fort Sam Houston	San Antonio Military Medical Center (North) Incr 3.	0	163,750
Army	Sam Houston	Add/Alt Building 2270	18,000	18,000
Army	Sam Houston	Housing, Enlisted Permanent Party	10,800	10,800
Army	Sam Houston	IMCOM Campus Area Infrastructure	11,000	11,000
Army	Sam Houston	Headquarters Bldg, IMCOM	48,000	48,000
	VA			
Army	Belvoir	Infrastructure Support, Incr 3	13,000	13,000
Army	Belvoir	Infrastructure Support, Incr 3	39,400	39,400
Army	Belvoir	NARMC HQ Building	17,500	17,500
Defense Wide	Fort Belvoir	NGA Headquarters Facility	0	168,749
Defense Wide	Fort Belvoir	Hospital Replacement—Increment 4	140,750	140,750
Defense Wide	Fort Belvoir	Dental Clinic	12,600	12,600
Defense Wide	Fort Belvoir	Office Complex Increment 3		360,533
Army	Eustis	Bldg 705 Renv (AAA & 902d MI)	1,600	1,600
Army	Eustis	Headquarters Bldg, IMCOM Eastern Region	5,700	5,700
Army	Eustis	Headquarters Building, TRADOC, Incr 2	34,300	34,300
Army	Eustis	Joint Task Force—Civil Support	19,000	19,000
Army	Eustis	Renovation for ACA and NETCOM	4,800	4,800
Army	Lee	AAFES Troop Store	1,850	1,850
Army	Lee	Administrative Building (DCMA)	28,000	28,000
Army	Lee	Combat Service Support School, Ph 1, Incr 4	0	30,000
Army	Lee	Combat Service Support School, Ph 2, Incr 3	137,000	137,000
Army	Lee	Combat Service Support School, Ph 3, Incr 2	145,000	145,000
Army	Lee	Consolidated Troop Med/Dntl Clinic	20,000	20,000
Army	Lee	HQs, Transportation Management Detachment.	1,200	1,200
Army	Lee	USMC Training Facilities	25,000	25,000
Navy	Arlington	Crystal Park 5 to Arlington Service Center	33,660	33,660
Navy	Chesapeake	Joint Regional Correctional Facility (INCR II of II).	0	47,560
Navy	Norfolk	Building 1558 Renovations for SPAWAR	2,510	2,510
	WV			
Army	Elkins	Armed Forces Reserve Center	22,000	22,000

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	State and Location	Project Title	Project Authorization	Conference Authorization
Army	Fairmont	Armed Forces Reserve Center	21,000	21,000
Army	Spencer-Ripley WW	Armed Forces Reserve Center	19,540	19,540
Army	Various	Planning and Design	26,100	26,100
Army	Various	Environmental	147,693	147,693
Navy	Various	Environmental	16,529	16,529
Air Force	Various	Environmental	19,454	19,454
Defense Wide	Various	Environmental	0	0
Army	Various	Operation and Maintenance	1,169,334	1,169,334
Navy	Various	Operation and Maintenance	322,495	322,495
Air Force	Various	Operation and Maintenance	288,459	288,459
Defense Wide	Various	Operation and Maintenance	836,715	836,715
Army	Various	MilPers PCS	0	0
Navy	Various	MilPers PCS	6,504	6,504
Air Force	Various	MilPers PCS	3,970	3,970
Defense Wide	Various	MilPers PCS	0	0
Army	Various	Other	311,138	311,138
Navy	Various	Other	20,115	20,115
Air Force	Various	Other	23,443	23,443
Defense Wide	Various	Other	412,320	412,320
Defense Wide	Various	Other		
		Subtotal BRAC 2005 FY 2010, Army		4,057,037
		Subtotal BRAC 2005 FY 2010, Navy		591,572
		Subtotal BRAC 2005 FY 2010, Air Force		418,260
		Subtotal BRAC 2005 FY 2010, Defense Wide		2,388,629
		Total BRAC 2005 FY 2010 All Categories	**5,934,740**	**7,455,498**
Army	Various	Base Realignment and Closure IV, Army		138,723
Navy	Various	Base Realignment and Closure IV, Navy		228,000
Air Force	Various	Base Realignment and Closure IV, Air Force		127,364
Defense Wide	Various	Base Realignment and Closure IV, Defense Wide.		2,681
		Total BRAC IV for FY 2010		**496,768**

SEC. 4503. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
	Afghanistan			
Army	Airborne	Dining Facility	2,200	2,200
Army	Airborne	Waste Management Area	5,600	5,600
Army	Altimur	Dining Facility	2,150	2,150
Army	Altimur	Waste Management Area	5,600	5,600
Army	Asadabad	Waste Management Area	5,500	5,500
Air Force	Bagram Air Base	Cargo Terminal	13,800	13,800
Air Force	Bagram Air Base	Aviation Operations & Maintenance Facilities	8,900	8,900
Air Force	Bagram Air Base	Expeditionary Fighter Shelter	6,400	6,400
Army	Bagram Air Base	Troop Housing Phase 3	22,000	0
Army	Bagram Air Base	Drainage System, Ph 2	21,000	21,000
Army	Bagram Air Base	APS Compound	0	38,000
Army	Bagram Air Base	Barracks	0	0
Army	Bagram Air Base	Perimeter Fence and Guard Towers	0	7,000
Army	Bagram Air Base	Command and Control Facility	0	38,000
Army	Bagram Air Base	Access Roads	21,000	21,000
Army	Bagram Air Base	Command and Control Facility	4,500	4,500

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
Army	Bagram Air Base	Medlog Warehouse	3,350	3,350
Army	Blessing	Waste Management Area	5,600	5,600
Army	Bostick	Waste Management Area	5,500	5,500
Air Force	Dwyer	Cargo Handling Area	4,900	4,900
Army	Dwyer	Contingency Housing Phase 1	8,600	0
Army	Dwyer	Contingency Housing Phase 2	6,900	0
Army	Dwyer	Fuel System, Ph 1	5,800	5,800
Army	Dwyer	Waste Management Complex	6,900	6,900
Army	Dwyer	Dining Facility	6,600	6,600
Army	Frontenac	Dining Facility	2,200	2,200
Army	Frontenac	Contingency Housing	3,800	0
Army	Gardez	Tactical Runway	28,000	28,000
Army	Gardez	Dining Facility	2,200	2,200
Army	Gardez	Contingency Housing	8,400	0
Army	Gardez	Fuel System, Ph 1	6,000	6,000
Army	Ghazni	Waste Management Complex	5,500	5,500
Army	Jalalabad	Dining Facility	4,350	4,350
Army	Jalalabad	Ammunition Supply Point	35,000	35,000
Army	Jalalabad	Contingency Housing	6,900	0
Army	Jalalabad	Perimeter Fencing	2,050	2,050
Army	Joyce	Dining Facility	2,100	2,100
Army	Joyce	Waste Management Area	5,600	5,600
Army	Kabul	USFOR–A Headquarters & Housing	98,000	98,000
Army	Kabul	Camp Phoenix West Expansion	39,000	39,000
Air Force	Kandahar	Secure RSOI Facility	9,700	9,700
Air Force	Kandahar	Tactical Airlift Apron	29,000	29,000
Air Force	Kandahar	Refueler Apron/Relocate HCP	66,000	66,000
Air Force	Kandahar	CAS Apron Expansion	25,000	25,000
Air Force	Kandahar	ISR Apron Expansion	40,000	40,000
Air Force	Kandahar	Aviation Operations & Maintenance Facilities	10,500	10,500
Air Force	Kandahar	Expeditionary Fighter Shelter	6,400	6,400
Air Force	Kandahar	Cargo Helicopter Apron	32,000	32,000
Air Force	Kandahar	Relocate North Airfield Road	16,000	16,000
Army	Kandahar	Troup Housing Phase 2	4,250	0
Army	Kandahar	Command and Control Facility	4,500	4,500
Army	Kandahar	Tanker Truck Offload Facility	23,000	23,000
Army	Kandahar	Command and Control Facility	4,500	4,500
Army	Kandahar	Command and Control Facility	4,500	4,500
Army	Kandahar	Southpark Roads	11,000	11,000
Army	Kandahar	Waste Management Complex	10,000	10,000
Army	Kandahar	Warehouse	20,000	20,000
Army	Kandahar	Theater Vehicle Maintenance Facility	55,000	55,000
Army	Maywand	Dining Facility	2,200	2,200
Army	Maywand	Waste Management Area	5,600	5,600
Army	Methar-lam	Waste Management Area	4,150	4,150
Army	Salerno	Waste Management Complex	5,500	5,500
Army	Salerno	Electrical Distribution Grid	2,600	2,600
Army	Salerno	Fuel System, Ph 1	12,800	12,800
Army	Salerno	Dining Facility	4,300	4,300
Army	Salerno	Runway Upgrade	25,000	25,000
Air Force	Shank	Cargo Handling Area	4,900	4,900
Army	Shank	Dining Facility	4,350	4,350
Army	Shank	Electrical Distribution Grid	4,600	4,600
Army	Shank	Waste Management Complex	8,100	8,100
Army	Shank	Water Distribution System	2,650	2,650
Army	Shank	Troup Housing Phase 2	8,600	0
Army	Sharana	Rotary Wing Parking	32,000	32,000
Army	Sharana	Ammunition Supply Point	14,000	14,000
Army	Sharana	Aircraft Maintenance Facilities	12,200	12,200
Army	Sharana	Electrical Distribution Grid	2,600	2,600
Air Force	Tarin Kowt	Cargo Handling Area	4,900	4,900
Army	Tarin Kowt	Fuel System Phase 2	11,800	11,800
Army	Tarin Kowt	Waste Management Area	6,800	6,800
Army	Tarin Kowt	Ammunition Supply Point	35,000	35,000
Army	Tarin Kowt	Dining Facility	2,200	2,200
Air Force	Tombstone/Bastion	Strategic Airlift Apron Expansion	32,000	32,000
Air Force	Tombstone/Bastion	CAS Apron Expansion	40,000	40,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	Request	Conference Authorized
Air Force	Tombstone/Bastion	ISR Apron	41,000	41,000
Air Force	Tombstone/Bastion	Secure RSOI Facility	10,000	10,000
Air Force	Tombstone/Bastion	Cargo Handling Area	18,000	18,000
Air Force	Tombstone/Bastion	Aviation Operations & Maintenance Facs	8,900	8,900
Air Force	Tombstone/Bastion	Expeditionary Fighter Shelter	6,300	6,300
Army	Tombstone/Bastion	Basic Load Ammunition Holding Area	7,500	7,500
Army	Tombstone/Bastion	Dining Facility	8,900	8,900
Army	Tombstone/Bastion	Entry Control Point and Access Roads	14,200	14,200
Army	Tombstone/Bastion	Fuel System, Ph 2	14,200	14,200
Army	Tombstone/Bastion	Roads	4,300	4,300
Army	Tombstone/Bastion	Troop Housing Phase 3	3,250	0
Army	Tombstone/Bastion	Troop Housing Phase 4	3,800	0
Army	Tombstone/Bastion	Level 3 Medical Facility	16,500	16,500
Army	Tombstone/Bastion	Water Supply and Distribution System	6,200	6,200
Air Force	Wolverine	Cargo Handling Area	4,900	4,900
Army	Wolverine	Dining Facility	4,350	4,350
Army	Wolverine	Fuel System, Ph 1	5,800	5,800
Army	Wolverine	Waste Management Complex	6,900	6,900
	Belgium			
Army	Mons	NATO SOF Operational Support		
	ZU			
Air Force	Unspecified Worldwide.	Planning and Design	35,000	29,000
Army	Unspecified Worldwide.	Minor Construction	20,000	20,100
Army	Unspecified Worldwide.	Planning and Design	76,284	76,284
NSA	Unspecified Worldwide.	Classified Project	6,000	0
NSA	Unspecified Worldwide.	Planning and Design	600	0
		Grand Total Military Construction	**1,404,984**	**1,398,984**

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,188	6,188
Weapons Activities		
Directed stockpile work		
Life extension programs		
W76 Life extension program	209,196	209,196
Total, Life extension programs	**209,196**	**209,196**
Stockpile systems		
B61 Stockpile systems	124,456	124,456
W76 Stockpile systems	65,497	65,497
W78 Stockpile systems	50,741	50,741
W80 Stockpile systems	19,064	19,064
B83 Stockpile systems	35,682	35,682
W87 Stockpile systems	51,817	51,817

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
W88 Stockpile systems	43,043	43,043
Total, Stockpile systems	**390,300**	**390,300**
Weapons dismantlement and disposition		
Operation and maintenance	84,100	94,100
Total, Weapons dismantlement and disposition	**84,100**	**94,100**
Stockpile services		
Production support	301,484	301,484
Research and development support	37,071	37,071
R&D certification and safety	143,076	153,076
Dynamic plutonium experiment—NTS		[10,000]
Management, technology, and production	200,223	200,223
Plutonium infrastructure sustainment	149,201	149,201
Total, Stockpile services	**831,055**	**841,055**
Total, Directed stockpile work	**1,514,651**	**1,534,651**
Campaigns:		
Science campaign		
Advanced certification	19,400	19,400
Primary assessment technologies	80,181	80,181
Dynamic materials properties	86,617	86,617
Academic alliances	30,251	30,251
Advanced radiography	22,328	22,328
Secondary assessment technologies	77,913	77,913
Total, Science campaign	**316,690**	**316,690**
Engineering campaign		
Enhanced surety	42,000	47,000
Program increase		[5,000]
Weapon systems engineering assessment technology	18,000	18,000
Nuclear survivability	21,000	21,000
Enhanced surveillance	69,000	69,000
Total, Engineering campaign	**150,000**	**155,000**
Inertial confinement fusion ignition and high yield campaign		
Ignition	106,734	106,734
NIF diagnostics, cryogenics and experimental support	72,252	73,252
National Ignition Campaign program increase		[1,000]
Pulsed power inertial confinement fusion	5,000	5,000
Joint program in high energy density laboratory plasmas	4,000	4,000
Facility operations and target production	248,929	266,629
Omega operations		[6,500]
National Ignition Campaign program increase		[11,200]
Total, Inertial confinement fusion and high yield campaign	**436,915**	**455,615**
Advanced simulation and computing campaign		
Operation and maintenance	556,125	556,125
Total, Advanced simulation and computing campaign	**556,125**	**556,125**
Readiness Campaign		
Stockpile readiness	5,746	5,746
High explosives and weapon operations	4,608	4,608
Nonnuclear readiness	12,701	12,701
Tritium readiness	68,246	68,246
Advanced design and production technologies	8,699	8,699
Total, Readiness campaign	**100,000**	**100,000**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Total, Campaigns	**1,559,730**	**1,583,430**
Readiness in technical base and facilities (RTBF)		
Operation of facilities	1,342,303	1,360,303
Pantex Plant program increase		[8,000]
Y–12 National Security Complex program increase		[10,000]
Total, Operation of facilities	**1,342,303**	**1,360,303**
Program readiness	73,021	73,021
Material recycle and recovery	69,542	69,542
Containers	23,392	23,392
Storage	24,708	24,708
Subtotal, Readiness in technical base and facilities (RTBF)	**1,532,966**	**1,550,966**
Construction:		
10–D–501 Nuclear facilities risk reduction Y–12 National Security Complex, Oakridge, TN	12,500	12,500
99–D–141 Pit disassembly and conversion facility, Savannah River Site, Aiken, SC	30,321	30,321
09–D–007, LANSCE—Refurbishment, Los Alamos National Laboratory, NM	0	24,000
Program increase in support of RTBF		[24,000]
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	0	5,000
Program increase in support of RTBF		[5,000]
08–D–801 High pressure fire loop (HPFL), Pantex, TX	31,910	31,910
08–D–804 TA–55 Reinvestment project, Los Alamos National Laboratory	0	
08–D–802 High Explosive Pressing Facility, Pantex Plant, Amarillo, TX	0	
06–D–140 Project engineering design (PED), various locations	70,678	70,678
06–D–402 NTS replace fire stations 1 & 2 Nevada Test Site, NV	1,473	1,473
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	55,000	55,000
04–D–128 TA–18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV	1,500	1,500
Total, Construction	**203,382**	**232,382**
Total, Readiness in technical base and facilities	**1,736,348**	**1,783,348**
Secure transportation asset		
Operation and equipment	138,772	138,772
Program direction	96,143	96,143
Total, Secure transportation asset	**234,915**	**234,915**
Nuclear counterterrorism incident response	**221,936**	**221,936**
Facilities and infrastructure recapitalization program		
Operation and maintenance	144,959	144,959
Construction		
07–D–253 TA 1 heating systems modernization (HSM) Sandia National Laboratory	9,963	9,963
Total, Construction	**9,963**	**9,963**
Total, Facilities and infrastructure recapitalization program	**154,922**	**154,922**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Site stewardship		
Environmental projects and operations	41,288	41,288
Nuclear materials integration	20,000	20,000
Stewardship planning	29,086	29,086
Total, Site stewardship	**90,374**	**90,374**
Safeguards and security		
Defense nuclear security		
Operation and maintenance	700,044	700,044
Construction:		
10–D–701 Security improvements project Y–12 National Security Complex, Oak Ridge, TN	49,000	49,000
Total, Construction	**49,000**	**49,000**
Total, Defense nuclear security	**749,044**	**749,044**
Cyber security	122,511	122,511
Total, Safeguards and security	**871,555**	**871,555**
Use of prior year balances		–42,000
Total, Weapons Activities	**6,384,431**	**6,433,131**
Defense Nuclear Nonproliferation		
Nonproliferation and verification research and development		
Operation and maintenance	297,300	337,300
Nonproliferation and international security	207,202	187,202
International nuclear materials protection and cooperation	552,300	592,050
MPC&A		[39,750]
Elimination of weapons-grade plutonium production program	24,507	24,507
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operation and maintenance		
U.S. plutonium disposition	90,896	90,896
U.S. uranium disposition	34,691	34,691
Supporting activities	1,075	1,075
Total, Operation and maintenance	**126,662**	**126,662**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River Site, SC	504,238	504,238
99–D–141–02 Waste solidification building, Savannah River, SC	70,000	70,000
Total, Construction	**574,238**	**574,238**
Total, U.S. surplus fissile materials disposition	**700,900**	**700,900**
Russian surplus materials disposition	1,000	1,000
Total, Fissile materials disposition	**701,900**	**701,900**
Global threat reduction initiative	353,500	333,500
Subtotal, Defense Nuclear Nonproliferation	**2,136,709**	**2,176,459**
Total, Defense Nuclear Nonproliferation	**2,136,709**	**2,176,459**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Naval Reactors		
Naval reactors development		
Operation and maintenance		
Operation and maintenance	935,533	935,533
Total, Operation and maintenance	**935,533**	**935,533**
Construction:		
10–D–903, KAPL Security upgrades, Schnectady, NY	1,500	1,500
10–D–904, NRF infrastructure upgrades, ID	700	700
09–D–190, PED, Infrastructure upgrades, KAPL, Schnectady, NY	1,000	1,000
09–D–902, NRF Production Support Complex, ID	6,400	6,400
08–D–190 NRF Project engineering and design Expended Core Facility M–290 receiving/discharge station, ID	9,500	9,500
07–D–190 Materials research and technology complex, BAPL, Pittsburgh, PA	11,700	11,700
Total, Construction	**30,800**	**30,800**
Total, Naval reactors development	**966,333**	**966,333**
Program direction	36,800	36,800
Total, Naval Reactors	**1,003,133**	**1,003,133**
Office Of The Administrator		
Office of the administrator	431,074	431,074
Use of prior year balances	–10,320	–10,320
Total, Office Of The Administrator	**420,754**	**420,754**
Total, National Nuclear Security Administration	**9,945,027**	**10,033,477**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	8,225	8,225
Miamisburg	33,243	33,243
Total, Closure sites	**41,468**	**41,468**
Hanford site:		
2012 accelerated completions		
Nuclear facility D&D river corridor closure project	327,955	327,955
Nuclear material stabilization and disposition PFP	118,087	118,087
SNF stabilization and disposition	55,325	55,325
Total, 2012 accelerated completions	**501,367**	**501,367**
2035 accelerated completions		
Nuclear facility D&D—remainder of Hanford	70,250	70,250
Richland community and regulatory support	21,940	21,940
Soil and water remediation—groundwater vadose zone	176,766	176,766
Solid waste stabilization and disposition 200 area	132,757	132,757
Total, 2035 accelerated completions	**401,713**	**401,713**
Total, Hanford site	**903,080**	**903,080**
Idaho National Laboratory:		
SNF stabilization and disposition—2012	14,768	14,768
Solid waste stabilization and disposition	137,000	137,000
Radioactive liquid tank waste stabilization and disposition	95,800	95,800
Construction		
06–D–401 Sodium bearing waste treatment project, Idaho	83,700	83,700
Soil and water remediation—2012	71,000	71,000

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Idaho community and regulatory support	3,900	3,900
Total, Idaho National Laboratory	**406,168**	**406,168**
NNSA sites		
Lawrence Livermore National Laboratory	910	910
NNSA Service Center/SPRU	17,938	17,938
Nevada	65,674	65,674
California site support	238	238
Sandia National Laboratories	2,864	2,864
Los Alamos National Laboratory	189,000	189,000
Total, NNSA sites and Nevada off-sites	**276,624**	**276,624**
Oak Ridge Reservation:		
Building 3019	38,900	38,900
Nuclear facility D & D ORNL	38,900	38,900
Nuclear facility D & D Y–12	34,000	34,000
Nuclear facility D & D, E. Tennessee technology park	100	100
OR reservation community and regulatory support	6,253	6,253
Solid waste stabilization and disposition—2012	35,615	35,615
Total, Oak Ridge Reservation	**153,768**	**153,768**
Office of River Protection:		
Waste treatment and immobilization plant		
Construction:		
01–D–416 Waste treatment and immobilization plant		
01–D–16A Low activity waste facility	100,000	100,000
01–D–16B Analytical laboratory	55,000	55,000
01–D–16C Balance of facilities	50,000	50,000
01–D–16D High level waste facility	160,000	160,000
01–D–16E Pretreatment facility	325,000	325,000
Total, Waste treatment and immobilization plant	**690,000**	**690,000**
Tank farm activities		
Rad liquid tank waste stabilization and disposition	408,000	408,000
Total, Office of River protection	**1,098,000**	**1,098,000**
Savannah River sites:		
Nuclear material stabilization and disposition		
Nuclear material stabilization and disposition	385,310	385,310
Construction:		
08–D–414 Project engineering and design Plutonium Vitrification Facility, VL	6,315	6,315
Total, Nuclear material stabilization and disposition	**391,625**	**391,625**
2035 accelerated completions		
SR community and regulatory support	18,300	18,300
Spent nuclear fuel stabilization and disposition	38,768	38,768
Total, 2035 accelerated completions	**57,068**	**57,068**
Tank farm activities		
Radioactive liquid tank waste stabilization and disposition	527,138	527,138
Construction:		
05–D–405 Salt waste processing facility, Savannah River	234,118	234,118
Total, Tank farm activities	**761,256**	**761,256**
Total, Savannah River site	**1,209,949**	**1,209,949**

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Waste Isolation Pilot Plant		
Waste isolation pilot plant	144,902	144,902
Central characterization project	13,730	13,730
Transportation	33,851	33,851
Community and regulatory support	27,854	27,854
Total, Waste Isolation Pilot Plant	**220,337**	**220,337**
Program direction	355,000	355,000
Program support	34,000	34,000
Safeguards and Security:		
Waste Isolation Pilot Project	4,644	4,644
Oak Ridge Reservation	32,400	32,400
West Valley	1,859	1,859
Paducah	8,190	8,190
Portsmouth	17,509	17,509
Richland/Hanford Site	82,771	82,771
Savannah River Site	132,064	132,064
Total, Safeguards and Security	**279,437**	**279,437**
Technology development	55,000	55,000
Uranium enrichment D&D fund contribution	463,000	463,000
Subtotal, Defense environmental cleanup	**5,495,831**	**5,495,831**
UNDISTRIBUTED		
Realignment to support NNSA Weapons Activities	0	
Transfer to Title II	0	
Total, Defense Environmental Cleanup	**5,495,831**	**5,495,831**
Other Defense Activities		
Health, safety and security		
Health, safety and security	337,757	337,757
Program direction	112,125	112,125
Total, Health, safety and security	**449,882**	**449,882**
Office of Legacy Management		
Legacy management	177,618	177,618
Program direction	12,184	12,184
Total, Office of Legacy Management	**189,802**	**189,802**
Nuclear energy		
Infrastructure		
Idaho facilities management		
INL infrastructure O&M	83,358	83,358
Total, Infrastructure	**83,358**	**83,358**
Total, Nuclear energy	**83,358**	**83,358**
Defense related administrative support	122,982	122,982
Office of hearings and appeals	6,444	6,444
Total, Other Defense Activities	**852,468**	**852,468**
Defense Nuclear Waste Disposal		
Defense nuclear waste disposal	98,400	98,400

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Conference Authorized
Total, Environmental & other defense activities	**6,446,699**	**6,446,699**
Total, Atomic Energy Defense Activities	**16,391,726**	**16,480,176**
Total, Department of Energy	**16,397,914**	**16,486,364**

DIVISION E—MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Sec. 4701. Short title.
Sec. 4702. Findings.
Sec. 4703. Definitions.
Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.
Sec. 4705. Grant program.
Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.
Sec. 4707. Prohibition of certain hate crime acts.
Sec. 4708. Statistics.
Sec. 4709. Severability.
Sec. 4710. Rule of construction.
Sec. 4711. Guidelines for hate-crimes offenses.
Sec. 4712. Attacks on United States servicemen.
Sec. 4713. Report on mandatory minimum sentencing provisions.

SEC. 4701. SHORT TITLE.

18 USC 1 note.

This division may be cited as the "Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act".

SEC. 4702. FINDINGS.

18 USC 249 note.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 4703. DEFINITIONS.

(a) AMENDMENT.—Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096) is amended by inserting "gender identity," after "gender,".

28 USC 994 note.

(b) THIS DIVISION.—In this division—

42 USC 3716 note.

(1) the term "crime of violence" has the meaning given that term in section 16 of title 18, United States Code;

(2) the term "hate crime" has the meaning given that term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 2096), as amended by this Act;

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(4) the term "State" includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

42 USC 3716.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

Certification.

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

Certification.

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010, 2011, and 2012.

42 USC 3716a.

SEC. 4705. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 4707 of this division.

SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or

not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

"(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(I) death results from the offense; or

"(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

"(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

"(I) across a State line or national border; or

"(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

"(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

"(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

"(iv) the conduct described in subparagraph (A)—

"(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

"(II) otherwise affects interstate or foreign commerce.

"(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B)) shall be subject to the same penalties as prescribed in those paragraphs.

"(b) CERTIFICATION REQUIREMENT.—

"(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or a designee, that—

"(A) the State does not have jurisdiction;

"(B) the State has requested that the Federal Government assume jurisdiction;

"(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

"(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

"(c) DEFINITIONS.—In this section—

"(1) the term 'bodily injury' has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

"(2) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

"(3) the term 'firearm' has the meaning given such term in section 921(a) of this title;

"(4) the term 'gender identity' means actual or perceived gender-related characteristics; and

"(5) the term 'State' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

"(d) STATUTE OF LIMITATIONS.—

Deadline.

"(1) OFFENSES NOT RESULTING IN DEATH.—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

"(2) DEATH RESULTING OFFENSES.—An indictment or information alleging that an offense under this section resulted in death may be found or instituted at any time without limitation.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"249. Hate crime acts.".

SEC. 4708. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting "gender and gender identity," after "race,".

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ", including data about crimes committed by, and crimes directed against, juveniles" after "data acquired under this section".

SEC. 4709. SEVERABILITY. 18 USC 249 note.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 4710. RULE OF CONSTRUCTION. 18 USC 249 note.

For purposes of construing this division and the amendments made by this division the following shall apply: Applicability.

(1) IN GENERAL.—Nothing in this division shall be construed to allow a court, in any criminal trial for an offense described under this division or an amendment made by this division, in the absence of a stipulation by the parties, to admit evidence of speech, beliefs, association, group membership, or expressive conduct unless that evidence is relevant and admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of a victim.

(3) CONSTRUCTION AND APPLICATION.—Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the first amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association was not intended to—

(A) plan or prepare for an act of physical violence; or

(B) incite an imminent act of physical violence against another.

(4) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

(5) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(6) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution of the United States does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SEC. 4711. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section 4707 of this Act, is amended by adding at the end the following:

"(4) GUIDELINES.—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys' Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.".

SEC. 4712. ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"§ 1389. Prohibition on attacks on United States servicemen on account of service

"(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

"(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than $500, be fined under this title in an amount not less than $500 nor more than $10,000 and imprisoned not more than 2 years;

"(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than $500, be fined under this title in an amount not less than $1000 nor more than $100,000 and imprisoned not more than 5 years; and

"(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less

than $2500 and imprisoned not less than 6 months nor more than 10 years.

"(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

"(c) DEFINITIONS.—In this section—

"(1) the term 'Armed Forces' has the meaning given that term in section 1388;

"(2) the term 'immediate family member' has the meaning given that term in section 115; and

"(3) the term 'United States serviceman'—

"(A) means a member of the Armed Forces; and

"(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

"1389. Prohibition on attacks on United States servicemen on account of service.".

SEC. 4713. REPORT ON MANDATORY MINIMUM SENTENCING PROVISIONS.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on mandatory minimum sentencing provisions under Federal law.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall include—

(1) a compilation of all mandatory minimum sentencing provisions under Federal law;

(2) an assessment of the effect of mandatory minimum sentencing provisions under Federal law on the goal of eliminating unwarranted sentencing disparity and other goals of sentencing;

(3) an assessment of the impact of mandatory minimum sentencing provisions on the Federal prison population;

(4) an assessment of the compatibility of mandatory minimum sentencing provisions under Federal law and the sentencing guidelines system established under the Sentencing Reform Act of 1984 (Public Law 98–473; 98 Stat. 1987) and the sentencing guidelines system in place after Booker v. United States, 543 U.S. 220 (2005);

(5) a description of the interaction between mandatory minimum sentencing provisions under Federal law and plea agreements;

(6) a detailed empirical research study of the effect of mandatory minimum penalties under Federal law;

(7) a discussion of mechanisms other than mandatory minimum sentencing laws by which Congress can take action with respect to sentencing policy; and

(8) any other information that the Commission determines would contribute to a thorough assessment of mandatory minimum sentencing provisions under Federal law.

Approved October 28, 2009.

LEGISLATIVE HISTORY—H.R. 2647 (S. 1390):

HOUSE REPORTS: Nos. 111–166 and Pt. 2 (both from Comm. on Armed Services) and 111–288 (Comm. of Conference).
SENATE REPORTS: No. 111–35 (Comm. on Armed Services) accompanying S. 1390.
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 24, 25, considered and passed House.
July 23, considered and passed Senate, amended, in lieu of S. 1390.
Oct. 8, House agreed to conference report.
Oct. 20–22, Senate considered and agreed to conference report.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Oct. 28, Presidential remarks.

Public Law 111–85
111th Congress

An Act

Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Oct. 28, 2009
[H.R. 3183]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

Energy and Water Development and Related Agencies Appropriations Act, 2010.

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $160,000,000, to remain available until expended.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for

conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $2,031,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Chickamauga Lock, Tennessee; Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That $1,500,000 of the funds appropriated under this heading in title I of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 601–609) is transferred to the Investigations account and, in addition to funds appropriated by this Act, applied toward the cost of carrying out the Seven Oaks Water Conservation Study, California: *Provided further*, That the Chief of Engineers is directed to use $12,594,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use $1,417,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia Local Protection Project dated September 2008: *Provided further*, That the Federal and non-Federal shares shall be determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986, as amended: *Provided further*, That the Chief of Engineers is directed to use $4,000,000 of the funds appropriated herein for planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Chief of Engineers is directed to use $2,750,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $9,500,000 of the funds appropriated herein for the Clover Fork, City of Cumberland, Town of Martin, Pike County (including Levisa Fork and Tug Fork Tributaries), Bell County, Harlan County in accordance with the Draft Detailed Project Report dated January 2002, Floyd County, Martin County, Johnson County, and Knox County, Kentucky, detailed

project report, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River: *Provided further*, That not less than $3,000,000 of the funds provided for the Levisa and Tug Forks in Kentucky shall be used for the project in the Town of Martin, Kentucky.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $340,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $9,661,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,400,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 460l–6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall not be allocated to a field operating activity prior to the beginning of the fourth quarter of the fiscal year and shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate; and that the Chief of Engineers shall allocate during the fourth quarter any remaining funds which have not been used for emergency activities proportionally in accordance with the amounts provided for the programs, projects or activities.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $190,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $134,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the United States Army Corps of Engineers and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $185,000,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), $5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that:

(1) creates or initiates a new program, project, or activity;
(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to use funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount a limit of $5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That $150,000 may be reprogrammed into any continuing study or activity that did not receive an appropriation; Notification.

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines for the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account as listed above; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DIMINIMUS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) CONTINUING AUTHORITIES PROGRAM.—Subsection (a)(1) shall not apply to any project or activity funded under the continuing authorities program.

(d) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the Deadline. Reports.

baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

(1) A table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

(3) An identification of items of special congressional interest.

SEC. 102. None of the funds in this Act, or previous Acts, making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in the Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 105. The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), and modified by section 3101 of the Water Resources Development Act of 2007 (121 Stat. 1133), is further modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), toward the non-Federal share of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

SEC. 106. Section 154(h) of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A–254) (as enacted into law by Public Law 106–554) is amended by striking "$40,000,000" and inserting "$60,000,000".

SEC. 107. The Secretary is directed to use such funds as are necessary, from amounts made available in this Act under the heading "Construction", to expedite acquisition of those properties located in the vicinity of Martin, Kentucky, that were damaged by the floodwaters in the May 2009 flood event and that fall within Phases 3 and 4 of the mandatory and voluntary acquisition elements identified in Plan A of the Chief of Engineers, Town of Martin Nonstructural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

Deadline. Reports.

SEC. 108. Within 90 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 109. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, ch. 795) and the Act of July 24, 1946 (60 Stat. 636, ch. 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 110. Section 592(g) of Public Law 106–53 (113 Stat. 380), as amended by section 120 of Public Law 108–137 (117 Stat. 1837) and section 5097 of Public Law 110–114 (121 Stat. 1233), is further amended by striking "$110,000,000" and inserting "$200,000,000" in lieu thereof.

SEC. 111. The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3666), is modified to authorize the Secretary to construct the project at an estimated total cost of $53,500,000, with an estimated Federal cost of $37,700,000 and an estimated non-Federal cost of $15,800,000.

SEC. 112. Section 595(h) of Public Law 106–53 (113 Stat. 384), as amended by section 5067 of Public Law 110–114 (121 Stat. 1219), is further amended by—

(1) striking the phrase "$25,000,000 for each of Montana and New Mexico" and inserting the following language in lieu thereof: "$75,000,000 for Montana, $25,000,000 for New Mexico"; and

(2) striking "$50,000,000" and inserting "$100,000,000" in lieu thereof.

SEC. 113. The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines Iowa, authorized by section 1001(21) of the Water Resources Development Act of 2007 (121 Stat. 1053), is modified to authorize the Secretary to construct the project at a total cost of $16,500,000 with an estimated Federal cost of $10,725,000 and an estimated non-Federal cost of $5,775,000.

SEC. 114. The project for flood damage reduction, Breckenridge, Minnesota, authorized by section 320 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2605), is modified to authorize the Secretary to construct the project at a total cost of $39,360,000 with an estimated Federal cost of $25,000,000 and an estimated non-Federal cost of $14,360,000.

SEC. 115. Section 122 of title I of division D of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7; 117 Stat. 141) is amended by striking "$10,000,000" and inserting "$27,000,000" in lieu thereof.

SEC. 116. The Secretary of the Army is authorized to carry out structural and non-structural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in Alaska, including relocation of affected communities and construction of replacement facilities: *Provided*, That the non-Federal share of any project carried out pursuant to this section shall be no more than 35 percent of the total cost of the project and shall be subject to the ability of the non-Federal interest to pay, as determined in accordance with 33 U.S.C. 2213(m).

121 Stat. 1136.

SEC. 117. Section 3111(1) of the Water Resources Development Act, 2007 (Public Law 110–114; 121 Stat. 1041) is amended by inserting after the word "before", the following: ", on and after".

SEC. 118. The flood control project for West Sacramento, California, authorized by section 101(4), Water Resources Development Act, 1992, Public Law 102–580; Energy and Water Development Appropriations Act, 1999, Public Law 105–245, is modified to authorize the Secretary of Army, acting through the Chief of Engineers, to construct the project at a total cost of $53,040,000 with an estimated first Federal cost of $38,355,000 and an estimated non-Federal first cost of $14,685,000.

SEC. 119. Section 528(b)(3)(C)(ii) of the Water Resources Development Act of 1996 (110 Stat. 3769; 121 Stat. 1270) is amended—

(1) in subclause (I), by striking "subclause (II)" and inserting "subclauses (II) and (III)"; and

(2) by adding at the end the following:

"(III) TEN MILE CREEK WATER PRESERVE AREA.—The Federal share of the cost of the Ten Mile Creek Water Preserve Area may exceed $25,000,000 by an amount equal to not more than $3,500,000, which shall be used to pay the Federal share of the cost of—

"(aa) the completion of a post authorization change report; and

"(bb) the maintenance of the Ten Mile Creek Water Preserve Area in caretaker status through fiscal year 2013.".

SEC. 120. As soon as practicable after the date of enactment of this Act, from funds made available before the date of enactment of this Act for the Tampa Harbor Big Bend Channel project, the Secretary of the Army shall reimburse the non-Federal sponsor of the Tampa Harbor Big Bend Channel project for the Federal share of the dredging work carried out for the project.

SEC. 121. Notwithstanding any other provision of law, including section 103(c)(4) of Public Law 99–662 (33 U.S.C. 2213(c)(4)), the cost of any work carried out heretofore or hereafter on construction of the trail system authorized for the J. Percy Priest Dam and Reservoir, Tennessee by section 5132 of Public Law 110–114 (121 Stat. 1249) shall be a Federal cost, the total of which may not exceed $10,300,000.

121 Stat. 1136.

SEC. 122. Section 3112(1) of the Water Resources Development Act, 2007 (Public Law 110–114; 121 Stat. 1041) is amended by inserting after the word "before", the following: ", on and after".

16 USC 668dd note.

SEC. 123. Section 805(a)(2) of Public Law 106–541 (114 Stat. 2704) is amended by striking "2010" each place it appears and inserting "2013".

SEC. 124. The Secretary of the Army is authorized to carry out the project for storm damage reduction, Kahuku, Oahu, Hawaii, at a total cost of $6,700,000, with an estimated Federal cost of $4,360,000 and an estimated non-Federal cost of $2,340,000.

Land acquisition. California.

SEC. 125. The Secretary of the Army is authorized to acquire 24 parcels of land consisting of approximately 235 acres located within Township 21 South, Range 28 East, Sections 25, 26, 27, 34, 35 and 36, and Township 22 South, Range 28 East, Section 3 in Tulare County, for the Dam Safety Seismic Remediation project at Success Dam on the Tule River in the State of California,

authorized by section 10 of the Flood Control Act of December 22, 1944 (58 Stat. 901); Provided, That the lands shall be available for use in connection with any activity carried out at the Success Dam and Reservoir.

Time period.

SEC. 126. During the 1-year period beginning on the date of enactment of this Act, the Secretary of the Army shall implement measures recommended in the efficacy study, or provided in interim reports, authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121), with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from bypassing the Chicago Sanitary and Ship Canal Dispersal Barrier Project referred to in that section and to prevent aquatic nuisance species from dispersing into the Great Lakes.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $40,300,000, to remain available until expended, of which $1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $951,158,000, to remain available until expended, of which $48,740,000 shall be available for transfer to the Upper Colorado River Basin Fund and $17,256,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased

within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That $3,500,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: *Provided further*, That $5,000,000 of the funds appropriated under this heading shall be available for the "Power Program Services" to implement the Bureau of Reclamation's hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005: *Provided further*, That the funds provided herein for the St. Mary Storage Unit facilities, Milk River Project, Montana, shall be used on a nonreimbursible basis: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with

clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2010, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) initiates or creates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and

real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

Reports.
Deadlines.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

California.
Plans.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

New Mexico.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 9 of the Fort Peck Reservation Rural Water System Act of 2000 (Public Law 106–382; 114 Stat. 1457) is amended by striking "over a period of 10 fiscal years" each place it appears in subsections (a)(1) and (b) and inserting "through fiscal year 2015".

SEC. 206. Section 208(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268), is amended—

(1) in paragraph (1)—

(A) by redesignating clauses (i) through (iv) of subparagraph (B) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately;

(C) by striking "(a)(1) Using" and inserting the following:

"(a) ACTION BY SECRETARY.—

"(1) PROVISION OF FUNDS.—

"(A) IN GENERAL.—Using";

(D) in subparagraph (A) (as so redesignated)—

(i) in the matter preceding clause (i) (as so redesignated), by inserting "or the National Fish and Wildlife Foundation" after "University of Nevada";

(ii) in clause (ii)(IV) (as so redesignated), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(iii) to design and implement conservation and stewardship measures to address impacts from activities carried out—

"(I) under clause (i); and

"(II) in conjunction with willing landowners."; and

(E) by adding at the end the following:

"(B) NATIONAL FISH AND WILDLIFE FOUNDATION.—

"(i) DATE OF PROVISION.—The Secretary shall provide funds to the National Fish and Wildlife Foundation pursuant to subparagraph (A) in an advance payment of the available amount—

"(I) on the date of enactment of the Energy and Water Development and Related Agencies Appropriations Act, 2010; or

"(II) as soon as practicable after that date of enactment.

"(ii) REQUIREMENTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), the funds provided under clause (i) shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

"(II) EXCEPTIONS.—Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the funds provided under clause (i)."; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "paragraph (1)(A)" and all that follows through "beneficial to—" and inserting "paragraph (1)(A)(i), the University of Nevada or the National Fish and Wildlife Foundation shall make acquisitions that the University

or the Foundation determines to be the most beneficial to—"; and

(B) in subparagraph (A), by striking "paragraph (1)(B)" and inserting "paragraph (1)(A)(ii)".

SEC. 207. Section 2507(b) of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) for efforts consistent with researching, supporting, and conserving fish, wildlife, plant, and habitat resources in the Walker River Basin.".

SEC. 208. (a) Of the amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall—

Nevada.

(1) provide, subject to subsection (b), $66,200,000 to establish the Walker Basin Restoration Program for the primary purpose of restoring and maintaining Walker Lake, a natural desert terminal lake in the State of Nevada, consistent with protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers; and

(2) allocate—

(A) acting through a nonprofit conservation organization that is acting in consultation with the Truckee Meadows Water Authority, $2,000,000, to remain available until expended, for—

(i) the acquisition of land surrounding Independence Lake; and

(ii) protection of the native fishery and water quality of Independence Lake, as determined by the nonprofit conservation organization;

Grants.
Nevada.
California.

(B) $5,000,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Watermaster of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Public Law 101–618; 104 Stat. 3294);

Nevada.

(C) $1,500,000, to be divided equally by the city of Fernley, Nevada, and the Pyramid Lake Paiute Tribe, for joint planning and development activities for water, wastewater, and sewer facilities;

(D) $1,000,000 to the United States Geological Survey to design and implement, in consultation and cooperation with other Federal departments and agencies, State and tribal governments, and other water management and conservation organizations, a water monitoring program for the Walker River Basin; and

Contracts.

(E) $45,000,000 to implement the 1996 Truckee River Water Quality Settlement Agreement by acquiring water rights for the benefit of the Truckee River and Pyramid Lake.

(b)(1) The amount made available under subsection (a)(1) shall be—

(A) used, consistent with the primary purpose set forth in subsection (a)(1), to support efforts to preserve Walker Lake while protecting agricultural, environmental, and habitat interests in the Walker River Basin; and

(B) allocated as follows:

(i) $25,000,000 to the Walker River Irrigation District, acting in accordance with an agreement between that District and the National Fish and Wildlife Foundation—

(I) to administer and manage a 3-year water leasing demonstration program in the Walker River Basin to increase Walker Lake inflows; and

(II) for use in obtaining information regarding the establishment, budget, and scope of a longer-term leasing program.

(ii) $25,000,000 to advance the acquisition of water and related interests from willing sellers authorized by section 208(a)(1)(A)(i) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).

(iii) $1,000,000 for activities relating to the exercise of acquired option agreements and implementation of the water leasing demonstration program, including but not limited to the pursuit of change applications, approvals, and agreements pertaining to the exercise of water rights and leases acquired under the program.

(iv) $10,000,000 for associated conservation and stewardship activities, including water conservation and management, watershed planning, land stewardship, habitat restoration, and the establishment of a local, nonprofit entity to hold and exercise water rights acquired by, and to achieve the purposes of, the Walker Basin Restoration Program.

(v) $5,000,000 to the University of Nevada, Reno, and the Desert Research Institute—

(I) for additional research to supplement the water rights research conducted under section 208(a)(1)(A)(ii) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268);

(II) to conduct an annual evaluation of the results of the activities carried out under clauses (i) and (ii); and

(III) to support and provide information to the programs described in this subparagraph and related acquisition and stewardship initiatives to preserve Walker Lake and protect agricultural, environmental, and habitat interests in the Walker River Basin.

(vi) $200,000 to support alternative crops and alternative agricultural cooperatives programs in Lyon and Mineral Counties, Nevada, that promote water conservation in the Walker River Basin.

(2)(A) The amount made available under subsection (a)(1) shall be provided to the National Fish and Wildlife Foundation—

(i) in an advance payment of the entire amount—

(I) on the date of enactment of this Act; or

(II) as soon as practicable after that date of enactment; and

(ii) except as provided in subparagraph (B), subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), in accordance with section 10(b)(1) of that Act (16 U.S.C. 3709(b)(1)).

(B) Sections 4(e) and 10(b)(2) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703(e), 3709(b)(2)), and the provision of subsection (c)(2) of section 4 of that Act (16 U.S.C. 3703) relating to subsection (e) of that section, shall not apply to the amount made available under subsection (a)(1).

SEC. 209. Notwithstanding the provisions of section 11(c) of Public Law 89–108, as amended by section 9 of Public Law 99–294, the Commissioner is directed to modify the April 9, 2002, Grant Agreement Between Bureau of Reclamation and North Dakota Natural Resources Trust to provide funding for the Trust to continue its investment program/Agreement No. 02FG601633 to authorize the North Dakota Natural Resources Trust Board of Directors to expend all or any portion of the funding allocation received pursuant to section 11(a)(2)(B) of the Dakota Water Resources Act of 2000 for the purpose of operations of the Natural Resource Trust whether such amounts are principal or received as investment income: *Provided*, That operational expenses that may be funded from the principal allocation shall not exceed 105 percent of the previous fiscal year's operating costs: *Provided further*, That the Commissioner of Reclamation is authorized to include in such modified agreement with the Trust authorized under this section appropriate provisions regarding the repayment of any funds that constitute principal from the Trust Funds.

118 Stat. 1681.

SEC. 210. Title I of Public Law 108–361 is amended by striking "2010" wherever it appears and inserting "2014" in lieu thereof.

SEC. 211. (a) Section 3405(a)(1)(M) of Public Law 102–575 (106 Stat. 4709) is amended by striking "countries" and inserting "counties".

(b) A transfer of water between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor, approved during a two-year period beginning on the date of enactment of this Act shall, be deemed to meet the conditions set forth in subparagraphs (A) and (I) of section 3405(a)(1) of Public Law 102–575 (106 Stat. 4709) if the transfer under this clause—

(1) does not interfere with the San Joaquin River Restoration Settlement Act (part I of subtitle A of title X of Public Law 111–11; 123 Stat. 1349) (including the priorities described in section 10004(a)(4)(B) of that Act relating to implementation of paragraph 16 of the Settlement), and the Settlement (as defined in section 10003 of that Act); and

Deadline.

(2) is completed by September 30, 2012.

Draft recovery plan.

(c) As soon as practicable after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall revise, finalize, and implement the applicable draft recovery plan for the Giant Garter Snake (Thamnophis gigas).

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,242,500,000, to remain available until expended: *Provided*, That funds provided under this heading in this and prior appropriation Acts are available for on-site and off-site improvements for the Ingress/Egress and Traffic Capacity Upgrades project at the National Renewable Energy Laboratory: *Provided further*, That, of the $80,000,000 provided under the wind energy subaccount under Energy Efficiency and Renewable Energy, up to $8,000,000 may be competitively awarded to universities for turbine and equipment purchases for the purposes of studying turbine to turbine wake interaction, wind farm interaction, and wind energy efficiencies, provided that such equipment shall not be used for merchant power production: *Provided further*, That, of the amount appropriated in this paragraph, $292,135,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the joint explanatory statement accompanying the conference report on this Act.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $171,982,000, to remain available until expended: *Provided*, That, within the funding available funding the Secretary shall establish an independent national energy sector cyber security organization to institute research, development and deployment priorities, including policies and protocol to ensure the effective deployment of tested and validated technology and software controls to protect the bulk power electric grid and integration of smart grid technology to enhance the security of the electricity grid: *Provided further*, That within 60 days of enactment, the Secretary shall invite applications from qualified entities for the purpose of forming and governing a national energy sector cyber organization that have the knowledge and capacity to focus cyber security research and development and to identify and disseminate best practices; organize the collection, analysis and dissemination of infrastructure vulnerabilities and threats; work cooperatively with the Department of Energy and other Federal agencies to identify areas where Federal agencies with jurisdiction may best support efforts to enhance

Establishment.

Deadline.

security of the bulk power electric grid: *Provided further*, That, of the amount appropriated in this paragraph, $13,075,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the joint explanatory statement accompanying the conference report on this Act.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 36 passenger motor vehicles, including one ambulance, all for replacement only, $786,637,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $2,500,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the joint explanatory statement accompanying the conference report on this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $672,383,000, to remain available until expended: *Provided*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States: *Provided further*, That, of the amount appropriated in this paragraph, $36,850,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy Projects" in the joint explanatory statement accompanying the conference report on this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $23,627,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities

pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $243,823,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $110,595,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $244,673,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $573,850,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, $4,903,710,000, to remain available until expended: *Provided*, That $15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the "Advanced Research Projects Agency—Energy" account: *Provided further*, That, of the amount appropriated in this paragraph, $76,890,000 shall be used for the projects specified in the table

that appears under the heading "Congressionally Directed Science Projects" in the joint explanatory statement accompanying the conference report on this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "NWPA"), $98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 2.54 percent shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPA: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPA, 0.51 percent shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of the NWPA: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 4.57 percent shall be provided to affected units of local government, as defined in the NWPA, to conduct appropriate activities and participate in licensing activities under Section 116(c) of the NWPA: *Provided further*, That of the amounts provided to affected units of local government, 7.5 percent of the funds provided for the affected units of local government shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada affected units of local government: *Provided further*, That of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities, 0.25 percent shall be provided to the affected federally-recognized Indian tribes, as defined in the NWPA, solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPA: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That 4.57 percent of the funds made available in this Act for nuclear waste disposal and defense nuclear waste disposal activities shall be provided to Nye County, Nevada, as payment equal to taxes under section 116(c)(3) of the NWPA: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada, each affected federally-recognized Indian tribe, and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPA and this Act: *Provided further*, That failure to provide such

Nevada.
Nevada.
California.
Nevada.
Native Americans.
Nevada.
Nevada.
Deadline.
Nevada.
Certification.
Penalty.

certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPA, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That of the funds made available in this Act for Nuclear Waste Disposal, $5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds. Lobbying.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided,*, That for necessary administrative expenses to carry out this Loan Guarantee program, $43,000,000 is appropriated, to remain available until expended: *Provided further,* That $43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than $0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000, $288,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions

of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $168,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance; $6,384,431,000, to remain available until expended: *Provided*, That $357,800,000 is provided to Stockpile Systems activities including $91,956,000 for the B61 Stockpile Systems activities: *Provided further*, That upon completion of the Nuclear Posture Review and confirmation of the requirement for the B61–12, the NNSA is authorized to reallocate an additional $15,000,000 within the Stockpile Systems activities to support the continuation of the B61–12 non-nuclear upgrade study, with notification to cognizant congressional committees within 15 days of the implementation of this action: *Provided further*, That no funds may be obligated or expended for B61–12 nuclear components without prior approval by the Appropriations Committees of the House and Senate: *Provided further*, That, of the amount appropriated in this paragraph, $3,000,000 shall be used for the projects specified under the heading "Congressionally Directed Weapons Activities Projects" in the joint explanatory statement accompanying the conference report on this Act.

Notification. Deadline.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and

other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,136,709,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, $250,000 shall be used for the projects specified under the heading "Congressionally Directed Defense Nuclear Nonproliferation Projects" in the joint explanatory statement accompanying the conference report on this Act.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $945,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $420,754,000, to remain available until expended: *Provided*, That $10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to "Non-Defense Environmental Cleanup": *Provided further*, That, of the amount appropriated in this paragraph, $13,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Office of the Administrator (NNSA) Projects" in the joint explanatory statement accompanying the conference report on this Act.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed four ambulances and three passenger motor vehicles for replacement only, $5,642,331,000, to remain available until expended, of which $463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund": *Provided*, That, of the amount appropriated in this paragraph, $4,000,000 shall be used for projects specified in the

table that appears under the heading "Congressionally Directed Defense Environmental Cleanup Projects" in the joint explanatory statement accompanying the conference report on this Act.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 12 passenger motor vehicles for replacement only, $847,468,000, to remain available until expended: *Provided*, That of the amount appropriated in this paragraph, $3,000,000 shall be used for projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the joint explanatory statement accompanying the conference report on this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2010, no new direct loan obligations may be made.

Loans.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more

than $0: *Provided further,* That, notwithstanding 31 U.S.C. 3302, up to $70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses). 16 USC 825s–6.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $44,944,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $13,076,000: *Provided further,* That, notwithstanding 31 U.S.C. 3302, up to $38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses). 16 USC 825s–7.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $256,711,000 to remain available until expended, of which $245,216,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $109,181,000, of which $97,686,000 is derived from the Reclamation Fund: *Provided further,* That of the amount herein appropriated, $7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further,* That notwithstanding 31 U.S.C. 3302, up to $349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That of the amount herein appropriated, up to $18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: *Provided further*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

42 USC 7276f.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*,

That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than $220,000: *Provided further*, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended, and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

42 USC 7276g.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $298,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $298,000,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $0.

42 USC 7171 note.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

Reprogramming request.

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

Workforce restructuring plan.

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

Contracts. Certification.

SEC. 304. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

Notice.

SEC. 305. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

50 USC 2791a note.

SEC. 307. Of the funds made available by the Department of Energy for activities at Government-owned, contractor-operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

Determination. Transfer authority. 42 USC 7269 note.

SEC. 308. (a) In any fiscal year in which the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than 1 percent from each appropriation made available in this and subsequent Energy and

Water Development Appropriation Acts to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) Where the Secretary recovers the costs of defined benefit pension plans for contractor employees through charges for the indirect costs of research and activities at facilities of the Department of Energy, if the indirect costs attributable to defined benefit pension plan costs in a fiscal year are more than charges in fiscal year 2008, the Secretary shall carry out a transfer of funds under this section.

Determination.

(c) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer, and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for the Power Marketing Administrations, the title XVII loan guarantee program, and the Federal Energy Regulatory Commission, shall not be subject to this requirement.

Deadline. Reports.

(d) Each January, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on the state of defined benefit pension plan liabilities in the Department for the preceding year.

Expiration date.

(e) This transfer authority does not apply to supplemental appropriations, and is in addition to any other transfer authority provided in this or any other Act. The authority provided under this section shall expire on September 30, 2015.

Notification. Deadline.

(f) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

Borrowing authority.

SEC. 309. (a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140) under a funding account, subaccount, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting any applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

Effective date.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 310. Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

"(k) WAGE RATE REQUIREMENTS.—All laborers and mechanics employed by contractors and subcontractors in the performance

of construction work financed in whole or in part by a loan guaranteed under this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.".

Grants.
Contracts.
Notifications.
Deadlines.

SEC. 311. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued.

Determination.

SEC. 312. (a) ULTRA EFFICIENT VEHICLES.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "an ultra efficient vehicle or" after "means"; and

(B) by adding at the end the following new paragraph:

Definition.

"(5) ULTRA EFFICIENT VEHICLE.—The term 'ultra efficient vehicle' means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

"(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

"(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

"(C) at least 75 miles per gallon equivalent while operating as a fully electric vehicle.";

(2) in subsection (b)—

(A) by inserting ", ultra efficient vehicle manufacturers," after "automobile manufacturers";

(B) in paragraph (1)—

(i) by striking "or" at the end of subparagraph (A);

(ii) by striking "and" at the end of subparagraph (B) and inserting "or"; and

(iii) by adding at the end the following new subparagraph:

"(C) ultra efficient vehicles; and"; and

(C) in paragraph (2), by inserting ", ultra efficient vehicles," after "qualifying vehicles";

(3) in subsection (g), by inserting "or are utilized primarily for the manufacture of ultra efficient vehicles" after "20 years"; and

(4) in subsection (h)(1)(B), by striking "automobiles" the first place it appears and inserting "ultra efficient vehicles, automobiles,".

(b) RECONSIDERATION OF PRIOR APPLICATIONS.—The Secretary of Energy shall reconsider applications for assistance under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) that were— 42 USC 17013 note.

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

SEC. 313. (a) Except as provided in subsection (b), none of the funds appropriated or otherwise made available by this title for the Strategic Petroleum Reserve may be made available to any person that as of the enactment of this Act— Petroleum and petroleum products. Iran.

(1) is selling refined petroleum products valued at $1,000,000 or more to the Islamic Republic of Iran;

(2) is engaged in an activity valued at $1,000,000 or more that could contribute to enhancing the ability of the Islamic Republic of Iran to import refined petroleum products, including—

(A) providing ships or shipping services to deliver refined petroleum products to the Islamic Republic of Iran;

(B) underwriting or otherwise providing insurance or reinsurance for such an activity; or

(C) financing or brokering such an activity; or

(3) is selling, leasing, or otherwise providing to the Islamic Republic of Iran any goods, services, or technology valued at $1,000,000 or more that could contribute to the maintenance or expansion of the capacity of the Islamic Republic of Iran to produce refined petroleum products.

(b) The prohibition on the use of funds under subsection (a) shall not apply with respect to any contract entered into by the United States Government before the date of the enactment of this Act.

(c) If the Secretary determines a person made ineligible by this section has ceased the activities enumerated in (a)(1)–(3), that person shall no longer be ineligible under this section. Determination.

SEC. 314. Section 132 of the Energy and Water Development Appropriations Act of 2006 (119 Stat 2261) is amended—

(1) in subsection (a)(3), by striking "Corps of Engineers" and inserting "Southwestern Power Administration";

(2) by adding at the end of subsection (a) the following new paragraph:

"(5) PAYMENT TO NON-FEDERAL LICENSEE.—Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 pursuant to paragraph (3) using receipts collected from the sale of Federal power and energy related services. Pursuant to paragraph (6), Southwestern Power Administration will begin collecting receipts in the Special Receipts and Disbursement account upon the date of enactment of this paragraph. Payment to the licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected

in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.";

(3) by adding at the end of subsection (a) the following new paragraph:

"(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than $5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.";

(4) by adding at the end of subsection (a) the following new paragraph:

"(7) ESTABLISHMENT OF SPECIAL RECEIPT AND DISBURSEMENT ACCOUNTS.—There is established in the Treasury of the United States a special receipt account and corresponding disbursement account to be made available to the Administrator of the Southwestern Power Administration to disburse pre-collected receipts from the sale of federal power and energy and related services. The accounts are authorized for the following uses:

"(A) Collect and disburse receipts for purchase power and wheeling expenses incurred by Southwestern Power Administration to purchase replacement power and energy as a result of implementation of the White River Minimum Flows project.

"(B) Collect and disburse receipts related to compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.

"(C) Said special receipt and disbursement account shall remain available for not more than 12 months after the date of full compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221."; and

(5) by adding at the end of subsection (a) the following new paragraph:

"(8) TIME OF IMPLEMENTATION.—For purposes of paragraphs (3) and (4), 'time of implementation' shall mean the authorization of the special receipt account and corresponding disbursement account described in paragraph (7).".

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of

passenger motor vehicles, $76,000,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $13,000,000, to remain available until expended: *Provided*, That no funds in this Act shall be expended for the relocation of the Delta Regional Commission headquarters.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $1,500,000, to remain available until expended.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, $250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $25,000), $1,056,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $29,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $902,402,000 in fiscal year 2010 shall be retained and used

for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $153,598,000: *Provided further*, That of the amounts appropriated, $10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and $5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,860,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,774,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than $1,086,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,466,000 until expended: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2010 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS

Deadline. Reports.

SEC. 401. The Nuclear Regulatory Commission shall, not later than 60 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors.

7 USC 2009 aa–1.

SEC. 402. Section 382B of the Delta Regional Authority Act of 2000 is amended by deleting (c)(1) and inserting in lieu thereof

the following: "'(1) IN GENERAL—VOTING.—A decision by the Authority shall require the affirmative vote of the Federal cochairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.".

SEC. 403. The Nuclear Regulatory Commission may use funds made available for the necessary expenses of the Nuclear Regulatory Commission for the acquisition and lease of additional office space provided by the General Services Administration in accordance with the fourth and fifth provisos in the matter under the heading "Salaries and expenses" under the heading "Nuclear Regulatory Commission" under the heading "Independent agencies" of title IV of division C of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 629).

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. Lobbying.

SEC. 502. To the extent practicable funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. 503. Title IV of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by adding at the end of the title, the following new section 411:

"SEC. 411. Up to 0.5 percent of each amount appropriated to the Department of the Army and the Bureau of Reclamation in this title may be used for the expenses of management and oversight of the programs, grants, and activities funded by such appropriation, and may be transferred by the Head of the Federal Agency involved to any other appropriate account within the department for that purpose: *Provided,* That the Secretary will provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days prior to the transfer: *Provided further,* That funds set aside under this section shall remain available for obligation until September 30, 2012.". Reports. Deadline.

SEC. 504. (a) DEFINITIONS.—In this section: 31 USC 1105 note.

(1) ADMINISTRATIVE EXPENSES.—The term "administrative expenses" has the meaning as determined by the Director under subsection (b)(2).

(2) AGENCY.—The term "agency"—

(A) means an agency as defined under section 1101 of title 31, United States Code, that is established in the executive branch and receives funding under this Act; and

(B) shall not include the District of Columbia government.

(3) DIRECTOR.—The term "Director" means the Director of the Office of Management and Budget.

(b) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—All agencies shall include a separate category for administrative expenses when submitting their appropriation requests to the Office of Management and Budget for fiscal year 2011 and each fiscal year thereafter.

(2) ADMINISTRATIVE EXPENSES DETERMINED.—In consultation with the agencies, the Director shall establish and revise as necessary a definition of administration expenses for the purposes of this section. All questions regarding the definition of administrative expenses shall be resolved by the Director.

(c) BUDGET SUBMISSION.—Each budget of the United States Government submitted under section 1105 of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter shall include the amount requested for each agency for administrative expenses.

SEC. 505. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

Earmarks.

SEC. 506. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–203) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

SEC. 507. (a) The Continuing Appropriations Resolution, 2010 is amended—

Ante, p. 2051.

(1) in subsections (a) and (b) of section 158, by striking "section 158" each place it appears and inserting "section 157"; and

Ante, p. 2053.

(2) in section 162, by striking "sections 158 through 162" and inserting "sections 157 through 161".

Effective date.

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the Continuing Appropriations Resolution, 2010.

This Act may be cited as the "Energy and Water Development and Related Agencies Appropriations Act, 2010".

Approved October 28, 2009.

LEGISLATIVE HISTORY—H.R. 3183:

HOUSE REPORTS: Nos. 111–203 (Comm. on Appropriations) and 111–278 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 155 (2009):

July 15, 17, considered and passed House.

July 27–29, considered and passed Senate, amended.

Oct. 1, House agreed to conference report.

Oct. 8, 14, 15, Senate considered and agreed to conference report.

Public Law 111–86
111th Congress

An Act

To require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

Oct. 29, 2009
[H.R. 621]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Girl Scouts USA Centennial Commemorative Coin Act.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Girl Scouts USA Centennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress find as follows:

(1) The Girl Scouts of the United States of America is the world's preeminent organization dedicated solely to girls where they build character and skills for success in the real world.

(2) In 1911, Juliette Gordon Low met Sir Robert Baden-Powell, a war hero and the founder of the Boy Scouts.

(3) With Baden-Powell's help and encouragement, Juliette Gordon Low made plans to start a similar association for American girls.

(4) On March 12, 1912, Juliette Gordon Low organized the first 2 Girl Scout Troops in Savannah, Georgia consisting of 18 members.

(5) Low devoted the next 15 years of her life to building the organization, which would become the largest voluntary association for women and girls in the United States.

(6) Low drafted the Girl Scout laws, supervised the writing of the first handbook in 1913, and provided most of the financial support for the organization during its early years.

(7) The Girl Scouts of the United States of America was chartered by the United States Congress in 1950 in title 36, United States Code.

(8) Today there are more than 3,700,000 members in 236,000 troops throughout the United States and United States territories.

(9) Through membership in the World Association of Girl Guides and Girl Scouts, Girls Scouts of the United States of America is part of a worldwide family of 10,000,000 girls and adults in 145 countries.

(10) More than 50,000,000 American women enjoyed Girl Scouting during their childhood—and that number continues to grow as Girl Scouts of the United States of America continues to inspire, challenge, and empower girls everywhere.

(11) March 12, 2012 will mark the 100th Anniversary of the Girl Scouts of the United States of America.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 $1 coins in commemoration of the centennial of the Girl Scouts of the USA, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the centennial of the Girl Scouts of the United States of America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2013"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Girl Scouts of the United States of America and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) USE OF THE UNITED STATES MINT AT WEST POINT, NEW YORK.—It is the sense of the Congress that the coins minted under this Act should be struck at the United States Mint at West Point, New York, to the greatest extent possible.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2013.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Girl Scouts of the United States of America to be made available for Girl Scout program development and delivery.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Girl Scouts of the United States of America as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONTINUED ISSUANCE OF CERTAIN COMMEMORATIVE COINS MINTED IN 2009.—Notwithstanding sections 303 and 304 of the Presidential $1 Coin Act of 2005 (31 U.S.C. 5112 note), the Secretary of the Treasury may continue to issue numismatic items that contain 1-cent coins minted in 2009 after December 31, 2009, until not later than June 30, 2010.

(b) DISTRIBUTION OF SURCHARGES.—Section 7 of the Jamestown 400th Anniversary Commemorative Coin Act of 2004 (31 U.S.C. 5112 note) is amended—

(1) in subsection (b)(2)(B), by striking "in equal shares" and all that follows through the period at the end and inserting "in the proportion specified to the following organizations for the purposes described in such subparagraph:

"(i) 2/3 to the Association for the Preservation of Virginia Antiquities.

"(ii) 1/3 to the Jamestown-Yorktown Foundation of the Commonwealth of Virginia."; and

(2) in subsection (c), by striking ", the Secretary of the Interior,".

Approved October 29, 2009.

LEGISLATIVE HISTORY—H.R. 621:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 13, considered and passed House.
Oct. 19, considered and passed Senate.

Public Law 111–87
111th Congress

An Act

To amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

Oct. 30, 2009
[S. 1793]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Ryan White HIV/AIDS Treatment Extension Act of 2009.
42 USC 201 note.

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Ryan White HIV/AIDS Treatment Extension Act of 2009".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2. REAUTHORIZATION OF HIV HEALTH CARE SERVICES PROGRAM.

(a) ELIMINATION OF SUNSET PROVISION.—

(1) IN GENERAL.—The Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109–415; 120 Stat. 2767) is amended by striking section 703.

42 USC 300ff–11 *et seq* and note.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if enacted on September 30, 2009.

42 USC 300ff–11 note.

(3) CONTINGENCY PROVISIONS.—Notwithstanding section 703 of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109–415; 120 Stat. 2767) and section 139 of the Continuing Appropriations Resolution, 2010—

42 USC 300ff–11 note.

(A) the provisions of title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.), as in effect on September 30, 2009, are hereby revived; and

(B) the amendments made by this Act to title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall apply to such title as so revived and shall take effect as if enacted on September 30, 2009.

Applicability.

(b) PART A GRANTS.—Section 2610(a) (42 U.S.C. 300ff–20(a)) is amended by striking "and $649,500,000 for fiscal year 2009" and inserting "$649,500,000 for fiscal year 2009, $681,975,000 for fiscal year 2010, $716,074,000 for fiscal year 2011, $751,877,000 for fiscal year 2012, and $789,471,000 for fiscal year 2013".

(c) PART B GRANTS.—Section 2623(a) (42 U.S.C. 300ff–32(a)) is amended by striking "and $1,285,200,000 for fiscal year 2009" and inserting "$1,285,200,000 for fiscal year 2009, $1,349,460,000 for fiscal year 2010, $1,416,933,000 for fiscal year 2011, $1,487,780,000 for fiscal year 2012, and $1,562,169,000 for fiscal year 2013".

42 USC 300ff–31b.

(d) PART C GRANTS.—Section 2655 (42 U.S.C. 300ff–55) is amended by striking "and $235,100,000 for fiscal year 2009" and inserting "$235,100,000 for fiscal year 2009, $246,855,000 for fiscal year 2010, $259,198,000 for fiscal year 2011, $272,158,000 for fiscal year 2012, and $285,766,000 for fiscal year 2013".

(e) PART D GRANTS.—Section 2671(i) (42 U.S.C. 300ff–71(i)) is amended by inserting before the period at the end ", $75,390,000 for fiscal year 2010, $79,160,000 for fiscal year 2011, $83,117,000 for fiscal year 2012, and $87,273,000 for fiscal year 2013".

(f) DEMONSTRATION AND TRAINING GRANTS UNDER PART F.—

(1) HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.—Section 2692(c) (42 U.S.C. 300ff–111(c)) is amended—

(A) in paragraph (1)—

(i) by striking "is authorized" and inserting "are authorized"; and

(ii) by inserting before the period at the end ", $36,535,000 for fiscal year 2010, $38,257,000 for fiscal year 2011, $40,170,000 for fiscal year 2012, and $42,178,000 for fiscal year 2013"; and

(B) in paragraph (2)—

(i) by striking "is authorized" and inserting "are authorized"; and

(ii) by inserting before the period at the end ", $13,650,000 for fiscal year 2010, $14,333,000 for fiscal year 2011, $15,049,000 for fiscal year 2012, and $15,802,000 for fiscal year 2013".

(2) MINORITY AIDS INITIATIVE.—Section 2693 (42 U.S.C. 300ff–121) is amended—

(A) in subsection (a), by striking "and $139,100,000 for fiscal year 2009." and inserting "$139,100,000 for fiscal year 2009, $146,055,000 for fiscal year 2010, $153,358,000 for fiscal year 2011, $161,026,000 for fiscal year 2012, and $169,077,000 for fiscal year 2013. The Secretary shall develop a formula for the awarding of grants under subsections (b)(1)(A) and (b)(1)(B) that ensures that funding is provided based on the distribution of populations disproportionately impacted by HIV/AIDS.";

Grants.

(B) in subsection (b)(2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "competitive,"; and

(II) by adding at the end the following:

"(iv) For fiscal year 2010, $46,738,000.

"(v) For fiscal year 2011, $49,075,000.

"(vi) For fiscal year 2012, $51,528,000.

"(vii) For fiscal year 2013, $54,105,000.";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "competitive"; and

(II) by adding at the end the following:

"(iv) For fiscal year 2010, $8,763,000.

"(v) For fiscal year 2011, $9,202,000.

"(vi) For fiscal year 2012, $9,662,000.

"(vii) For fiscal year 2013, $10,145,000.";

(iii) in subparagraph (C), by adding at the end the following:

"(iv) For fiscal year 2010, $61,343,000.

"(v) For fiscal year 2011, $64,410,000.
"(vi) For fiscal year 2012, $67,631,000.
"(vii) For fiscal year 2013, $71,012,000.";

(iv) in subparagraph (D), by striking "$18,500,000" and all that follows through the period and inserting the following: "the following, as applicable:
"(i) For fiscal year 2010, $20,448,000.
"(ii) For fiscal year 2011, $21,470,000.
"(iii) For fiscal year 2012, $22,543,000.
"(iv) For fiscal year 2013, $23,671,000."; and

(v) in subparagraph (E), by striking "$8,500,000" and all that follows through the period and inserting the following: "the following, as applicable:
"(i) For fiscal year 2010, $8,763,000.
"(ii) For fiscal year 2011, $9,201,000.
"(iii) For fiscal year 2012, $9,662,000.
"(iv) For fiscal year 2013, $10,144,000."; and

(C) by adding at the end the following:

"(d) SYNCHRONIZATION OF MINORITY AIDS INITIATIVE.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall incorporate and synchronize the schedule of application submissions and funding availability under this section with the schedule of application submissions and funding availability under the corresponding provisions of this title XXVI as follows:

"(1) The schedule for carrying out subsection (b)(1)(A) shall be the same as the schedule applicable to emergency assistance under part A.

"(2) The schedule for carrying out subsection (b)(1)(B) shall be the same as the schedule applicable to care grants under part B.

"(3) The schedule for carrying out subsection (b)(1)(C) shall be the same as the schedule applicable to grants for early intervention services under part C.

"(4) The schedule for carrying out subsection (b)(1)(D) shall be the same as the schedule applicable to grants for services through projects for HIV-related care under part D.

"(5) The schedule for carrying out subsection (b)(1)(E) shall be the same as the schedule applicable to grants and contracts for activities through education and training centers under section 2692.".

(3) HHS REPORT.—Not later than 6 months after the publication of the Government Accountability Office Report on the Minority Aids Initiative described in section 2686, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a Departmental plan for using funding under section 2693 of the Public Health Service Act (42 U.S.C. 300ff–93) in all relevant agencies to build capacity, taking into consideration the best practices included in such Report.

(g) GAO REPORT.—Section 2686 (42 U.S.C. 300ff–86) is amended to read as follows:

"SEC. 2686. GAO REPORT.

"The Comptroller General of the Government Accountability Office shall, not less than 1 year after the date of enactment of the Ryan White HIV/AIDS Treatment Extension Act of 2009, submit to the appropriate committees of Congress a report

describing Minority AIDS Initiative activities across the Department of Health and Human Services, including programs under this title and programs at the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and other departmental agencies. Such report shall include a history of program activities within each relevant agency and a description of activities conducted, people served and types of grantees funded, and shall collect and describe best practices in community outreach and capacity-building of community based organizations serving the communities that are disproportionately affected by HIV/AIDS.".

SEC. 3. EXTENDED EXEMPTION PERIOD FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—Section 2603(a)(3) (42 U.S.C. 300ff–13(a)(3)) is amended—

(1) in subparagraph (C)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "2009" and inserting "2012"; and

(ii) in subclause (II), by striking "or 2009" and inserting "or a subsequent fiscal year through fiscal year 2012";

(B) in clause (iv), by striking "2010" and inserting "2012";

(C) in clause (v), by inserting "or a subsequent fiscal year" after "2009";

(D) in clause (vi)(II), by inserting after "5 percent" the following: "for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)";

(E) in clause (ix)(II)—

(i) by striking "2010" and inserting "2013"; and

(ii) by striking "2009" and inserting "2012"; and

(F) by adding at the end the following:

"(xi) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the area involved."; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "2009" and inserting "2012"; and

(ii) in subclause (II), by striking "and 2009" and inserting "through 2012"; and

(B) in clause (ii), by striking "2009" and inserting "2012".

(b) PART B GRANTS.—Section 2618(a)(2) (42 U.S.C. 300ff–28(a)(2)) is amended—

(1) in subparagraph (D)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "2009" and inserting "2012"; and

(ii) in subclause (II), by striking "or 2009" and inserting "or a subsequent fiscal year through fiscal year 2012";

(B) in clause (iv), by striking "2010" and inserting "2012";

(C) in clause (v), by inserting "or a subsequent fiscal year" after "2009";

(D) in clause (vi)(II), by inserting after "5 percent" the following: "for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)";

(E) in clause (viii)(II)—

(i) by striking "2010" and inserting "2013"; and

(ii) by striking "2009" and inserting "2012"; and

(F) by adding at the end the following:

"(x) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the State involved."; and

(2) in subparagraph (E), by striking "2009" each place it appears and inserting "2012".

SEC. 4. EXTENSION OF TRANSITIONAL GRANT AREA STATUS.

(a) ELIGIBILITY.—Section 2609 (42 U.S.C. 300ff–19) is amended—

(1) in subsection (c)(1)—

(A) in the heading, by striking "2007" and inserting "2011"; and

(B) by striking "2007" each place it appears and inserting "2011"; and

(C) by striking "2006" and inserting "2010";

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking "to have a" and inserting "subject to subparagraphs (B) and (C), to have a";

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

"(B) PERMITTING MARGIN OF ERROR APPLICABLE TO CERTAIN METROPOLITAN AREAS.—In applying subparagraph (A)(ii) for a fiscal year after fiscal year 2008, in the case of a metropolitan area that has a cumulative total of at least 1,400 (and fewer than 1,500) living cases of AIDS as of December 31 of the most recent calendar year for which such data is available, such area shall be treated as having met the criteria of such subparagraph if not more than 5 percent of the total from grants awarded to such area under this part is unobligated as of the end of the most recent fiscal year for which such data is available."; and

(D) in subparagraph (C), as so redesignated, by striking "Subparagraph (A) does not apply" and inserting "Subparagraphs (A) and (B) do not apply"; and

(3) in subsection (d)(1)(B), strike "2009" and insert "2013".

(b) TRANSFER OF AMOUNTS DUE TO CHANGE IN STATUS AS TRANSITIONAL AREA.—Subparagraph (B) of section 2610(c)(2) (42 U.S.C. 300ff–20(c)(2)) is amended—

(1) by striking "(B)" and inserting "(B)(i) subject to clause (ii),";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(ii) for each of fiscal years 2010 through 2013, notwithstanding subsection (a)—

"(I) there shall be transferred to the State containing the metropolitan area, for purposes described in section 2612(a), an amount (which shall not be taken into account in applying section 2618(a)(2)(H)) equal to—

"(aa) for the first fiscal year of the metropolitan area not being a transitional area, 75 percent of the amount described in subparagraph (A)(i) for such area;

"(bb) for the second fiscal year of the metropolitan area not being a transitional area, 50 percent of such amount; and

"(cc) for the third fiscal year of the metropolitan area not being a transitional area, 25 percent of such amount; and

"(II) there shall be transferred and made available for grants pursuant to section 2618(a)(1) for the fiscal year, in addition to amounts available for such grants under section 2623, an amount equal to the total amount of the reduction for such fiscal year under subparagraph (A), less the amount transferred for such fiscal year under subclause (I).".

SEC. 5. HOLD HARMLESS.

(a) PART A GRANTS.—Section 2603(a)(4) (42 U.S.C. 300ff–13(a)(4)) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by striking "2006" and inserting "2009"; and

(B) by striking "2007 through 2009" and inserting "2010 through 2013";

(2) by striking clauses (i) and (ii) in subparagraph (A) and inserting the following:

"(i) For fiscal year 2010, an amount equal to 95 percent of the sum of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2009.

"(ii) For each of the fiscal years 2011 and 2012, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2010.

"(iii) For fiscal year 2013, an amount equal to 92.5 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2012."; and

(3) in subparagraph (C), by striking "2009" and inserting "2013".

(b) PART B GRANTS.—Section 2618(a)(2)(H) (42 U.S.C. 300ff–28(a)(2)(H)) is amended—

(1) in clause (i)(I)—

(A) by striking "2007" and inserting "2010"; and

(B) by striking "2006" and inserting "2009";

(2) by striking clause (ii) and redesignating clause (iii) as clause (ii);

(3) in clause (ii), as so redesignated—

(A) in the heading, by striking "2008 AND 2009" and inserting "2011 AND 2012";

(B) by striking "2008 and 2009" and inserting "2011 and 2012"; and

(C) by striking "2007" and inserting "2010";

(4) by inserting after clause (ii), as so redesignated, the following new clause:

"(iii) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (F) is not less than 92.5 percent of such total for the State for fiscal year 2012."; and

(5) in clause (v), by striking "2009" and inserting "2013".

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended—

(1) in subparagraphs (A)(i) and (H) of section 2618(a)(2), by striking the term "subparagraph (G)" each place it appears and inserting "subparagraph (F)"; 42 USC 300ff–28.

(2) in sections 2620(a)(2), 2622(c)(1), and 2622(c)(4)(A), by striking "2618(a)(2)(G)(i)" and inserting "2618(a)(2)(F)(i)"; 42 USC 300ff–29a, 300ff–31a.

(3) in sections 2622(a) and 2623(b)(2)(A), by striking "2618(a)(2)(G)" and inserting "2618(a)(2)(F)"; and 42 USC 300ff–31b.

(4) in section 2622(b), by striking "2618(a)(2)(G)(ii)" and inserting "2618(a)(2)(F)(ii)".

SEC. 6. AMENDMENTS TO THE GENERAL GRANT PROVISIONS.

(a) ADMINISTRATION AND PLANNING COUNCIL.—Section 2602(b)(4) (42 U.S.C. 300ff–12(b)(4)) is amended—

(1) in subparagraph (A), by inserting ", as well as the size and demographics of the estimated population of individuals with HIV/AIDS who are unaware of their HIV status" after "HIV/AIDS";

(2) in subparagraph (B)—

(A) in clause (i), by striking "and" at the end after the semicolon;

(B) in clause (ii), by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(iii) individuals with HIV/AIDS who do not know their HIV status;"; and

(3) in subparagraph (D)—

(A) in clause (ii), by striking "and" at the end after the semicolon;

(B) in clause (iii), by inserting "and" after the semicolon; and

(C) by adding at the end the following:

"(iv) includes a strategy, coordinated as appropriate with other community strategies and efforts, including discrete goals, a timetable, and appropriate funding, for identifying individuals with HIV/AIDS who do not know their HIV status, making such individuals aware of such status, and enabling such individuals to use the health and support services described in

section 2604, with particular attention to reducing barriers to routine testing and disparities in access and services among affected subpopulations and historically underserved communities;".

(b) TYPE AND DISTRIBUTION OF GRANTS.—Section 2603(b) (42 U.S.C. 300ff–13(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking "and" at the end after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(I) demonstrates success in identifying individuals with HIV/AIDS as described in clauses (i) through (iii) of paragraph (2)(A)."; and

(2) in paragraph (2)(A), by striking the period and inserting: ", and demonstrated success in identifying individuals with HIV/AIDS who do not know their HIV status and making them aware of such status counting one-third. In making such determination, the Secretary shall consider—

"(i) the number of individuals who have been tested for HIV/AIDS;

"(ii) of those individuals described in clause (i), the number of individuals who tested for HIV/AIDS who are made aware of their status, including the number who test positive; and

"(iii) of those individuals described in clause (ii), the number who have been referred to appropriate treatment and care.".

(c) APPLICATION.—Section 2605(b)(1) (42 U.S.C. 300ff–15(b)(1)) is amended by inserting ", including the identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A)" before the semicolon at the end.

SEC. 7. INCREASE IN ADJUSTMENT FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—

(1) FORMULA GRANTS.—Section 2603(a)(3)(C)(vi) (42 U.S.C. 300ff–13(a)(3)(C)(vi)) is amended by adding at the end the following:

"(III) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

"(aa) for fiscal year 2007, such area was a transitional area;

"(bb) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this section, was based on a names-based reporting system; and

"(cc) the amount of funding that such area received under this part for fiscal year 2007

was less than 70 percent of the amount of funding (exclusive of funds that were identified as being for purposes of the Minority AIDS Initiative) that such area received under such part for fiscal year 2006.".

(2) SUPPLEMENTAL GRANTS.—Section 2603(b)(2) (42 U.S.C. 300ff–13(b)(2)) is amended by adding at the end the following:

"(D) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subsection for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if the conditions described in items (aa) through (cc) of subsection (a)(3)(C)(vi)(III) are all satisfied.".

(b) PART B GRANTS.—Section 2618(a)(2)(D)(vi) (42 U.S.C. 300ff–28(a)(2)(D)(vi)) is amended by adding at the end the following:

"(III) INCREASED ADJUSTMENT FOR CERTAIN STATES PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in a State that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

"(aa) there is an area in such State that satisfies all of the conditions described in items (aa) through (cc) of section 2603(a)(3)(C)(vi)(III); or

"(bb)(AA) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this part, was based on a names-based reporting system; and

"(BB) the amount of funding that such State received under this part for fiscal year 2007 was less than 70 percent of the amount of funding that such State received under such part for fiscal year 2006.".

SEC. 8. TREATMENT OF UNOBLIGATED FUNDS.

(a) ELIGIBILITY FOR SUPPLEMENTAL GRANTS.—Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended—

(1) in section 2603(b)(1)(H) (42 U.S.C. 300ff–13(b)(1)(H)), by striking "2 percent" and inserting "5 percent"; and

(2) in section 2620(a)(2) (42 U.S.C. 300ff–29a(a)(2)), by striking "2 percent" and inserting "5 percent".

(b) CORRESPONDING REDUCTION IN FUTURE GRANT.—

(1) IN GENERAL.—Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended—

(A) in section 2603(c)(3)(D)(i)(42 U.S.C. 300ff–13(c)(3)(D)(i)), in the matter following subclause (II), by striking "2 percent" and inserting "5 percent"; and

(B) in section 2622(c)(4)(A) (42 U.S.C. 300ff–31a(c)(4)(A)), in the matter following clause (ii), by striking "2 percent" and inserting "5 percent".

(2) AUTHORITY REGARDING ADMINISTRATION OF PROVISION.—Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended—

(A) in section 2603(c) (42 U.S.C. 300ff–13(c)), by adding at the end the following:

"(4) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering paragraphs (2) and (3) with respect to the unobligated balance of an eligible area, the Secretary may elect to reduce the amount of future grants to the area under subsection (a) or (b), as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in paragraph (2) or (3)(A). In such case, the Secretary may permit the area to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to subsection (b), subject to subsection (a)(4) and section 2610(d)(2). Nothing in this paragraph shall be construed to affect the authority of the Secretary under paragraphs (2) and (3), including the authority to grant waivers under paragraph (3)(A). The reduction in future grants authorized under this paragraph shall be notwithstanding the penalty required under paragraph (3)(D) with respect to unobligated funds.";

(B) in section 2622 (42 U.S.C. 300ff–31a), by adding at the end the following:

"(e) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering subsections (b) and (c) with respect to the unobligated balance of a State, the Secretary may elect to reduce the amount of future grants to the State under section 2618, 2620, or 2621, as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in subsection (b) or (c)(1). In such case, the Secretary may permit the State to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to section 2620, subject to section 2618(a)(2)(H). Nothing in this paragraph shall be construed to affect the authority of the Secretary under subsections (b) and (c), including the authority to grant waivers under subsection (c)(1). The reduction in future grants authorized under this subsection shall be notwithstanding the penalty required under subsection (c)(4) with respect to unobligated funds.";

(C) in section 2603(b)(1)(H) (42 U.S.C. 300ff–13(b)(1)(H)), by striking "canceled" and inserting "canceled, offset under subsection (c)(4),"; and

(D) in section 2620(a)(2) (42 U.S.C. 300ff–29a(a)(2)), by striking "canceled" and inserting "canceled, offset under section 2622(e),".

(c) CONSIDERATION OF WAIVER AMOUNTS IN DETERMINING UNOBLIGATED BALANCES.—

42 USC 300ff–13.

(1) PART A GRANTS.—Section 2603(c)(3)(D)(i)(I) (42 U.S.C. 300ff–14(c)(3)(D)(i)(I)) is amended by inserting after "unobligated balance" the following: "(less any amount of such balance that is the subject of a waiver of cancellation under subparagraph (A))".

(2) PART B GRANTS.—Section 2622(c)(4)(A)(i) (42 U.S.C. 300ff—31a(c)(4)(A)(i)) is amended by inserting after "unobligated balance" the following: "(less any amount of such balance that is the subject of a waiver of cancellation under paragraph (1))".

SEC. 9. APPLICATIONS BY STATES.

Section 2617(b) (42 U.S.C. Section 300ff–27(b)) is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(8) a comprehensive plan—

"(A) containing an identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A) and the strategy required under section 2602(b)(4)(D)(iv);

"(B) describing the estimated number of individuals within the State with HIV/AIDS who do not know their status;

"(C) describing activities undertaken by the State to find the individuals described in subparagraph (A) and to make such individuals aware of their status;

"(D) describing the manner in which the State will provide undiagnosed individuals who are made aware of their status with access to medical treatment for their HIV/AIDS; and

"(E) describing efforts to remove legal barriers, including State laws and regulations, to routine testing.".

SEC. 10. ADAP REBATE FUNDS.

(a) USE OF UNOBLIGATED FUNDS.—Section 2622(d) (42 U.S.C. 300ff–31a(d)) is amended by adding at the end the following: "If an expenditure of ADAP rebate funds would trigger a penalty under this section or a higher penalty than would otherwise have applied, the State may request that for purposes of this section, the Secretary deem the State's unobligated balance to be reduced by the amount of rebate funds in the proposed expenditure. Notwithstanding 2618(a)(2)(F), any unobligated amount under section 2618(a)(2)(F)(ii)(V) that is returned to the Secretary for reallocation shall be used by the Secretary for—

"(1) the ADAP supplemental program if the Secretary determines appropriate; or

"(2) for additional amounts for grants pursuant to section 2620.".

(b) TECHNICAL CORRECTION.—Subclause (V) of section 2618(a)(2)(F)(ii) (42 U.S.C. 300ff–28(a)(2)(F)(ii)) is amended by striking ", subject to subclause (VI)".

SEC. 11. APPLICATION TO PRIMARY CARE SERVICES.

(a) IN GENERAL.—Section 2671 (42 U.S.C. 300ff–71), as amended, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) in subsection (g), by striking "subsection (i)" and inserting "subsection (j)"; and

(3) by inserting after subsection (h) the following:

"(i) APPLICATION TO PRIMARY CARE SERVICES.—Nothing in this part shall be construed as requiring funds under this part to be

used for primary care services when payments are available for such services from other sources (including under titles XVIII, XIX, and XXI of the Social Security Act).".

(b) PROVISION OF CARE THROUGH MEMORANDUM OF UNDERSTANDING.—Section 2671(a) (42 U.S.C. 300ff–71(a)) is amended by striking "(directly or through contracts)" and inserting "(directly or through contracts or memoranda of understanding)".

SEC. 12. NATIONAL HIV/AIDS TESTING GOAL.

42 USC 300ff–88.

Part E of title XXVI (42 U.S.C. 300ff–81 et seq.) is amended—

(1) by redesignating section 2688 as section 2689; and

(2) by inserting after section 2687 the following:

Deadlines.
42 USC
300ff–87a.

"SEC. 2688. NATIONAL HIV/AIDS TESTING GOAL.

"(a) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a national HIV/AIDS testing goal of 5,000,000 tests for HIV/AIDS annually through federally-supported HIV/AIDS prevention, treatment, and care programs, including programs under this title and other programs administered by the Centers for Disease Control and Prevention.

"(b) ANNUAL REPORT.—Not later than January 1, 2011, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to Congress a report describing, with regard to the preceding 12-month reporting period—

"(1) whether the testing goal described in subsection (a) has been met;

"(2) the total number of individuals tested through federally-supported and other HIV/AIDS prevention, treatment, and care programs in each State;

"(3) the number of individuals who—

"(A) prior to such 12-month period, were unaware of their HIV status; and

"(B) through federally-supported and other HIV/AIDS prevention, treatment, and care programs, were diagnosed and referred into treatment and care during such period;

"(4) any barriers, including State laws and regulations, that the Secretary determines to be a barrier to meeting the testing goal described in subsection (a);

"(5) the amount of funding the Secretary determines necessary to meet the annual testing goal in the following 12 months and the amount of Federal funding expended to meet the testing goal in the prior 12-month period; and

"(6) the most cost-effective strategies for identifying and diagnosing individuals who were unaware of their HIV status, including voluntary testing with pre-test counseling, routine screening including opt-out testing, partner counseling and referral services, and mass media campaigns.

Reports.

"(c) REVIEW OF PROGRAM EFFECTIVENESS.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall submit a report to Congress based on a comprehensive review of each of the programs and activities conducted by the Centers for Disease Control and Prevention as part of the Domestic HIV/AIDS Prevention Activities, including the following:

"(1) The amount of funding provided for each program or activity.

"(2) The primary purpose of each program or activity.

"(3) The annual goals for each program or activity.

"(4) The relative effectiveness of each program or activity with relation to the other programs and activities conducted by the Centers for Disease Control and Prevention, based on the—

"(A) number of previously undiagnosed individuals with HIV/AIDS made aware of their status and referred into the appropriate treatment;

"(B) amount of funding provided for each program or activity compared to the number of undiagnosed individuals with HIV/AIDS made aware of their status;

"(C) program's contribution to the National HIV/AIDS testing goal; and

"(D) progress made toward the goals described in paragraph (3).

"(5) Recommendations if any to Congress on ways to allocate funding for domestic HIV/AIDS prevention activities and programs in order to achieve the National HIV/AIDS testing goal.

"(d) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—In pursuing the National HIV/AIDS testing goal, the Secretary, where appropriate, shall consider and coordinate with other national strategies conducted by the Federal Government to address HIV/AIDS.".

SEC. 13. NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES.

Title XXVI (42 U.S.C. 300ff–11 et seq.) is amended by adding at the end the following:

"PART G—NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES

"SEC. 2695. INFECTIOUS DISEASES AND CIRCUMSTANCES RELEVANT TO NOTIFICATION REQUIREMENTS. 42 USC 300ff–131.

"(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall complete the development of— Deadline.

"(1) a list of potentially life-threatening infectious diseases, including emerging infectious diseases, to which emergency response employees may be exposed in responding to emergencies; Records.

"(2) guidelines describing the circumstances in which such employees may be exposed to such diseases, taking into account the conditions under which emergency response is provided; and Guidelines.

"(3) guidelines describing the manner in which medical facilities should make determinations for purposes of section 2695B(d). Guidelines.

"(b) SPECIFICATION OF AIRBORNE INFECTIOUS DISEASES.—The list developed by the Secretary under subsection (a)(1) shall include a specification of those infectious diseases on the list that are routinely transmitted through airborne or aerosolized means.

"(c) DISSEMINATION.—The Secretary shall—

"(1) transmit to State public health officers copies of the list and guidelines developed by the Secretary under subsection

(a) with the request that the officers disseminate such copies as appropriate throughout the States; and

"(2) make such copies available to the public.

Public information.

42 USC 300ff–132.

"SEC. 2695A. ROUTINE NOTIFICATIONS WITH RESPECT TO AIRBORNE INFECTIOUS DISEASES IN VICTIMS ASSISTED.

"(a) ROUTINE NOTIFICATION OF DESIGNATED OFFICER.—

"(1) DETERMINATION BY TREATING FACILITY.—If a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility makes a determination that the victim has an airborne infectious disease, the medical facility shall notify the designated officer of the emergency response employees who transported the victim to the medical facility of the determination.

"(2) DETERMINATION BY FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim of an emergency is transported by emergency response employees to a medical facility and the victim dies at or before reaching the medical facility, the medical facility ascertaining the cause of death shall notify the designated officer of the emergency response employees who transported the victim to the initial medical facility of any determination by the medical facility that the victim had an airborne infectious disease.

Deadline.

"(b) REQUIREMENT OF PROMPT NOTIFICATION.—With respect to a determination described in paragraph (1) or (2) of subsection (a), the notification required in each of such paragraphs shall be made as soon as is practicable, but not later than 48 hours after the determination is made.

42 USC 300ff–133.

"SEC. 2695B. REQUEST FOR NOTIFICATION WITH RESPECT TO VICTIMS ASSISTED.

"(a) INITIATION OF PROCESS BY EMPLOYEE.—If an emergency response employee believes that the employee may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency, and if the employee attended, treated, assisted, or transported the victim pursuant to the emergency, then the designated officer of the employee shall, upon the request of the employee, carry out the duties described in subsection (b) regarding a determination of whether the employee may have been exposed to an infectious disease by the victim.

"(b) INITIAL DETERMINATION BY DESIGNATED OFFICER.—The duties referred to in subsection (a) are that—

"(1) the designated officer involved collect the facts relating to the circumstances under which, for purposes of subsection (a), the employee involved may have been exposed to an infectious disease; and

"(2) the designated officer evaluate such facts and make a determination of whether, if the victim involved had any infectious disease included on the list issued under paragraph (1) of section 2695(a), the employee would have been exposed to the disease under such facts, as indicated by the guidelines issued under paragraph (2) of such section.

"(c) SUBMISSION OF REQUEST TO MEDICAL FACILITY.—

"(1) IN GENERAL.—If a designated officer makes a determination under subsection (b)(2) that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which

the victim involved was transported a request for a response under subsection (d) regarding the victim of the emergency involved.

"(2) FORM OF REQUEST.—A request under paragraph (1) shall be in writing and be signed by the designated officer involved, and shall contain a statement of the facts collected pursuant to subsection (b)(1).

"(d) EVALUATION AND RESPONSE REGARDING REQUEST TO MEDICAL FACILITY.—

"(1) IN GENERAL.—If a medical facility receives a request under subsection (c), the medical facility shall evaluate the facts submitted in the request and make a determination of whether, on the basis of the medical information possessed by the facility regarding the victim involved, the emergency response employee was exposed to an infectious disease included on the list issued under paragraph (1) of section 2695(a), as indicated by the guidelines issued under paragraph (2) of such section.

"(2) NOTIFICATION OF EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has been exposed to an infectious disease, the medical facility shall, in writing, notify the designated officer who submitted the request under subsection (c) of the determination.

"(3) FINDING OF NO EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has not been exposed to an infectious disease, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the determination.

"(4) INSUFFICIENT INFORMATION.—

"(A) If a medical facility finds in evaluating facts for purposes of paragraph (1) that the facts are insufficient to make the determination described in such paragraph, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of the facts.

"(B)(i) If a medical facility finds in making a determination under paragraph (1) that the facility possesses no information on whether the victim involved has an infectious disease included on the list under section 2695(a), the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of such medical information.

"(ii) If after making a response under clause (i) a medical facility determines that the victim involved has an infectious disease, the medical facility shall make the determination described in paragraph (1) and provide the applicable response specified in this subsection.

"(e) TIME FOR MAKING RESPONSE.—After receiving a request under subsection (c) (including any such request resubmitted under subsection (g)(2)), a medical facility shall make the applicable response specified in subsection (d) as soon as is practicable, but not later than 48 hours after receiving the request.

"(f) DEATH OF VICTIM OF EMERGENCY.—

"(1) FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim described in subsection (a) dies at or before reaching the medical

facility involved, and the medical facility receives a request under subsection (c), the medical facility shall provide a copy of the request to the medical facility ascertaining the cause of death of the victim, if such facility is a different medical facility than the facility that received the original request.

Applicability.

"(2) RESPONSIBILITY OF FACILITY.—Upon the receipt of a copy of a request for purposes of paragraph (1), the duties otherwise established in this part regarding medical facilities shall apply to the medical facility ascertaining the cause of death of the victim in the same manner and to the same extent as such duties apply to the medical facility originally receiving the request.

"(g) ASSISTANCE OF PUBLIC HEALTH OFFICER.—

"(1) EVALUATION OF RESPONSE OF MEDICAL FACILITY REGARDING INSUFFICIENT FACTS.—

"(A) In the case of a request under subsection (c) to which a medical facility has made the response specified in subsection (d)(4)(A) regarding the insufficiency of facts, the public health officer for the community in which the medical facility is located shall evaluate the request and the response, if the designated officer involved submits such documents to the officer with the request that the officer make such an evaluation.

Deadline.

"(B) As soon as is practicable after a public health officer receives a request under subparagraph (A), but not later than 48 hours after receipt of the request, the public health officer shall complete the evaluation required in such paragraph and inform the designated officer of the results of the evaluation.

"(2) FINDINGS OF EVALUATION.—

"(A) If an evaluation under paragraph (1)(A) indicates that the facts provided to the medical facility pursuant to subsection (c) were sufficient for purposes of determinations under subsection (d)(1)—

"(i) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

"(ii) the medical facility shall provide to the designated officer the applicable response specified in subsection (d).

"(B) If an evaluation under paragraph (1)(A) indicates that the facts provided in the request to the medical facility were insufficient for purposes of determinations specified in subsection (c)—

"(i) the public health officer shall provide advice to the designated officer regarding the collection and description of appropriate facts; and

"(ii) if sufficient facts are obtained by the designated officer—

"(I) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

"(II) the medical facility shall provide to the designated officer the appropriate response under subsection (c).

"SEC. 2695C. PROCEDURES FOR NOTIFICATION OF EXPOSURE.

42 USC 300ff–134.

"(a) CONTENTS OF NOTIFICATION TO OFFICER.—In making a notification required under section 2695A or section 2695B(d)(2), a medical facility shall provide—

"(1) the name of the infectious disease involved; and

"(2) the date on which the victim of the emergency involved was transported by emergency response employees to the medical facility involved.

"(b) MANNER OF NOTIFICATION.—If a notification under section 2695A or section 2695B(d)(2) is mailed or otherwise indirectly made—

"(1) the medical facility sending the notification shall, upon sending the notification, inform the designated officer to whom the notification is sent of the fact that the notification has been sent; and

"(2) such designated officer shall, not later than 10 days after being informed by the medical facility that the notification has been sent, inform such medical facility whether the designated officer has received the notification.

Deadline.

"SEC. 2695D. NOTIFICATION OF EMPLOYEE.

42 USC 300ff–135.

"(a) IN GENERAL.—After receiving a notification for purposes of section 2695A or 2695B(d)(2), a designated officer of emergency response employees shall, to the extent practicable, immediately notify each of such employees who—

"(1) responded to the emergency involved; and

"(2) as indicated by guidelines developed by the Secretary, may have been exposed to an infectious disease.

"(b) CERTAIN CONTENTS OF NOTIFICATION TO EMPLOYEE.—A notification under this subsection to an emergency response employee shall inform the employee of—

"(1) the fact that the employee may have been exposed to an infectious disease and the name of the disease involved;

"(2) any action by the employee that, as indicated by guidelines developed by the Secretary, is medically appropriate; and

"(3) if medically appropriate under such criteria, the date of such emergency.

"(c) RESPONSES OTHER THAN NOTIFICATION OF EXPOSURE.—After receiving a response under paragraph (3) or (4) of subsection (d) of section 2695B, or a response under subsection (g)(1) of such section, the designated officer for the employee shall, to the extent practicable, immediately inform the employee of the response.

"SEC. 2695E. SELECTION OF DESIGNATED OFFICERS.

42 USC 300ff–136.

"(a) IN GENERAL.—For the purposes of receiving notifications and responses and making requests under this part on behalf of emergency response employees, the public health officer of each State shall designate 1 official or officer of each employer of emergency response employees in the State.

"(b) PREFERENCE IN MAKING DESIGNATIONS.—In making the designations required in subsection (a), a public health officer shall give preference to individuals who are trained in the provision of health care or in the control of infectious diseases.

"SEC. 2695F. LIMITATION WITH RESPECT TO DUTIES OF MEDICAL FACILITIES.

Applicability. Time period. 42 USC 300ff–137.

"The duties established in this part for a medical facility—

"(1) shall apply only to medical information possessed by the facility during the period in which the facility is treating the victim for conditions arising from the emergency, or during the 60-day period beginning on the date on which the victim is transported by emergency response employees to the facility, whichever period expires first; and

"(2) shall not apply to any extent after the expiration of the 30-day period beginning on the expiration of the applicable period referred to in paragraph (1), except that such duties shall apply with respect to any request under section 2695B(c) received by a medical facility before the expiration of such 30-day period.

42 USC 300ff–138.

"SEC. 2695G. MISCELLANEOUS PROVISIONS.

"(a) LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part.

"(b) TESTING.—This part may not, with respect to victims of emergencies, be construed to authorize or require a medical facility to test any such victim for any infectious disease.

"(c) CONFIDENTIALITY.—This part may not be construed to authorize or require any medical facility, any designated officer of emergency response employees, or any such employee, to disclose identifying information with respect to a victim of an emergency or with respect to an emergency response employee.

"(d) FAILURE TO PROVIDE EMERGENCY SERVICES.—This part may not be construed to authorize any emergency response employee to fail to respond, or to deny services, to any victim of an emergency.

"(e) NOTIFICATION AND REPORTING DEADLINES.—In any case in which the Secretary determines that, wholly or partially as a result of a public health emergency that has been determined pursuant to section 319(a), individuals or public or private entities are unable to comply with the requirements of this part, the Secretary may, notwithstanding any other provision of law, temporarily suspend, in whole or in part, the requirements of this part as the circumstances reasonably require. Before or promptly after such a suspension, the Secretary shall notify the Congress of such action and publish in the Federal Register a notice of the suspension.

Federal Register, publication. Notice.

"(f) CONTINUED APPLICATION OF STATE AND LOCAL LAW.—Nothing in this part shall be construed to limit the application of State or local laws that require the provision of data to public health authorities.

42 USC 300ff–139.

"SEC. 2695H. INJUNCTIONS REGARDING VIOLATION OF PROHIBITION.

"(a) IN GENERAL.—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of obtaining temporary or permanent injunctive relief with respect to any violation of this part.

Administrative process.

"(b) FACILITATION OF INFORMATION ON VIOLATIONS.—The Secretary shall establish an administrative process for encouraging

emergency response employees to provide information to the Secretary regarding violations of this part. As appropriate, the Secretary shall investigate alleged such violations and seek appropriate injunctive relief.

"SEC. 2695I. APPLICABILITY OF PART.

42 USC 300ff–140.

"This part shall not apply in a State if the chief executive officer of the State certifies to the Secretary that the law of the State is substantially consistent with this part.".

Approved October 30, 2009.

LEGISLATIVE HISTORY—S. 1793 (H.R. 3792):

HOUSE REPORTS: No. 111–305 (Comm. on Energy and Commerce) accompanying H.R. 3792.

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 19, considered and passed Senate.
Oct. 21, considered and passed House.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Oct. 30, Presidential remarks.

Public Law 111–88
111th Congress

An Act

Oct. 30, 2009
[H.R. 2996]

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

REFERENCES

SECTION 1. Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $959,571,000, to remain available until expended; of which $3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2010 so as to result in a final appropriation estimated at not more than $959,571,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided*, That notwithstanding section 430 of division E of Public Law 111–8, the amount of $1,000,000 made available to the Bureau of Land Management for the shipment and storage of oil shale core samples in the State of Colorado, as described in the table entitled "Congressionally Designated Spending" contained in the joint explanatory statement, is rescinded.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $8,626,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $29,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho. Idaho.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,557,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against

the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited through fiscal year 2015 into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each

43 USC 1735 note.

such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products: *Provided further*, That title I of division E of the Omnibus Appropriations Act, 2009, is further amended, under the heading "Department of the Interior—Bureau of Land Management—Administrative Provisions" in the second paragraph: (1) by striking the phrase "mining law administration" and inserting "from mining claim holders the mining claim maintenance fees and location"; and (2) by striking "those": *Provided further*, That section 28f(a) of title 30, United States Code, is amended by striking the phrase "for years 2004 through 2008," and replacing it with ", to the extent provided in advance in Appropriations Acts,". Section 28g of title

Ante, p. 704.

30, United States Code, is amended by striking the phrase "and before September 30, 2008," and replacing it with ", to the extent provided in advance in Appropriations Acts,". Section 28i of title 30, United States Code, is amended by striking "28k" and replacing it with "28l".

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,269,406,000, to remain available until September 30, 2011 except as otherwise provided herein: *Provided,* That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further,* That not to exceed $22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: *Provided further,* That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: *Provided further,* That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,439,000, to remain available until expended: *Provided*, That funds provided under this heading in Public Law 111–8, division E for Kealia Pond National Wildlife Refuge, Nisqually National Wildlife Refuge, Patuxent Research Refuge, Tennessee National Wildlife Refuge, and Mammoth Springs National Fish Hatchery may be reallocated to acquire migratory bird survey aircraft and for construction at Neosho National Fish Hatchery.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service,

$86,340,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 460l–9, not more than $4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $120,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $85,000,000, to remain available until expended, of which $29,000,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $56,000,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,500,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $47,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $90,000,000, to remain available until expended: *Provided*, That

of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality

standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,261,559,000, of which $9,982,000 for planning and interagency coordination in support of Everglades restoration and $98,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104–333 relating to challenge cost-share agreements, $15,000,000, to remain available until expended for Park Partnership signature projects and programs: *Provided*, That not less than 50 percent of the total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit: *Provided further*, That, of the amount made available under this heading, $10,000,000 shall be derived from the transfer of prior year unobligated balances available in the National Park Service recreation enhancement fee program established by title VIII, division J, Public Law 108–447.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $68,436,000, of which $4,600,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $79,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which $25,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11): *Provided*, That of the funds provided for Save America's Treasures, $10,200,000 shall be allocated in the amounts specified for those projects and purposes

in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $232,969,000, to remain available until expended: *Provided*, That, beginning in fiscal year 2010 and thereafter, procurements for the removal and restoration of the Elwha and Glines Canyon dams as authorized in Public Law 102–495 may be issued which include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: *Provided further*, That funds provided under this heading shall be made available without regard to the requirements of section 8(b) of Public Law 102–543, as amended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

10 USC 460*l*–10a note.

The contract authority provided for fiscal year 2010 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $126,266,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $40,000,000 is for the State assistance program and of which $9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,111,740,000, to remain available until September 30, 2011, of which $65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $40,150,000 shall remain available until expended for satellite operations; of which $7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $2,000,000 shall be available to fund the operating expenses for the Civil Applications Committee: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities. 43 USC 50.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities

funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $175,217,000, to remain available until September 30, 2011, of which $89,374,000 shall be available for royalty management activities; and an amount not to exceed $156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided,* That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further,* That to the extent $156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, $10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees collected in fiscal year 2010, as provided in this Act: *Provided*, That to the extent that such amounts are not realized from such fees, the amount needed to reach $10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,180,000, to remain available until September 30, 2011: *Provided,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training. 30 USC 1211 note.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $35,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further,* That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel

attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,335,965,000, to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed $30,000 may be for official reception and representation expenses; of which not to exceed $74,915,000 shall be for welfare assistance payments: *Provided,* That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $166,000,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which $25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110–293 (25 U.S.C. 443c); and of which not to exceed $59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to $500,000

within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 2012: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

Expiration date.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $225,000,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further,* That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further,* That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further,* That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further,* That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further,* That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further,* That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any

Negotiation.

prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further,* That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–379, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $47,380,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,215,000, of which $1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $93,807,956.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $3,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority

Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Charter schools.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,836,000; of which not to exceed $25,000 may

be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended: *Provided,* That, for fiscal year 2010 up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further,* That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: *Provided further*, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: *Provided further*, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $85,195,000, of which: (1) $75,915,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made

48 USC 1469b.

Grants.
Pacific Basin Development Council.
Close Up Foundation.

available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $65,076,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $185,984,000, to remain available until expended, of which not to exceed $56,536,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

Deadline. Account statement. Records.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $794,897,000, to remain available until expended,

of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further,* That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That no less than $125,000,000 in prior-year wildfire suppression balances

Guidelines.

shall be made available in addition to amounts provided in this Act for that purpose.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, $61,000,000, to remain available until expended.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,175,000, to remain available until expended: *Provided*, That Public Law 110–161 (121 Stat. 2116) under this heading is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "including any fines or penalties".

42 USC 9607 note.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, $85,823,000, to remain available until expended: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or

services in the vicinity of the National Indian Program Training Center: *Provided further*, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland

fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" and "FLAME Wildfire Suppression Reserve Fund" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

Determination.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided,* That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Salazar to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Salazar.

MASS MARKING OF SALMONIDS

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

New York.
New Jersey.
Contracts.

PROHIBITION ON USE OF FUNDS

SEC. 110. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

Certification.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

CONTRIBUTION AUTHORITY

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 111–8, is further amended by striking "in fiscal years 2008 and 2009 only" and inserting "in fiscal years 2010 through 2013".

USE OF COOPERATIVE AGREEMENTS

43 USC 1457b.

SEC. 112. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

ICE AGE NATIONAL SCENIC TRAIL

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

CONFORMING AMENDMENT

Applicability.
Contracts.
30 USC 1720a.

SEC. 114. Notwithstanding any other provision of law, Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 115. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which

shall be deposited in the "Royalty and Offshore Minerals Management" account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) $2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing. Deadlines.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 116. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 117. Section 101(a)(1) of Public Law 109–131 is amended by striking "2009" and inserting "2013". 119 Stat. 2566.

SAN JUAN ISLAND NATIONAL HISTORIC PARK AUTHORIZATION

SEC. 118. Section 4 of Public Law 89–565, as amended (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking "$5,575,000" and inserting "$13,575,000".

JAPANESE AMERICAN CONFINEMENT SITES, AMENDMENT

SEC. 119. Section 1(c)(2) of Public Law 109–441 is amended by adding after subparagraph (D) the following new subparagraph: 16 USC 461 note.

"(E) Heart Mountain, depicted in Figure 6.3 of the Site Document.".

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 120. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (j)"; and

(3) by inserting after subsection (f) the following:

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

"(2) PROPERTY REMOVAL.—

Notice.

"(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.".

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 121. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term "historic attraction" mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term "Monument" means the Word War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) VISITOR CENTER.—The term "Visitor Center" means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the

Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) USE OF FEES.—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) LIMITATION OF AUTHORITY.—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) PROTECTION OF RESOURCES.—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 122. (a) IN GENERAL.—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the "Compact"). Grants.

(b) PROGRAMMATIC ASSISTANCE.—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) LIMITATIONS ON ASSISTANCE.—

(1) IN GENERAL.—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) TRUST FUND.—If the Government of Palau withdraws more than $5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 123. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

16 USC 460bb–3 note.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

Time period.

SEC. 124. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit ("existing authorization") within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

Deadline. Payments.

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 125. (a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the "Secretary") shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) GUIDELINES.—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with—

(1) the State of Hawaii;
(2) appropriate Federal agencies;
(3) Native Hawaiian and local government entities;
(4) private and nonprofit organizations;
(5) private land owners; and
(6) other interested parties.

(d) THEMES.—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

(1) the significance of the site as a component of World War II;
(2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and
(3) historic resources at the site.

(e) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

CONTROL OF BORDER

SEC. 126. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367) over the international land and maritime borders of the United States with respect to section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

NATIONAL HERITAGE AREA, OPT OUT PROVISION

SEC. 127. Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity. Notice.

PLACEMENT OF PLAQUE AT WORLD WAR II MEMORIAL

SEC. 128. Notwithstanding any other law, the Secretary of the Interior shall install in the area of the World War II Memorial in the District of Columbia a suitable plaque to commemorate the extraordinary leadership of Senator Robert J. Dole in making the Memorial a reality on the National Mall: *Provided*, That the Secretary shall design, procure, prepare and install the plaque: *Provided further*, That the Secretary of the Interior is authorized to accept and expend contributions toward the cost of preparing and installing the plaque, without further appropriation: *Provided further*, That Federal funds may be used to design, procure, or install the plaque.

MARTIN LUTHER KING, JR. MEMORIAL AUTHORITY, EXTENSION

SEC. 129. Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996, as amended (40 U.S.C. 8903 note; 110 Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527, 122 Stat. 5034) shall be amended by striking "November 12, 2009" and inserting "September 30, 2010".

JOHN ADAMS MEMORIAL AUTHORITY, EXTENSION

SEC. 130. Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by Public Law 107–62 and Public Law 107–315 shall continue to apply through September 30, 2010. Applicability.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $846,049,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,993,779,000, to remain available until September 30, 2011: *Provided*, That of the funds included under this heading, not less than $608,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $37,001,000, to remain available until expended, of which up to $500,000 shall be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,306,541,000, to remain available until expended, consisting of such sums as are available in the

Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,306,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and $26,834,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $113,101,000, to remain available until expended, of which $78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

Native Americans.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,970,223,000, to remain available until expended, of which $2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which $1,387,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That for fiscal year 2010, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $17,000,000 shall be for architectural, engineering, planning, design, construction and related activities

in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $13,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided further*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $156,777,000 shall be for making special project grants and technical corrections to prior-year grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the joint explanatory statement of the managers accompanying this Act; and $1,116,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, $10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further,* That notwithstanding section 603(d)(7) of the Federal Water Pollution Control

Alaska.

Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further,* That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That not less than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000: *Provided further,* That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

Native Americans.

Applicability.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

Fees.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

119 Stat. 531.

Title II of Public Law 109–54, as amended by title II of division E of Public Law 111–8 (123 Stat. 729), is amended in the fourth paragraph under the heading "Administrative Provisions" by striking "2011" and inserting "2015."

The Administrator is authorized to transfer up to $475,000,000 of the funds appropriated for the Great Lakes Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the "State and Tribal Assistance Grants" and "Hazardous Substance Superfund" accounts, $40,000,000 are permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Deadline.
Study.

Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study on domestic and international black carbon emissions that shall include an inventory of the major sources of black carbon, an assessment of the impacts of black carbon on global and regional climate, an assessment of potential metrics and approaches for quantifying the climatic effects of black carbon emissions (including its radiative forcing and warming effects) and comparing those effects to the effects of carbon dioxide and other greenhouse gases, an identification of the most cost-effective approaches to reduce black carbon emissions, and an analysis of the climatic effects

and other environmental and public health benefits of those approaches.

For fiscal year 2010 the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both. Applicability.

For fiscal year 2010 the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12). Applicability.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $312,012,000, to remain available until expended: *Provided,* That of the funds provided, $66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $308,061,000, to remain available until expended, as authorized by law; of which $76,460,000 is to be derived from the Land and Water Conservation Fund; and of which $2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)).

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,551,339,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*,

That, through fiscal year 2012, the Secretary may authorize the expenditure or transfer of up to $10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

Roads.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $556,053,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $90,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: *Provided further*, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further,* That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

Notice.
Public comment.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $63,522,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 460l–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,103,737,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for

the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $350,285,000 is for hazardous fuels reduction activities, $11,600,000 is for rehabilitation and restoration, $23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $71,250,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $20,752,000 is for forest health activities on Federal lands and $11,428,000 is for forest health activities on State and private lands: *Provided further*, That no less than $75,000,000 in prior-year wildfire suppression balances shall be made available in addition to amounts provided in this Act for that purpose: *Provided further*, That of the funds provided for hazardous fuels reduction, $10,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to $15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements, or issue grants, for hazardous fuels reduction activities and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the State and Private Forestry Appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest

Notification.
Transfer date.

Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

Assessments.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, $413,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Notification. Deadlines.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings "Wildland Fire Management" and "FLAME Wildfire Suppression Reserve Fund" shall be fully obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

16 USC 556i.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than $78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $19,825,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to $5,000,000 for priority projects within the scope of the approved budget, of which $2,500,000 shall be carried out by the Youth Conservation Corps and $2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Deadline.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Assessments.

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The 19th unnumbered paragraph under heading "Administrative Provisions, Forest Service" in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109–54, is amended by striking "2009" and inserting "2014".

119 Stat. 538.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation:

Provided further, That $779,347,000 for contract medical care, including $48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That $18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That of the funds provided, up to $32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: *Provided further*, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

Loans.

Reports.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $394,757,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred

from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

Regulations. Budget request.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

Notification.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g)

of the Superfund Amendments and Reauthorization Act of 1986, $79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,792,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,159,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

Appointment.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C.

Government positions.

5 USC app. 8G note.

Study.

3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $11,147,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: *Provided further*, That of the funds appropriated under this heading, $600,000 shall be for a study by the National Academy of Sciences to examine the use and storage of methyl isocyanate including the feasibility of implementing alternative chemicals or processes and an examination of the cost of alternatives at the Bayer CropScience facility in Institute, West Virginia.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: *Provided,* That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further,* That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further,* That no relocatee will be provided with more than one new or replacement home: *Provided further,* That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,300,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $636,161,000, to remain available until September 30, 2011, except as otherwise provided herein; of which not to exceed $19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which $1,553,000 is for fellowships and scholarly awards; of which $250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided,* That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

Contracts.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $125,000,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, $30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: *Provided*, That such funds shall be matched on a 1:1 basis by private donations: *Provided further*, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: *Provided further*, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: *Provided further*, That this appropriation may be made available to the Smithsonian

Applicability.

Institution incrementally as private funding becomes available: *Provided further*, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: *Provided further*, That the unobligated balances provided under this heading in Public Law 110–161 and Public Law 111–8 are hereby rescinded.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $110,746,000, of which not to exceed $3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $56,259,000, to remain available until expended: *Provided,* That of this amount, $40,000,000 shall be available for repair of the National Gallery's East Building façade: *Provided further*, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts,

$23,000,000: *Provided*, That of the funds included under this heading, $500,000 is available until expended to implement a program to train arts managers throughout the United States.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,225,000, to remain available until September 30, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $167,500,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $167,500,000, to remain available until expended, of which $153,200,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $9,500,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant

or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,294,000: *Provided,* That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $9,500,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,908,000: *Provided,* That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $8,507,000: *Provided,* That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $49,122,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the museum's repair and rehabilitation program, and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,200,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, $3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106–79, $16,000,000, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law. Contracts.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913. Lobbying.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

Budget estimates.

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

TRANSFER OF FUNDS AUTHORITY

SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

MINING APPLICATIONS

Patents.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

Determination.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, and 111–8 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 410. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided,* That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

16 USC 1604 note.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

Wildfires.

SEC. 412. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide immunity under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

CONTRACTING AUTHORITIES

Urban and rural areas.

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal

lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided,* That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further,* That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: *Provided further,* That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further,* That the Secretaries shall develop guidance to implement this section: *Provided further,* That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

Guidelines.

LIMITATION ON TAKINGS

SEC. 414. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 415. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

EXTENSION OF GRAZING PERMITS

SEC. 416. The terms and conditions of section 325 of Public Law 108–108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 417. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89–209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking "14" and inserting in lieu thereof "18"; and

(2) In the second sentence of subsection (d)(1), by striking "Eight" and inserting in lieu thereof "Ten".

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS AUTHORIZATION

SEC. 418. The item relating to "National Capital Arts and Cultural Affairs" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

(1) in the second sentence of the first paragraph, by striking "$7,500,000" and inserting "$10,000,000"; and

(2) in the second sentence of the fourth paragraph, by striking "$500,000" and inserting "$650,000".

ALASKA NATIVE HEALTH CARE SERVICES

SEC. 419. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursal of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

EXTENSION OF FOREST BOTANICAL PRODUCT AUTHORITIES

16 USC 528 note.

SEC. 420. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000, as amended, concerning a pilot program for the sale of forest botanical products by the Forest Service, is further amended by striking "September 30, 2009" and inserting "September 30, 2014".

TIMBER SALE REQUIREMENTS

SEC. 421. The Forest Service shall use the residual value approach to appraising all timber sales in Alaska's Region 10 that contain a component of Western red cedar and shall only offer sales that contain a component of Western red cedar that are not deficit. Western red cedar shall be appraised using lower 48 State domestic values if the timber might be eligible for shipment to the lower 48 States. All of the Western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices in the contiguous 48 United States. Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" if the Forest Service determines it is surplus or if the timber sale holder has presented to the Forest Service documentation that the Forest Service determines is valid of the inability to sell Western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional Western red cedar volume not sold

Determination.

to Alaska or to contiguous 48 United States domestic processors may be exported to foreign markets if the Forest Service determines it is surplus to the needs of the 50 States. All Alaska yellow cedar may be sold at prevailing export prices if the Forest Service determines it is surplus to the needs of the 50 States.

COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 422. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106–291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108–447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking "September 30, 2009" and inserting "September 30, 2013". 118 Stat. 3102.

GEOTHERMAL ENERGY RECEIPTS

SEC. 423. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109–58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

PROHIBITION ON USE OF FUNDS

SEC. 424. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 426. Not later than 120 days after the date on which the President's fiscal year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2009 and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix. President.

PROHIBITION ON USE OF FUNDS

SEC. 427. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Cuba.

GUANTANAMO BAY DETAINEES, FUNDING RESTRICTIONS

SEC. 428. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

President. Classified information. Plans.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States. Notification. Deadline.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information: President. Classified information. Submission. Deadline.

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) In this section, the term "freely associated States" means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. Definition.

(g) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act. President. Classified information. Reports.

JUNGO DISPOSAL SITE EVALUATION

Nevada.

SEC. 429. Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the "site"), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

Kansas.

BUYOUT AND RELOCATION

SEC. 430. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") is encouraged to consider all appropriate criteria relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

AGRICULTURAL RESEARCH AUTHORIZATION

SEC. 431. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking "Agricultural Research Service" and inserting "Agricultural Research Service and the Forest Service"; and

(2) by adding at the end the following:

"(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.".

NATIONAL FOREST FOUNDATION

SEC. 432. Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j–1(a)) is amended, in the first sentence, by striking "fifteen Directors" and inserting "not more than 30 Directors".

CABIN USER FEES

SEC. 433. Notwithstanding any other provision of law, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to increase a recreation residence user fee for calendar year 2010 by more than 25 percent of the recreation residence user fee applicable to the recreation residence for calendar year 2009.

PROHIBITION ON NO-BID CONTRACTS

SEC. 434. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Service Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 435. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest. Web posting.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL CONSERVATION AREA MAP AMENDMENT

SEC. 436. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111–11) is amended by striking "December 18, 2008" and inserting "September 20, 2009". *Ante*, p. 1075.

TAR CREEK SUPERFUND SITE

SEC. 437. (a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the "site"), any purchase of chat

(as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 438. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

Procedures.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 439. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

Definitions.

(b) In this section:

(1) The term "underserved population" means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for

projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965— Grants.

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and Reports.

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

ENERGY AND WATER DEVELOPMENT, TECHNICAL CORRECTION

SEC. 440. Section 208(a)(2)(E) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 is amended by striking "$45,000,000" and inserting "$5,000,000". *Ante*, p. 2858.

AWARDS TO FOR-PROFIT ENTITIES

SEC. 441. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–180) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

PROHIBITION ON USE OF FUNDS

SEC. 442. None of the funds made available for the Environmental Protection Agency in this Act may be expended by the Administrator of the Environmental Protection Agency to issue a final rule that includes fuel sulfur standards applicable to existing steamships that operate exclusively within the Great Lakes, and their connecting and tributary waters.

AUTHORIZATION FOR REFINANCING

SEC. 443. The Administrator of the Environmental Protection Agency shall allow the State of Mississippi to refinance the Clean Water State Revolving Loans made to the Hancock Water and Sewer District and the Hancock Utility Authority for a period not to exceed one year with the payment schedule amortized over that additional period.

INCORPORATION OF CONGRESSIONALLY REQUESTED PROJECTS

SEC. 444. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and

purposes delineated in the table titled "Incorporation of Congressionally Requested Projects" included in the joint explanatory statement of the managers accompanying this Act, except that such funding appropriated for land acquisition, construction, and capital improvement and maintenance may be reallocated to other projects in that table funded by the same appropriation account if such reallocation has been approved by the House and Senate Committees on Appropriations; and, such funding appropriated for "National Park Service—Historic Preservation Fund" for Save America's Treasures grants may be reallocated to be used for competitive grants under the Save America's Treasures program if such reallocation has been approved by the House and Senate Committees on Appropriations.

Federal Land Assistance, Management, and Enhancement Act of 2009. 43 USC 1701 note.

TITLE V—FLAME ACT OF 2009

SEC. 501. SHORT TITLE.

This title may be cited as the "Federal Land Assistance, Management, and Enhancement Act of 2009" or "FLAME Act of 2009".

43 USC 1748a.

SEC. 502. FLAME WILDFIRE SUPPRESSION RESERVE FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term "Federal land" means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term "FLAME Fund" means a FLAME Wildfire Suppression Reserve Fund established by subsection (b).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term "relevant congressional committees" means the Committee on Appropriations, the Committee on Natural Resources, and the Committee on Agriculture of the House of Representatives and the Committee on Appropriations, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate.

(4) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of the Interior, with respect to—

(i) Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(ii) the FLAME Fund established for the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to—

(i) National Forest System land; and

(ii) the FLAME Fund established for the Department of the Agriculture.

(b) ESTABLISHMENT OF FLAME FUNDS.—There is established in the Treasury of the United States the following accounts:

(1) The FLAME Wildfire Suppression Reserve Fund for the Department of the Interior.

(2) The FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture.

(c) PURPOSE OF FLAME FUNDS.—The FLAME Funds shall be available to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts are exhausted.

(d) FUNDING.—

(1) CREDITS TO FUNDS.—A FLAME Fund shall consist of the following:

(A) Such amounts as are appropriated to that FLAME Fund.

(B) Such amounts as are transferred to that FLAME Fund under paragraph (5).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the FLAME Funds such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that, for fiscal year 2011 and each fiscal year thereafter, the amounts requested by the President for a FLAME Fund should be not less than the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i).

(C) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS, SUPPLEMENTAL FUNDING REQUEST, AND SUPPLEMENT TO OTHER SUPPRESSION FUNDING.—It is the sense of Congress that for fiscal year 2011 and each fiscal year thereafter—

(i) amounts appropriated to a FLAME Fund in excess of the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i) should be designated as amounts necessary to meet emergency needs;

(ii) the Secretary concerned should promptly make a supplemental request for additional funds to replenish the FLAME Fund if the Secretary determines that the FLAME Fund will be exhausted within 30 days; and

(iii) funding made available through the FLAME Fund should be used to supplement the funding otherwise appropriated to the Secretary concerned for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts.

(3) AVAILABILITY.—Amounts in a FLAME Fund shall remain available to the Secretary concerned until expended.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretary concerned shall notify the relevant congressional committees if

the Secretary estimates that only 60 days worth of funds remain in the FLAME Fund administered by that Secretary.

(5) TRANSFER AUTHORITY.—If a FLAME Fund has insufficient funds, the Secretary concerned administering the other FLAME Fund may transfer amounts to the FLAME Fund with insufficient funds. Not more than $100,000,000 may be transferred from a FLAME Fund during any fiscal year under this authority.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), amounts in a FLAME Fund shall be available to the Secretary concerned to transfer to the Wildland Fire Management appropriation account of that Secretary to pay the costs of wildfire suppression activities of that Secretary that are separate from amounts for wildfire suppression activities annually appropriated to that Secretary under the Wildland Fire Management appropriation account of that Secretary.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in a FLAME Fund shall be available for transfer under paragraph (1) only after that Secretary concerned issues a declaration that a wildfire suppression event is eligible for funding from the FLAME Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretary concerned under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; or

(II) the Secretary concerned determines that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression and Federal emergency response activities for the Secretary concerned will exceed, within 30 days, all of the amounts previously appropriated (including amounts appropriated under an emergency designation, but excluding amounts appropriated to the FLAME Fund) to the Secretary concerned for wildfire suppression and Federal emergency response.

(3) STATE, PRIVATE, AND TRIBAL LAND.—Use of a FLAME Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—For fiscal year 2011 and subsequent fiscal years, the Secretary concerned shall request funds within the Wildland Fire Management appropriation account of that Secretary for regular wildfire suppression activities that do not meet the criteria specified in subsection (e)(2)(B)(i).

Deadline.

(g) PROHIBITION ON OTHER TRANSFERS.—The Secretary concerned may not transfer funds from non-fire accounts to the Wildland Fire Management appropriation account of that Secretary unless amounts in the FLAME Fund of that Secretary and any

amounts appropriated to that Secretary for the purpose of wildfire suppression will be exhausted within 30 days.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING REQUIREMENTS.—The Secretary concerned shall account and report on amounts transferred from the respective FLAME Fund in a manner that is consistent with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—The Secretary concerned shall submit to the relevant congressional committees and make available to the public an annual report that—

(A) describes the obligation and expenditure of amounts transferred from the FLAME Fund; and

(B) includes any recommendations that the Secretary concerned may have to improve the administrative control and oversight of the FLAME Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretary concerned shall submit to the relevant congressional committees an estimate of anticipated wildfire suppression costs for the applicable fiscal year.

(B) INDEPENDENT REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic independent review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretary concerned shall submit an estimate under subparagraph (A) during— Estimate. Deadlines.

(i) the first week of March of each year;

(ii) the first week of May of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority of the Secretary concerned to use the FLAME Fund established for that Secretary shall terminate at the end of the third fiscal year in which no appropriations to, or withdrawals from, that FLAME Fund have been made for a period of three consecutive fiscal years. Upon termination of such authority, any amounts remaining in the affected FLAME Fund shall be transferred to, and made a part of, the Wildland Fire Management appropriation account of the Secretary concerned for wildland suppression activities.

SEC. 503. COHESIVE WILDFIRE MANAGEMENT STRATEGY. 43 USC 1748b.

(a) STRATEGY REQUIRED.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports Deadline. Reports.

of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

Time period.

(c) REVISION.—At least once during each five-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall revise the strategy to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

This division may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010".

DIVISION B—FURTHER CONTINUING APPROPRIATIONS, 2010

SEC. 101. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by striking the date specified in section 106(3) and inserting "December 18, 2009".

Ante, p. 2045.

Applicability.

SEC. 102. Section 129 of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by striking "2009" and inserting "2008", and such amendment shall apply as if included in such public law on the date of its enactment.

Ante, p. 2047.

SEC. 103. Subsections (c)(1) and (e)(3) of section 9503, and subparagraphs (A), (B), and (C) of section 9504(b)(2), of the Internal Revenue Code of 1986 are each amended by inserting "the last amendment to" after "on the date of the enactment of".

26 USC 9503, 9504.

SEC. 104. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by adding after section 164 the following new sections:

Ante, p. 2053.

"SEC. 165. In addition to amounts provided in section 101, amounts are provided for 'Small Business Administration—Business Loans Program Account', for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans as authorized by section 7(a) of the Small Business Act, at a rate for operations of $80,000,000.

"SEC. 166. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any

other provision of law or of this joint resolution, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C.1715z-20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

"(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

"SEC. 167. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—For mortgages originated during calendar year 2010, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C.1754(a)(2)) respectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law or of this joint resolution, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

"(b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—Notwithstanding any other provision of law or of this joint resolution, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during calendar year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(l)(B) of the Economic Stimulus Act of 2008.

"SEC. 168. Notwithstanding any other provision of this joint resolution, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

"SEC. 169. Notwithstanding any other provision of this joint resolution, other than section 106, up to $200,000,000 of the funds provided by Public Law 111–8 that are available on October 1, 2009, in the 'Tenant-Based Rental Assistance' account may be available to adjust allocations for public housing agencies to prevent termination of assistance to families.".

Approved October 30, 2009.

LEGISLATIVE HISTORY—H.R. 2996:

HOUSE REPORTS: Nos. 111–180 (Comm. on Appropriations) and 111–316 (Comm. of Conference).
SENATE REPORTS: No. 111–38 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 155 (2009):
June 25, 26, considered and passed House.
Sept. 17, 21–24, considered and passed Senate, amended.
Oct. 29, House and Senate agreed to conference report.

Public Law 111–89
111th Congress

An Act

To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

Oct. 30, 2009
[S. 1929]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109–316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111–66, is amended by striking "October 31, 2009" each place it appears and inserting "January 31, 2010".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 30, 2009.

Approved October 30, 2009.

LEGISLATIVE HISTORY—S. 1929:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 26, considered and passed Senate.
Oct. 28, considered and passed House, amended.
Oct. 29, Senate concurred in House amendment.

Public Law 111–90
111th Congress

An Act

Nov. 3, 2009
[S. 1818]

To amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009.
20 USC 5601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009".

SEC. 2. SHORT TITLE.

Section 1 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 note; Public Law 102–259) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Morris K. Udall and Stewart L. Udall Foundation Act'.".

SEC. 3. FINDINGS.

Section 3 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the Foundation—

"(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

"(B) since 1999, has provided valuable environmental conflict resolution services and leadership through the United States Institute for Environmental Conflict Resolution; and

"(C) is committed to continue making a substantial contribution toward public policy in the future by—

"(i) playing a significant role in developing the next generation of environmental and Native American leaders; and

"(ii) working with current leaders to improve decisionmaking on—

"(I) challenging environmental, energy, and related economic problems; and

"(II) tribal governance and economic issues;

"(6) Stewart L. Udall, as a member of Congress, Secretary of the Interior, environmental lawyer, and author, has provided distinguished national leadership in environmental and Native American policy for more than 50 years;

"(7) as Secretary of the Interior from 1961 to 1969, Stewart L. Udall oversaw the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges; and

"(8) it is fitting that the leadership and vision of Stewart L. Udall in the areas of environmental and Native American policy be jointly honored with that of Morris K. Udall through the foundation bearing the Udall name.".

SEC. 4. DEFINITIONS.

Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by striking "Morris K. Udall Scholarship and Excellence in National Environmental Policy";

(2) in paragraph (5), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in paragraph (9), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 5. ESTABLISHMENT OF FOUNDATION.

Section 5 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603) is amended—

(1) in the section heading, by striking "**SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY**" and inserting "**AND STEWART L. UDALL**";

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in subsection (f)(2), by striking "the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code" and inserting "a rate determined by the Board in accordance with section 5383 of title 5, United States Code".

SEC. 6. AUTHORITY OF FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) to conduct training, research, and other activities under section 6(7)."; and

(2) by striking subsection (b) and inserting the following:

"(b) UDALL SCHOLARS.—Recipients of scholarships, fellowships, and internships under this Act shall be known as 'Udall Scholars', 'Udall Fellows', and 'Udall Interns', respectively.".

SEC. 7. ESTABLISHMENT OF TRUST FUND.

Section 8 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606) is amended—

(1) in the section heading, by striking "**SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY**" and inserting "**AND STEWART L. UDALL**"; and

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.

Section 9(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607(a)) is amended by inserting before the period at the end the following: ", including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed $5,000 for a fiscal year".

SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended by adding at the end the following:

"(f) AGENCY MANAGEMENT OR CONTROL.—Use of the Foundation or Institute to provide independent and impartial assessment, mediation, or other dispute or conflict resolution under this section shall not be considered to be the establishment or use of an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).".

SEC. 10. ADMINISTRATIVE PROVISIONS.

Section 12(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) appoint such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(B) fix the compensation of the personnel appointed under subparagraph (A) at a rate not to exceed the maximum rate for employees in grade GS–15 of the General Schedule under section 5332 of title 5, United States Code, except that up to 4 employees (in addition to the Executive Director under section 5(f)(2)) may be paid at a rate determined by the Board in accordance with section 5383 of that title.";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

"(7) to rent office space in the District of Columbia or its environs; and".

Approved November 3, 2009.

LEGISLATIVE HISTORY—S. 1818:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 20, considered and passed Senate.
Oct. 21, considered and passed House.

Public Law 111–91
111th Congress

An Act

To require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

Nov. 6, 2009
[H.R. 1209]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Medal of Honor Commemorative Coin Act of 2009.
31 USC 5112 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medal of Honor Commemorative Coin Act of 2009".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Medal of Honor, first authorized by the Congress in 1861 as the United States Navy's highest personal decoration, the Army Medal of Honor was authorized by the Congress in 1862, and the Air Force Medal of Honor was authorized by Congress in 1956.

(2) The Medal of Honor is presented by the President of the United States in the name of the Congress, to a person who, while a member of the United States Armed Forces, distinguishes himself or herself conspicuously by gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in action against an enemy of the United States; while engaged in military operations involving conflict with an opposing foreign force; or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(3) The deed performed must have been one of personal bravery or self-sacrifice so conspicuous as to clearly distinguish the individual above his or her comrades and must have involved risk of life.

(4) Incontestable proof of the performance of the service will be exacted and each recommendation for the award of this decoration will be considered on the standard of extraordinary merit.

(5) Fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces.

(6) The Congressional Medal of Honor Society is a not-for-profit organization chartered by the 85th Congress under

a legislative act signed into law by President Dwight D. Eisenhower on August 14, 1958, and membership in the Society is restricted to recipients of the Medal of Honor.

(7) Society members are joined together for the purpose of forming and maintaining friendship among all living recipients of the Medal of Honor and remembrance of posthumous and deceased recipients.; they are dedicated to the protection and preservation of the dignity, honor and name of the Medal of Honor; service to others; service to Nation; and the promotion of allegiance to the Constitution and the Government of the United States.

(8) Members of the Society act to foster patriotism and to inspire and encourage the youth of America to become worthy citizens.

(9) The Congressional Medal of Honor Foundation, a 501(c)(3) not-for-profit organization founded by the Society in 1999, is dedicated to—

(A) perpetuating the Medal of Honor's legacy through outreach and collaborative efforts;

(B) raising funds for initiatives that promote what the Medal of Honor represents, operation of the Congressional Medal of Honor Society headquarters, and the public outreach activities of the Medal of Honor Society's membership; and

(C) promoting American values and the qualities of courage, sacrifice and patriotism through increased awareness, education, scholarships, behavior and example.

(10) Through its educational and outreach programs, the Congressional Medal of Honor Foundation promotes heroism, selflessness and distinguished citizenship among American youth and brings public awareness to the actions of ordinary Americans who have made and are making a profound difference in preserving our freedoms.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the founding of the Medal of Honor in 1861, and notwithstanding any other provision of law, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 gold coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 500,000 $1 coins , which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the traditions, legacy, and heritage of the Medal of Honor, and the distinguished service of its recipients in the Nation's history.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2011"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall—

(1) contain motifs that represent the 3 Medal of Honor designs (Army, Navy, and Air Force) and specifically honor the Medal of Honor recipients of both today and yesterday, such designs to be consistent with the traditions and heritage of the United States Armed Services, the mission and goals of the Congressional Medal of Honor Society, and the mission and goals of the Congressional Medal of Honor Foundation;

(2) be selected by the Secretary, after consultation with the Boards of the Congressional Medal of Honor Society and Congressional Medal of Honor Foundation and the Commission of Fine Arts; and

(3) be reviewed by the Citizens Coin Advisory Committee.

SEC. 5. ISSUANCE.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—For each of the 2 denomination of coins minted under this Act, at least 1 facility of the United States Mint shall be used to strike proof quality coins, while at least 1 other such facility shall be used to strike the uncirculated quality coins.

(c) PERIOD FOR ISSUANCE.—The Secretary of the Treasury may issue coins minted under this Act only during the 1-year period beginning on January 1, 2011.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $35 per coin for the $5 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Congressional Medal of Honor Foundation to help finance the educational, scholarship and outreach programs of the Foundation.

(c) AUDITS.—The Congressional Medal of Honor Foundation shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary may issue guidance to carry out this subsection.

Approved November 6, 2009.

LEGISLATIVE HISTORY—H.R. 1209:

CONGRESSIONAL RECORD, Vol. 155 (2009):
May 13, 14, considered and passed House.
Oct. 22, considered and passed Senate.

Public Law 111–92
111th Congress

An Act

Nov. 6, 2009
[H.R. 3548]

To amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Worker, Homeownership, and Business Assistance Act of 2009.
Inter-governmental relations.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Worker, Homeownership, and Business Assistance Act of 2009".

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking "If" and all that follows through "paragraph (2))" and inserting "At the time that the amount established in an individual's account under subsection (b)(1) is exhausted";

(B) in subparagraph (A), by striking "50 percent" and inserting "54 percent"; and

(C) in subparagraph (B), by striking "13" and inserting "14";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

Applicability.
26 USC 3304 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

"(d) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

"(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter 'second-tier emergency unemployment compensation') is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an

amount (hereinafter 'third-tier emergency unemployment compensation') equal to the lesser of—

"(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

"(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

"(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if— Applicability.

"(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

"(i) were applied by substituting '4' for '5' each place it appears; and

"(ii) did not include the requirement under paragraph (1)(A) thereof; or

"(B) such a period would then be in effect for such State under such Act if—

"(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

"(ii) such section 203(f)—

"(I) were applied by substituting '6.0' for '6.5' in paragraph (1)(A)(i) thereof; and

"(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

"(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.".

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) by striking "then section 4002(c)" and inserting "then subsections (c) and (d) of section 4002"; and

(2) by striking "paragraph (2) of such section)" and inserting "paragraph (2) of such subsection (c) or (d) (as the case may be))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act. Applicability. 26 USC 3304 note.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

"(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

"(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such

account shall be further augmented by an amount (hereinafter 'fourth-tier emergency unemployment compensation') equal to the lesser of—

"(A) 24 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

"(B) 6 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

Applicability.

"(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

"(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

"(i) were applied by substituting '6' for '5' each place it appears; and

"(ii) did not include the requirement under paragraph (1)(A) thereof; or

"(B) such a period would then be in effect for such State under such Act if—

"(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

"(ii) such section 203(f)—

"(I) were applied by substituting '8.5' for '6.5' in paragraph (1)(A)(i) thereof; and

"(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

"(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.".

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking "and (d)" and inserting ", (d), and (e) of section 4002"; and

(2) by striking "or (d)" and inserting ", (d), or (e) (as the case may be))".

Applicability. 26 USC 3304 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

"(f) COORDINATION RULES.—

"(1) COORDINATION WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior

to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

"(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.".

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking "Act;" and inserting "Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;".

SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

"(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

"(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor); and

"(II) Sexual assault, verified by such reasonable and confidential documentation as the State

law may require, which causes the individual reasonably to believe that such individual's continued employment would jeopardize the safety of the individual or of any member of the individual's immediate family (as defined by the Secretary of Labor).".

42 USC 1103 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

26 USC 3304 note.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual's eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), is amended—

Ante, p. 445.

(1) in clause (iii)—

(A) by striking "June 30, 2009" and inserting "June 30, 2010"; and

(B) by striking "December 31, 2009" and inserting "December 31, 2010"; and

(2) by adding at the end of clause (iv) the following: "In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated $175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.".

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: "In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board $807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.".

SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

26 USC 3301.

(1) by striking "through 2009" in paragraph (1) and inserting "through 2010 and the first 6 months of calendar year 2011",

(2) by striking "calendar year 2010" in paragraph (2) and inserting "the remainder of calendar year 2011", and

(3) by inserting "(or portion of the calendar year)" after "during the calendar year".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009. 26 USC 3301 note.

SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended— 26 USC 36.

(A) by striking "December 1, 2009" and inserting "May 1, 2010",

(B) by striking "SECTION.—This section" and inserting "SECTION.—

"(1) IN GENERAL.—This section", and

(C) by adding at the end the following new paragraph:

"(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting 'July 1, 2010' for 'May 1, 2010'.".

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking ", and before December 1, 2009".

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting "AND 2010" after "2009".

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

"(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).".

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual's spouse) who has owned and used the same residence as such individual's principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.". Time period.

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be Applicability.

applied by substituting '$6,500' for '$8,000' and '$3,250' for '$4,000'.".

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i)(II) of section 36 of such Code is amended by striking "$75,000 ($150,000" and inserting "$125,000 ($225,000".

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph: 26 USC 36.

"(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds $800,000.".

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

"(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual's spouse, for qualified official extended duty service—

"(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

"(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

"(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term 'qualified official extended duty service' means service on qualified official extended duty as—

"(I) a member of the uniformed services,

"(II) a member of the Foreign Service of the United States, or

"(III) an employee of the intelligence community.

"(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.".

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

Applicability. Time period.

"(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual's spouse—

"(A) paragraphs (1) and (2) shall each be applied by substituting 'May 1, 2011' for 'May 1, 2010', and

"(B) paragraph (2) shall be applied by substituting 'July 1, 2011' for 'July 1, 2010'.".

(g) DEPENDENTS INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking "or" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", or", and by adding at the end the following new paragraph: 26 USC 36.

"(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.".

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended— 26 USC 6213.

(1) by striking "and" at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting ", and", and

(3) by inserting after subparagraph (N) the following new subparagraph:

"(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.".

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of the Internal Revenue Code of 1986 is amended by striking "and before December 1, 2009,". 26 USC 1400C.

(j) EFFECTIVE DATES.— Applicability.

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act. 26 USC 36 note.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009. 26 USC 36 note.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008. 26 USC 36 note.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008. 26 USC 6213 note.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph: 26 USC 36.

"(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.".

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting "(b)(4)," before "(c)".

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this

Act, is amended by striking "or" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", or", and by adding at the end the following new paragraph:

"(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.".

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting "(or, if married, such individual's spouse)" after "person acquiring such property". 26 USC 36.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) the Internal Revenue Code of 1986, as amended by this Act, is amended by striking "and" at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting ", and", and by inserting after subparagraph (O) the following new subparagraph: 26 USC 6213.

"(P) an entry on a return claiming the credit under section 36 if—

"(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4),

"(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

"(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).".

(e) EFFECTIVE DATE.— Applicability. 26 USC 36 note.

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows: 26 USC 172.

"(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

"(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph— Applicability.

"(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for '2', and

"(III) subparagraph (F) shall not apply.

"(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term 'applicable net operating loss' means the taxpayer's net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010. Definition. Time period.

"(iii) ELECTION.—

"(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

"(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

"(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

"(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the net operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

"(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

"(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

"(v) SPECIAL RULES FOR SMALL BUSINESS.—

"(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting '2 taxable years' for '1 taxable year'.

"(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term 'eligible small business' has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting '$15,000,000' for '$5,000,000' each place it appears.".

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii)of the Internal Revenue Code of 1986 is amended to read as follows: 26 USC 56.

"(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or".

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

26 USC 810.

"(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

Applicability.

"(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for '3'.

Definition.
Time period.

"(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term 'applicable loss from operations' means the taxpayer's loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

"(C) ELECTION.—

"(i) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

"(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

"(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

"(i) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss under subparagraph (A) shall not exceed 50 percent of the taxpayer's taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

"(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).".

26 USC 172 note.

(d) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

Applicability.
26 USC 56 note.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the due date (including extension of time) for filing the return for the taxpayer's last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to— 26 USC 56 note.

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008,

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment funds from the Federal Government in exchange for an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution (as defined in section 3 of such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended— 26 USC 132.

(1) in subparagraph (1) by striking "this subsection) to offset the adverse effects on housing values as a result of

a military base realignment or closure" and inserting "the American Recovery and Reinvestment Tax Act of 2009)", and

(2) in subparagraph (2) by striking "clause (1) of".

26 USC 132 note.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

26 USC 864.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking "December 31, 2010" and inserting "December 31, 2017".

(b) CONFORMING AMENDMENT.—Section 864(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

26 USC 864 note.

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

26 USC 6698, 6699.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking "$89" and inserting "$195".

26 USC 6698 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

26 USC 6011.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

"(A) IN GENERAL.—The Secretary shall require than any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

"(i) such return is filed by such tax return preparer, and

"(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

"(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term 'specified tax return preparer' means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

"(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term 'individual income tax return' means any return of the tax imposed by subtitle A on individuals, estates, or trusts.".

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking "The Secretary may not" and inserting "Except as provided in paragraph (3), the Secretary may not".

26 USC 6011 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

26 USC 6655 note.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 percentage points.

Approved November 6, 2009.

LEGISLATIVE HISTORY—H.R. 3548:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 22, considered and passed House.
Oct. 29, Nov. 2–4, considered and passed Senate, amended.
Nov. 5, House concurred in Senate amendment.

Public Law 111–93
111th Congress

An Act

Nov. 6, 2009
[H.R. 3606]

To amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Credit CARD Technical Corrections Act of 2009.
15 USC 1601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit CARD Technical Corrections Act of 2009".

SEC. 2. TECHNICAL CORRECTION.

15 USC 1666b.

Section 163(a) of the Truth in Lending Act (U.S.C. 1666b(a)), as amended by section 106(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009, is amended by inserting "a credit card account under" after "payment on".

Approved November 6, 2009.

LEGISLATIVE HISTORY—H.R. 3606:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 13, considered and passed House.
Oct. 29, considered and passed Senate.

Public Law 111–94
111th Congress

Joint Resolution

Proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

Nov. 6, 2009
[H.J. Res. 26]

Whereas Casimir Pulaski was a Polish military officer who fought on the side of the American colonists against the British in the American Revolutionary War;

Whereas Benjamin Franklin recommended that General George Washington accept Casimir Pulaski as a volunteer in the American Cavalry and said that Pulaski was "renowned throughout Europe for the courage and bravery he displayed in defense of his country's freedom";

Whereas, after arriving in America, Casimir Pulaski wrote to General Washington, "I came here, where freedom is being defended, to serve it, and to live or die for it.";

Whereas the first military engagement of Casimir Pulaski with the British was on September 11, 1777, at the Battle of Brandywine, and his courageous charge in this engagement averted a disastrous defeat of the American Cavalry and saved the life of George Washington;

Whereas, on September 15, 1777, George Washington elevated Casimir Pulaski to the rank of Brigadier General of the American Cavalry;

Whereas Casimir Pulaski formed the Pulaski Cavalry Legion, and in February 1779, this legion ejected the British occupiers from Charleston, South Carolina;

Whereas, in October 1779, Casimir Pulaski mounted an assault against British forces in Savannah, Georgia;

Whereas, on the morning of October 9, 1779, Casimir Pulaski was mortally wounded and was taken aboard the American ship USS Wasp, where he died at sea on October 11, 1779;

Whereas, before the end of 1779, the Continental Congress resolved that a monument should be erected in honor of Casimir Pulaski;

Whereas, in 1825, General Lafayette laid the cornerstone for the Casimir Pulaski monument in Savannah, Georgia; and

Whereas, in 1929, Congress passed a resolution recognizing October 11 of each year as Pulaski Day in the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Casimir Pulaski is proclaimed to be an honorary citizen of the United States posthumously.

Approved November 6, 2009.

LEGISLATIVE HISTORY—H.J. Res. 26 (S.J. Res. 12):

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 7, 8, considered and passed House.
Oct. 22, considered and passed Senate.

Public Law 111–95
111th Congress

An Act

To amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

Nov. 6, 2009
[S. 832]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

"CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

"Sec.
"140401. Organization.
"140402. Purposes.
"140403. Membership.
"140404. Governing body.
"140405. Powers.
"140406. Restrictions.
"140407. Tax-exempt status required as condition of charter.
"140408. Records and inspection.
"140409. Service of process.
"140410. Liability for acts of officers and agents.
"140411. Annual report.
"140412. Definition.

"§ 140401. Organization

"(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the 'corporation'), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

"(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

"§ 140402. Purposes

"(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

"(1) to inculcate and stimulate love of the United States and the flag;

"(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

"(3) to advocate military forces adequate to the defense of the United States;

"(4) to foster the integrity and prestige of the Armed Forces;

"(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

"(6) to further the education of children of members of the Armed Forces;

"(7) to aid members of the Armed Forces and their family members and survivors in every proper and legitimate manner;

"(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

"(9) to encourage recruitment and appointment in the Armed Forces.

"§ 140403. Membership

"Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 140404. Governing body

"(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

"(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

"§ 140405. Powers

"The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 140406. Restrictions

"(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

"(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

"(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

"(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

"(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

"§ 140407. Tax-exempt status required as condition of charter

"If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

"§ 140408. Records and inspection

"(a) RECORDS.—The corporation shall keep—

"(1) correct and complete records of account;

"(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

"(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

"(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

"§ 140409. Service of process

"The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

"§ 140410. Liability for acts of officers and agents

"The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

"§ 140411. Annual report

"The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

"§ 140412. Definition

"In this chapter, the term 'State' includes the District of Columbia and the territories and possessions of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended

by inserting after the item relating to chapter 1403 the following new item:

"1404. Military Officers Association of America ..... 140401".

Approved November 6, 2009.

LEGISLATIVE HISTORY—S. 832:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 24, considered and passed Senate.
Oct. 27, considered and passed House.

Public Law 111–96
111th Congress

An Act

To allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

Nov. 6, 2009
[S. 1694]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

(a) Notwithstanding section 3006(a)(2) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note), sums made available to administer the Public Safety Interoperable Communications Grant Program under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) shall remain available until expended, but not beyond September 30, 2012.

(b) The period for performance of any investment approved under the Program as of the date of enactment of this Act shall be extended by one year, but not later than September 30, 2011, except that the Assistant Secretary of Commerce for Communications and Information may extend, on a case-by-case basis, the period of performance for any investment approved under the Program as of that date for a period of not more than 2 years, but not later than September 30, 2012. In making a determination as to whether an extension beyond September 30, 2011, is warranted, the Assistant Secretary should consider the circumstances that gave rise to the need for the extension, the likelihood of completion of performance within the deadline for completion, and

Time period.

Determination.

such other factors as the Assistant Secretary deems necessary to make the determination.

Approved November 6, 2009.

LEGISLATIVE HISTORY—S. 1694:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 14, considered and passed Senate.
Oct. 28, considered and passed House.

Public Law 111–97
111th Congress

An Act

To amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

Nov. 11, 2009
[S. 475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Military Spouses Residency Relief Act.
50 USC app. 501 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Spouses Residency Relief Act".

SEC. 2. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking "For" and inserting the following:

"(a) IN GENERAL.—For";

(2) by adding at the end the following new subsection:

"(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State."; and

(3) in the section heading, by inserting "**AND SPOUSES OF MILITARY PERSONNEL**" before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

"Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.".

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

50 USC app. 595 note.

SEC. 3. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking "A servicemember" and inserting the following:

"(1) IN GENERAL.—A servicemember"; and

(B) by adding at the end the following:

"(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders."; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting "or the spouse of a servicemember" after "The personal property of a servicemember"; and

(B) in paragraph (2), by inserting "or the spouse's" after "servicemember's".

50 USC app. 571 note.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 4. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting "or the spouse of such servicemember" after "a servicemember in military service".

50 USC app. 568 note.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined

in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

Approved November 11, 2009.

LEGISLATIVE HISTORY—S. 475:

SENATE REPORTS: No. 111–46 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Aug. 4, considered and passed Senate.
Nov. 2, considered and passed House.
DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2009):
Nov. 11, Presidential statement.

Public Law 111–98
111th Congress

An Act

Nov. 11, 2009
[S. 509]

To authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR MEDICAL FACILITY PROJECT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, WALLA WALLA, WASHINGTON.

(a) AUTHORIZATION FOR MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans Affairs may carry out a major medical facility project for the construction of a new multiple specialty outpatient facility, campus renovation and upgrades, and additional parking at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, with the project to be carried out in an amount not to exceed $71,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects account, $71,400,000 for the project authorized in subsection (a).

Approved November 11, 2009.

LEGISLATIVE HISTORY—S. 509:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 15, considered and passed Senate.
Nov. 2, considered and passed House.

Public Law 111–99
111th Congress

An Act

To designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office".

Nov. 30, 2009
[H.R. 955]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN "BUD" HAWK POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, shall be known and designated as the "John 'Bud' Hawk Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John 'Bud' Hawk Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 955:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 17, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–100
111th Congress

An Act

Nov. 30, 2009
[H.R. 1516]

To designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT MARCUS MATHES POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, shall be known and designated as the "Sergeant Marcus Mathes Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Marcus Mathes Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 1516:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Apr. 21, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–101
111th Congress

An Act

To name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins.

Nov. 30, 2009
[H.R. 1713]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION OF SOUTH CENTRAL AGRICULTURAL RESEARCH LABORATORY, LANE, OKLAHOMA.

(a) REDESIGNATION.—The South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, shall be known and redesignated as the "Wes Watkins Agricultural Research Laboratory".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the South Central Agricultural Research Laboratory shall be deemed to be a reference to the "Wes Watkins Agricultural Research Laboratory".

SEC. 2. DESIGNATION OF WES WATKINS POST OFFICE, BENNINGTON, OKLAHOMA.

(a) DESIGNATION.—The facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, shall be known and designated as the "Wes Watkins Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Wes Watkins Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 1713:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 16, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–102
111th Congress

An Act

Nov. 30, 2009
[H.R. 2004]

To designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AKRON VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, shall be known and designated as the "Akron Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Akron Veterans Memorial Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 2004:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 8, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–103
111th Congress

An Act

To designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shivnen Post Office Building".

Nov. 30, 2009
[H.R. 2215]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN J. SHIVNEN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, shall be known and designated as the "John J. Shivnen Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John J. Shivnen Post Office Building".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 2215:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 22, 23, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–104
111th Congress

An Act

Nov. 30, 2009
[H.R. 2760]

To designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHNNY GRANT HOLLYWOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, shall be known and designated as the "Johnny Grant Hollywood Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Johnny Grant Hollywood Post Office Building".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 2760:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 8, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–105
111th Congress

An Act

To designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office".

Nov. 30, 2009
[H.R. 2972]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONRAD DEROUEN, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, shall be known and designated as the "Conrad DeRouen, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Conrad DeRouen, Jr. Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 2972:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 21, 22, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–106
111th Congress

An Act

Nov. 30, 2009
[H.R. 3119]

To designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIM POON LEE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, shall be known and designated as the "Lim Poon Lee Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lim Poon Lee Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 3119:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 21, 22, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–107
111th Congress

An Act

To designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office".

Nov. 30, 2009
[H.R. 3386]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IRAQ AND AFGHANISTAN VETERANS MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, shall be known and designated as the "Iraq and Afghanistan Veterans Memorial Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Iraq and Afghanistan Veterans Memorial Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 3386:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 15, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–108
111th Congress

An Act

Nov. 30, 2009
[H.R. 3547]

To designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REX E. LEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, shall be known and designated as the "Rex E. Lee Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Rex E. Lee Post Office Building".

Approved November 30, 2009.

LEGISLATIVE HISTORY—H.R. 3547:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 7, considered and passed House.
Nov. 9, considered and passed Senate.

Public Law 111–109
111th Congress

An Act

To redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office".

Nov. 30, 2009
[S. 748]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CESAR E. CHAVEZ POST OFFICE.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, and known as the Southeastern Post Office, shall be known and designated as the "Cesar E. Chavez Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Cesar E. Chavez Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—S. 748:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Aug. 4, considered and passed Senate.
Nov. 5, considered and passed House.

Public Law 111–110
111th Congress

An Act

Nov. 30, 2009
[S. 1211]

To designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JACK F. KEMP POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, shall be known and designated as the "Jack F. Kemp Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Jack F. Kemp Post Office Building".

Approved November 30, 2009.

LEGISLATIVE HISTORY—S. 1211:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Aug. 4, considered and passed Senate.
Nov. 5, 6, considered and passed House.

Public Law 111–111
111th Congress

An Act

To designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office".

Nov. 30, 2009
[S. 1314]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. MARTIN LUTHER KING, JR. POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, shall be known and designated as the "Dr. Martin Luther King, Jr. Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dr. Martin Luther King, Jr. Post Office".

Approved November 30, 2009.

LEGISLATIVE HISTORY—S. 1314 (H.R. 2971):

CONGRESSIONAL RECORD, Vol. 155 (2009):
Aug. 4, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 111–112
111th Congress

An Act

Nov. 30, 2009
[S. 1825]

To extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELOCATION EXPENSES TEST PROGRAMS.

(a) IN GENERAL.—Section 5739 of title 5, United States Code, is amended—

(1) in subsection (a), by striking paragraph (3);

(2) in subsection (b)—

(A) by inserting "or extended" after "approved"; and

(B) by inserting "or extension" after "of the program";

(3) by striking subsection (c) and inserting the following:

Deadlines. Reports.

"(c)(1) An agency authorized to conduct a test program under subsection (a) shall annually submit a report on the results of the program to date to the Administrator.

"(2) Not later than 3 months after completion of a test program, the agency conducting the program shall submit a final report on the results of the program to the Administrator and the appropriate committees of Congress.";

(4) in subsection (d), by striking "10" and inserting "12"; and

(5) by striking subsection (e) and inserting the following:

"(e)(1) The Administrator may not approve any test program for an initial period of more than 4 years.

"(2)(A) Upon the request of the agency administering a test program, the Administrator may extend the program.

"(B) An extension under subparagraph (A) may not exceed 4 years.

"(C) The Administrator may exercise more than 1 extension under subparagraph (A) with respect to any test program.".

(b) EFFECTIVE DATE.—This section shall take effect on December 18, 2009. 5 USC 5739 note.

Approved November 30, 2009.

LEGISLATIVE HISTORY—S. 1825:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 9, considered and passed Senate.
Nov. 16, considered and passed House.

Public Law 111–113
111th Congress

An Act

Dec. 14, 2009
[S. 1599]

To amend title 36, United States Code, to include in the Federal charter of the Reserve Officers Association leadership positions newly added in its constitution and bylaws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Reserve Officers Association Modernization Act of 2009.
36 USC 101 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reserve Officers Association Modernization Act of 2009".

SEC. 2. INCLUSION OF NEW LEADERSHIP POSITIONS IN THE FEDERAL CHARTER OF THE RESERVE OFFICERS ASSOCIATION.

(a) NATIONAL EXECUTIVE COMMITTEE.—Section 190104(b)(2) of title 36, United States Code, is amended—

(1) by inserting "the president elect," after "the president,";

(2) by inserting "a minimum of" before "3 national executive committee members,"; and

(3) by striking "except the executive director," and inserting "except the president elect and the executive director,".

(b) OFFICERS.—Section 190104(c) of such title is amended—

(1) in paragraph (1)—

(A) by inserting "a president elect," after "a president,";

(B) by inserting "a minimum of" before "3 national executive committee members,";

(C) by striking "a surgeon, a chaplain, a historian, a public relations officer,"; and

(D) by striking "as decided at the national convention" and inserting "specified in the constitution of the corporation"; and

(2) in paragraph (2)—

(A) by inserting "and take office" after "be elected"; and

(B) by striking "and the national public relations officer," and inserting "the judge advocate, and any other national officers specified in the constitution of the corporation,".

(c) VACANCIES.—Section 190104(d)(1) of such title is amended by striking "president and last past president," and inserting "president, president elect, and last past president,".

(d) RECORDS AND INSPECTION.—Section 190109(a)(2) of such title is amended by striking "national council;" and inserting "other national entities of the corporation;".

Approved December 14, 2009.

LEGISLATIVE HISTORY—S. 1599:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Sept. 24, considered and passed Senate.
Nov. 17, 19, considered and passed House.

Public Law 111–114
111th Congress

An Act

Dec. 14, 2009
[S. 1860]

To permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 USC 1381 note.

SECTION 1. ADDITIONAL TERM FOR MEMBERS OF BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE.

Notwithstanding the second sentence of section 301(e)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1381(e)(1)), any individual serving as a member of the Board of Directors of the Office of Compliance as of September 30, 2009, may serve for 3 terms.

Approved December 14, 2009.

LEGISLATIVE HISTORY—S. 1860:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 5, considered and passed Senate.
Nov. 19, considered and passed House.

Public Law 111–115
111th Congress

An Act

To amend titles II and XVI of the Social Security Act to prohibit retroactive payments to individuals during periods for which such individuals are prisoners, fugitive felons, or probation or parole violators.

Dec. 15, 2009
[H.R. 4218]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

No Social Security Benefits for Prisoners Act of 2009.
42 USC 1305 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Social Security Benefits for Prisoners Act of 2009".

SEC. 2. PROHIBITION OF RETROACTIVE TITLE II AND TITLE XVI PAYMENTS TO PRISONERS, FUGITIVE FELONS, AND PROBATION OR PAROLE VIOLATORS.

(a) AMENDMENTS TO TITLE II.—Section 204(a)(1)(B) of the Social Security Act (42 U.S.C. 404(a)(1)(B)) is amended—

(1) by striking "(B) With" and inserting "(B)(i) Subject to clause (ii), with"; and

(2) by adding at the end the following:

"(ii) No payment shall be made under this subparagraph to any person during any period for which monthly insurance benefits of such person—

"(I) are subject to nonpayment by reason of section 202(x)(1), or

"(II) in the case of a person whose monthly insurance benefits have terminated for a reason other than death, would be subject to nonpayment by reason of section 202(x)(1) but for the termination of such benefits,

until section 202(x)(1) no longer applies, or would no longer apply in the case of benefits that have terminated.

"(iii) Nothing in clause (ii) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title VIII or title XVI that would be deducted from a payment that would otherwise be payable to such person but for such clause.".

(b) AMENDMENTS TO TITLE XVI.—Section 1631(b) of such Act (42 U.S.C. 1383(b)) is amended by adding at the end the following new paragraph:

"(7)(A) In the case of payment of less than the correct amount of benefits to or on behalf of any individual, no payment shall be made to such individual pursuant to this subsection during any period for which such individual—

"(i) is not an eligible individual or eligible spouse under section 1611(e)(1) because such individual is an inmate of a

public institution that is a jail, prison, or other penal institution or correctional facility the purpose of which is to confine individuals as described in clause (ii) or (iii) of section 202(x)(1)(A), or

"(ii) is not an eligible individual or eligible spouse under section 1611(e)(4),

until such person is no longer considered an ineligible individual or ineligible spouse under section 1611(e)(1) or 1611(e)(4).

"(B) Nothing in subparagraph (A) shall be construed to limit the Commissioner's authority to withhold amounts, make adjustments, or recover amounts due under this title, title II, or title VIII that would be deducted from a payment that would otherwise be payable to such individual but for such subparagraph.".

42 USC 404 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for payments that would otherwise be made on or after the date of the enactment of this Act.

Approved December 15, 2009.

LEGISLATIVE HISTORY—H.R. 4218:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 8, considered and passed House.
Dec. 10, considered and passed Senate.

Public Law 111–116
111th Congress

An Act

To amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Dec. 16, 2009
[H.R. 4217]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II.
26 USC 1 note.

This Act may be cited as the "Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II".

SEC. 2. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2009" and inserting "March 31, 2010". 26 USC 4081.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking "December 31, 2009" and inserting "March 31, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010. 26 USC 4081 note.

SEC. 3. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking "January 1, 2010" and inserting "April 1, 2010"; and

(2) by inserting "or the Fiscal Year 2010 Federal Aviation Administration Extension Act, Part II" before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking "January 1, 2010" and inserting "April 1, 2010".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010. 26 USC 9502 note.

SEC. 4. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Section 48103(7) of title 49, United States Code, is amended to read as follows:

"(7) $2,000,000,000 for the 6-month period beginning on October 1, 2009.".

(2) OBLIGATION OF AMOUNTS.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2010, and shall remain available until expended.

(3) PROGRAM IMPLEMENTATION.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning on October 1, 2009, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2010 were $4,000,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

26 USC 47104.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

SEC. 5. EXTENSION OF EXPIRING AUTHORITIES.

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking "January 1, 2010." and inserting "April 1, 2010.".

(b) Section 44302(f)(1) of such title is amended—

(1) by striking "December 31, 2009," and inserting "March 31, 2010,"; and

(2) by striking "March 31, 2010," and inserting "June 30, 2010,".

(c) Section 44303(b) of such title is amended by striking "March 31, 2010," and inserting "June 30, 2010,".

(d) Section 47107(s)(3) of such title is amended by striking "January 1, 2010." and inserting "April 1, 2010.".

(e) Section 47115(j) of such title is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(f) Section 47141(f) of such title is amended by striking "December 31, 2009." and inserting "March 31, 2010.".

(g) Section 49108 of such title is amended by striking "December 31, 2009," and inserting "March 31, 2010,".

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking "January 1, 2010," and inserting "April 1, 2010,".

Effective date. 49 USC 40117 note.

(j) The amendments made by this section shall take effect on January 1, 2010.

SEC. 6. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

Section 106(k)(1)(F) of title 49, United States Code, is amended to read as follows:

"(F) $4,676,574,750 for the 6-month period beginning on October 1, 2009.".

SEC. 7. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a)(6) of title 49, United States Code, is amended to read as follows:

"(6) $1,466,888,500 for the 6-month period beginning on October 1, 2009.".

SEC. 8. RESEARCH, ENGINEERING, AND DEVELOPMENT.

Section 48102(a)(14) of title 49, United States Code, is amended to read as follows:

"(14) $92,500,000 for the 6-month period beginning on October 1, 2009.".

Approved December 16, 2009.

LEGISLATIVE HISTORY—H.R. 4217:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 8, considered and passed House.
Dec. 10, considered and passed Senate.

Public Law 111–117
111th Congress

An Act

Dec. 16, 2009
[H.R. 3288]

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Consolidated Appropriations Act, 2010.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Statement of appropriations.

DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Transportation
Title II—Department of Housing and Urban Development
Title III—Related agencies
Title IV—General provisions—This Act

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Commerce
Title II—Department of Justice
Title III—Science
Title IV—Related agencies
Title V—General provisions

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

Title I—Department of the Treasury
Title II—Executive Office of the President and funds appropriated to the President
Title III—The judiciary
Title IV—District of Columbia
Title V—Independent agencies
Title VI—General provisions—This Act
Title VII—General provisions—Government-wide
Title VIII—General provisions—District of Columbia

DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Labor
Title II—Department of Health and Human Services
Title III—Department of Education
Title IV—Related agencies

Title V—General provisions

DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Title I—Department of Defense
Title II—Department of Veterans Affairs
Title III—Related agencies
Title IV—Overseas contingency operations
Title V—General provisions

DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Title I—Department of State and related agency
Title II—United States Agency for International Development
Title III—Bilateral economic assistance
Title IV—International security assistance
Title V—Multilateral assistance
Title VI—Export and investment assistance
Title VII—General provisions

SEC. 3. REFERENCES.

1 USC 1 note.

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

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010.

DIVISION A—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Department of Transportation Appropriations Act, 2010.

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $102,686,000, of which not to exceed $2,631,000 shall be available for the immediate Office of the Secretary; not to exceed $986,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $20,359,000 shall be available for the Office of the General Counsel; not to exceed $11,100,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $10,559,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,504,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,520,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,055,000 shall be available for the Office of Public Affairs; not to exceed $1,658,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,499,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,600,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $13,215,000 shall be available for the Office of the Chief Information

Transfer authority.

Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

Notification.

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $600,000,000, to remain available through September 30, 2012: *Provided,* That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further,* That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further,* That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further,* That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: *Provided further,* That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further,* That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further,* That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further,* That not less than $140,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further,* That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further,* That of the amount made available under this heading, the Secretary may use an amount not to exceed $150,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further,* That of the

Grants.

Grants.

amount made available under this heading, the Secretary may use an amount not to exceed $35,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further,* That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further,* That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010: *Provided further*, That the Secretary may retain up to $25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants made under this heading.

Publication.
Criteria.
Time periods.

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and reengineering business processes, $5,000,000, to remain available until expended.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,667,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $16,168,000.

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $147,596,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

Notification.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $353,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $570,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,074,000, to remain available until September 30, 2011: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $150,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Assessments. Contracts.

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 104. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach". Transfer authority.

SEC. 105. Such amounts as are required from amounts provided in this Act to the Office of the Secretary of Transportation for the Transportation Planning, Research and Development program may be used for the development, coordination, and analysis of data collection procedures and national performance measures.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,350,028,000, of which $4,000,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,299,299,000 shall be available for air traffic organization activities; not to exceed $1,234,065,000 shall be available for aviation safety activities; not to exceed $15,237,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $196,063,000 shall be available for staff offices; and not to exceed $49,278,000 shall be available for information services: *Provided*, That the Secretary utilize not less than $17,084,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: *Provided further*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced

Deadline. Reports. 49 USC 44506 note.

Fines.

Deadline. Reports. 44 USC 4502 note.

by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That of the funds available under this heading not to exceed $500,000 shall be provided to the Department of Transportation's Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code, and not to exceed $120,000 shall be provided to that office through reimbursement to conduct the annual Enterprise Services Center Statement on Auditing Standards 70 audit.

Fines.

User fees.

Audits.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase,

lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,936,203,000, of which $2,466,203,000 shall remain available until September 30, 2012, and of which $470,000,000 shall remain available until September 30, 2010: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2011 through 2015, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

Investment plan.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $190,500,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,000,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of

Explosive detection systems.

programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2010, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $93,422,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $22,472,000 shall be for Airport Technology Research and $6,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program.

(RESCISSION)

Of the amounts authorized for the fiscal year ending September 30, 2009, and prior years under sections 48103 and 48112 of title 49, United States Code, $394,000,000 are permanently rescinded.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2010.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. (a) Section 44302(f)(1) of title 49, United States Code, is amended—

(1) by striking "September 30, 2009," and inserting "September 30, 2010,"; and

(2) by striking "December 31, 2009," and inserting "December 31, 2010,".

(b) Section 44303(b) of such title is amended by striking "December 31, 2009," and inserting "December 31, 2010,".

New Jersey.

SEC. 115. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 116. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non-revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

Premium pay.

SEC. 117. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 118. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

Apportionment.

SEC. 119. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $413,533,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,524,000 shall be paid from appropriations made available by this Act and transferred to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of projects and programs of the Federal Highway Administration, and not to exceed $285,000 shall be paid from appropriations made available by this Act and provided to that office through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

23 USC 104 note.

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,107,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2010: *Provided*, That within the $41,107,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2010: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $41,846,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

SURFACE TRANSPORTATION PRIORITIES

For the necessary expenses of certain highway and surface transportation projects, $292,829,000, to remain available until expended: *Provided*, That the amount provided under this heading shall be made available for the programs, projects, and activities identified under this heading in the explanatory statement accompanying this Act: *Provided further*, That funds provided under this heading, at the request of a State, shall be transferred by the Secretary to another Federal agency: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds provided under this heading shall be 100 percent: *Provided further*, That none of the funds provided under this heading shall be subject to any limitation

on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2010, the Secretary of Transportation shall— 23 USC 104 note.

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23,

United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2010; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

Distribution date.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds

apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that— Deadline.

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(1) IN GENERAL.—Subject to paragraph (2), obligation authority distributed for such fiscal year under subsection (a)(4) for each project numbered 1 through 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users may be obligated for any other project in such section in the same State.

(2) RESTORATION.—Obligation authority used as described in paragraph (1) shall be restored to the original purpose on the date on which obligation authority is distributed under this section for the next fiscal year following obligation under paragraph (1).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. There is hereby appropriated to the Secretary of Transportation $650,000,000, to remain available through September 30, 2012: *Provided*, That the funds provided under this section shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2010 is distributed among the States in section 120(a)(6) of this Act, and made available for the restoration, repair, construction, and other activities eligible under paragraph (b) of section 133 of title 23, United States Code: *Provided further*, That funds apportioned under this section shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds apportioned under this section shall be 80 percent: *Provided further*, That funding provided under this section shall be in addition to any and all funds provided for fiscal year 2010 in this or any other Act for "Federal-aid Highways" and shall not affect the distribution of funds provided for "Federal-aid Highways" in any other Act: *Provided further*, That the amounts made available under this section shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this section.

Applicability.

SEC. 123. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

Time period.
Notice.
Public comment.
23 USC 313 note.

Reports.

Texas.

SEC. 124. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of non-toll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a non-toll

lane for purposes of determining whether a highway will have fewer non-toll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 125. (a) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to "Route 5 Overpass and River Center, St. Mary's County, MD" in the table of projects for such section 129 is deemed to be amended by striking "Route 5 Overpass and River Center, St. Mary's County, MD" and inserting "Safety Improvements and Traffic Calming Measures along Route 5 at St. Mary's County, MD".

(b) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to "US 422 River Crossing Complex Project, King of Prussia, PA" in the table of projects under the heading "Transportation, Community, and System Preservation Program" is deemed to be amended by striking "US 422 River Crossing Complex Project, King of Prussia, PA" and inserting "For closed loop signal control system and other improvements for Trooper Road in Lower Providence and West Norriton Townships, Montgomery County, PA".

(c) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to "Improving the West Bank River Front, IL" in the table of projects under the heading "Transportation, Community, and System Preservation Program" is deemed to be amended by striking "Improving the West Bank River Front, IL" and inserting "East Bank River Front and Bikeway Improvements, IL".

(d) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110–161 (121 Stat. 2406), as amended by section 129(d) of division I of Public Law 111–8 (123 Stat. 947), the item relating to "Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL" in the table of projects under the heading "Transportation, Community, and System Preservation Program" is deemed to be amended by striking "Repair of Side Streets and Relocation of Water Mains resulting from rerouting of traffic and reconstruction of 159th Street in Harvey, IL" and inserting "Intersection Improvements on Crawford Avenue and 203rd Street in the Village of Olympia Fields, IL".

(e) In the explanatory statement referenced in section 129 of division K of Public Law 110–161 (121 Stat. 2388), the item relating to "Study Improvements to 109th Avenue, Winfield, IN" in the table of projects for such section 129 is deemed to be amended by striking "Winfield, IN" and inserting "Town of Winfield, City of Crown Point, Lake County, IN".

(f) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to "Ronald Reagan Parkway (Middle and Southern segments), Boone County, IN" in the table of projects under the heading "Transportation, Community, and System Preservation Program" is deemed to be amended by striking "Boone County" and inserting "Hendricks County".

(g) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to "Onville Road Intersection and Road-Widening Project, Prince William County, VA" in the table of projects under the heading "Federal Lands" is deemed to be amended by striking "Prince William" and inserting "Stafford".

(h) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to "U.S. 59/Alabama Grade Separation Project, St. Joseph, MO" in the table of projects under the heading "Interstate Maintenance Discretionary" is deemed to be amended by striking "U.S. 59/Alabama Grade Separation Project, St. Joseph, MO" and inserting "I-29 Interchange Reconstruction in St. Joseph, MO".

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to "Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV" in the table of projects under the heading "Interstate Maintenance Discretionary" is deemed to be amended by striking "Decking and Sidewalk Replacement on the Central Avenue Overpass, South Charleston, WV" and inserting "General Interstate Maintenance, WV".

(j) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to "Wapsi Great Western Line Trail, Mitchell County, IA" is deemed to be amended by striking "Mitchell County" and inserting "Mitchell and Howard Counties".

(k) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to "Highway 169 Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA" is deemed to be amended by striking "Corridor Project Environmental Assessment, Preliminary Engineering and Planning, Humboldt, IA" and inserting "Construction, Humboldt and Webster Counties, IA".

(l) In the explanatory statement referenced in section 125 of title I of division I of Public Law 111–8 (123 Stat. 928), the item relating to "Highway 53 Interchanges, WI" is deemed to be amended by striking "Interchanges" and inserting "Intersections".

SEC. 126. Item 4866A in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking "Repair and restore" and inserting "Removal of and enhancements around".

119 Stat. 1442; 122 Stat. 1596.

SEC. 127. Item 3923 in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) is amended by striking "to 4 lanes from I–10 to West U.S. 90".

119 Stat. 1407.

SEC. 128. Funds made available for "Brentwood Boulevard/SR 4 Improvements, Brentwood, CA" under section 129 of Public

Law 110–161 shall be made available for "John Muir Parkway Project, Brentwood, CA".

SEC. 129. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossings and rehabilitation of rail along the KO railroad to Osborne". 119 Stat. 1378.

SEC. 130. Funds made available for "City of Tuscaloosa Downtown Revitalization Project—University Blvd and Greensboro Avenue, AL" under section 125 of Public Law 111–8 shall be made available for "City of Tuscaloosa Downtown Revitalization Project—University Blvd".

SEC. 131. The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended by striking the project description for item number 4573 and inserting the following: "Design and construct interchange on I–15 in Mesquite". 119 Stat. 1431.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $239,828,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $239,828,000, for "Motor Carrier Safety Operations and Programs" of which $8,543,000, to remain available for obligation until September 30, 2012, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2010, and September 30, 2010, on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers. Reports. Deadlines.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for "Motor Carrier Safety Grants"; of which $212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That $1,610,661 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $6,415,501 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $3,232,639 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers. Reports.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $140,427,000, of which $35,543,000 shall remain available through September 30, 2011: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $105,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $105,500,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the $105,500,000 obligation limitation for operations and research, $26,908,000 shall remain available until September 30, 2011 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $4,000,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the "National Driver Register" as authorized by chapter 303 of title 49, United States Code, $3,350,000, to remain available through September 30, 2011: *Provided*, That the funding made available under this heading shall be used to carry out the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $619,500,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2010, are in excess of $619,500,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402; $25,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405; $124,500,000 shall be for "Safety Belt Performance Grants" under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2011 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years; $34,500,000 shall be for "State Traffic Safety Information System Improvements" under 23 U.S.C. 408; $139,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Incentive Grant Program" under 23 U.S.C. 410; $18,500,000 shall be for "Administrative Expenses" under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for "High Visibility Enforcement Program" under section 2009 of Public Law

109–59; $7,000,000 shall be for "Motorcyclist Safety" under section 2010 of Public Law 109–59; and $7,000,000 shall be for "Child Safety and Child Booster Seat Safety Incentive Grants" under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the "High Visibility Enforcement Program" shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts made available under the heading "Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $2,299,000 in unobligated balances are permanently rescinded.

SEC. 143. Of the amounts made available under the heading "Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)" in prior appropriations Acts, $14,004,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $172,270,000, of which $12,300,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $37,613,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2010.

RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

For necessary expenses of carrying out section 20154 of title 49, United States Code, $34,532,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, $50,000,000, to remain available until expended: *Provided*, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

Grants.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $2,500,000,000, to remain available until expended: *Provided*, That $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a state rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary may retain a

portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That the Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this heading pursuant to that guidance until final regulations are issued: *Provided further*, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: *Provided further*, That the Secretary shall submit to Congress the national rail plan required by section 103(j) of title 49, United States Code, no later than September 15, 2010: *Provided further*, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to Section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and non-monetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall not exceed 80 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

Guidance.

Rail plan. Deadline.

Deadline. Notification.

Applicability.

Contracts.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $563,000,000, to remain available until expended: *Provided*, That the Secretary shall not make the grants for the third and fourth quarter of the fiscal year available to the Corporation until an Inspector General who is a member of the Council of the Inspectors General on Integrity and Efficiency determines that the Corporation and the Corporation's Inspector

Determination.

General have agreed upon a set of policies and procedures for interacting with each other that are consistent with the letter and the spirit of the Inspector General Act of 1978, as amended: *Provided further*, That 1 year after such determination is made, the Council of the Inspectors General on Integrity and Efficiency shall appoint another member to evaluate the current operational independence of the Amtrak Inspector General: *Provided further*, That the Corporation shall reimburse each Inspector General for all costs incurred in conducting the determination and the evaluation required by the preceding two provisos: *Provided further*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit to the Secretary, the Inspector General of the Department of Transportation, and the House and Senate Committees on Appropriations a plan to achieve savings through operating efficiencies including, but not limited to, modifications to food and beverage service and first class service: *Provided further*, That the Inspector General of the Department of Transportation shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation and estimations of possible future savings: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the Inspector General of Department of Transportation, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2010 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2009 performance improvement plan: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, and all subsequent supplemental plans shall be displayed

Time period. Evaluation.

Deadline. Plans.

Deadlines. Reports.

Electronic submission. Deadline. Budget. Plans.

Deadlines. Reports. Electronic submission.

on the Corporation's website within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That concurrent with the President's budget request for fiscal year 2011, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

Budget request.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,001,625,000, to remain available until expended, of which not to exceed $264,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That grants after an initial allocation of $200,000,000 shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2010 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of of division B of Public Law 110–432, the Secretary may retain up to an additional one-half of one percent of the funds provided under this heading to fund expenses associated with implementing section 212 of of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 151. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish

Guidelines.

the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

SEC. 152. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word "services" shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

Definition.

SEC. 153. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

Reports.
Deadlines.

SEC. 154. The Administrator of the Federal Railroad Administration shall submit a report on April 1, 2010, and quarterly reports thereafter, to the House and Senate Committees on Appropriations detailing the Administrator's efforts at improving the on-time performance of Amtrak intercity rail service operating on non-Amtrak owned property. Such reports shall compare the most recent actual on-time performance data to pre-established on-time performance goals that the Administrator shall set for each rail service, identified by route. Such reports shall also include whatever other information and data regarding the on-time performance of Amtrak trains the Administrator deems to be appropriate.

SEC. 155. In the Explanatory Statement referenced in division I of Public Law 111–8 under the heading Railroad Research and Development the item relating to "San Gabriel trench grade separation project, Alameda Corridor, CA" is deemed to be amended by inserting "Alameda Corridor East Construction Authority Grade Separations, CA.".

SEC. 156. In the Explanatory Statement referenced in division K of Public Law 110–161 under the heading Rail Line Relocation and Improvement Program the item relating to "Mt. Vernon railroad cut, NY" is deemed to be amended by inserting "Rail Line and Station Improvement and Rehabilitation, Mount Vernon, NY.".

Washington.

SEC. 157. Notwithstanding any other provision of law, funds provided in Public Law 111–8 for "Lincoln Avenue Grade Separation, Port of Tacoma, Washington" shall be made available for this project as therein described.

Illinois.

SEC. 158. The Administrator of the Federal Railroad Administration, in cooperation with the Illinois Department of Transportation (IDOT), may provide technical and financial assistance to IDOT and local and county officials to study the feasibility of 10th Street, or other alternatives, in Springfield, Illinois, as a route for consolidated freight rail operations and/or combined freight and passenger rail operations within the city of Springfield.

SEC. 159. (a) AMTRAK SECURITY EVALUATION.—No later than 180 days after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary of Homeland Security (Transportation Security Administration), shall submit a report to Congress that contains— Deadlines. Reports. 49 USC 24305 note.

(1) a comprehensive, system-wide, security evaluation; and

(2) proposed guidance and procedures necessary to implement a new checked firearms program.

(b) DEVELOPEMENT AND IMPLEMENTATION OF GUIDANCE AND PROCEDURES.— Firearms.

(1) IN GENERAL.—Not later than one year after the enactment of this Act, Amtrak, in consultation with the Assistant Secretary, shall develop and implement guidance and procedures to carry out the duties and responsibilities of firearm storage and carriage in checked baggage cars and at Amtrak stations that accept checked baggage.

(2) SCOPE.—The guidance and procedures developed under paragraph (1) shall—

(A) permit Amtrak passengers holding a ticket for a specific Amtrak route to place an unloaded firearm or starter pistol in a checked bag on such route if—

(i) the Amtrak station accepts checked baggage for such route;

(ii) the passenger declares to Amtrak, either orally or in writing, at the time the reservation is made or not later than 24 hours before departure, that the firearm will be placed in his or her bag and will be unloaded;

(iii) the firearm is in a hard-sided container;

(iv) such container is locked; and

(v) only the passenger has the key or combination for such container;

(B) permit Amtrak passengers holding a ticket for a specific Amtrak route to place small arms ammunition for personal use in a checked bag on such route if the ammunition is securely packed— Ammunition.

(i) in fiber, wood, or metal boxes; or

(ii) in other packaging specifically designed to carry small amounts of ammunition; and

(C) include any other measures needed to ensure the safety and security of Amtrak employees, passengers, and infrastructure, including—

(i) in fiber, wood, or metal boxes; or

(ii) in other packaging specifically designed to carry small amounts of ammunition; and

(c) DEFINITIONS.—

(1) For purposes of this section, the term "checked baggage" refers to baggage transported that is accessible only to select Amtrak employees.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $98,911,000: *Provided*, That of the funds available under this heading, not to exceed $1,809,000 shall be available

for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the amounts made available under this heading not to exceed $75,000 shall be paid from appropriations made available by this Act and provided to the Department of Transportation Office of Inspector General through reimbursement to conduct the annual audits of financial statements in accordance with section 3521 of title 31, United States Code: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2011.

Audits.

Deadline.
Reports.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,400,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,343,171,000 in fiscal year 2010.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,670,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,370,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: *Provided further*, That of the funds available to carry out section 5312 of title 49, United States Code, $5,000,000 shall be available to the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 5309 of title 49, United States Code, $2,000,000,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title: *Provided*, That $2,000,000 shall be transferred to the Department of Transportation Office of Inspector General from funds set aside for the execution of oversight contracts pursuant to section 5327(c) of title 49, United States Code, for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $75,000,000, to remain available through September 30, 2012: *Provided*, That priority shall be given to projects based on the total energy savings that are projected to result from the investments, and the projected energy savings as a percentage of the total energy usage of the public transit agency: *Provided further*, That the Secretary shall public criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2010.

Deadlines. Criteria. Publication.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system, including but not limited to fixing the track signal system, replacing the 1000 series cars, installing guarded turnouts, buying equipment for wayside worker protection, and installing rollback protection on cars that are not equipped with this safety feature.

Determination.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under "Federal Transit Administration, Capital Investment Grants" and for bus and bus facilities under "Federal Transit Administration, Formula and Bus Grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2012, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2009, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading "Federal Transit Administration, Capital investment grants" in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. During fiscal year 2010, each Federal Transit Administration grant for a project that involves the acquisition or rehabilitation of a bus to be used in public transportation shall be funded for 90 percent of the net capital costs of a biodiesel bus or a factory-installed or retrofitted hybrid electric propulsion system and any equipment related to such a system: *Provided*, That the Secretary shall have the discretion to determine, through practicable administrative procedures, the costs attributable to the system and related-equipment.

SEC. 165. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 166. (a) In the explanatory statement referenced in section 186 of title I of division K of Public Law 110–161 (121 Stat. 2406), the item relating to "Broward County Southwest Transit Facility" in the table of projects under the heading "Bus and Bus Facilities" is deemed to be amended by striking "Southwest" and inserting "Ravenswood".

(b) The explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 for "Alternatives analysis" under "Federal Transit Administration–Formula and Bus Grants" is deemed to be amended by striking "Hudson–Bergen Light Rail Extension Route 440, North Bergen, NJ" and inserting "Hudson–Bergen Light Rail Extension Route 440, Jersey City, NJ".

(c) Funds made available for the "Phoenix/Regional Heavy Maintenance Facility, AZ", "Dial-a-Ride facility, Phoenix, AZ" and the "Phoenix Regional Heavy Bus Maintenance Facility, Arizona" through the Department of Transportation Appropriations Acts for Fiscal Years 2004, 2005 and 2008 that remain unobligated or unexpended shall be made available to the East Baseline Park-and-Ride Facility in Phoenix, Arizona.

SEC. 167. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair

facilities: *Provided*, That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(2)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 168. In determining the local share of the cost of the project authorized to be carried out under section 3043(c)(70) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1644) for purposes of the rating process for New Starts projects, the Secretary shall consider any portion of the corridor advanced entirely with non-Federal funds.

Recommendations.

SEC. 169. The Secretary of Transportation shall provide recommendations to Congress, including legislative proposals, on how to strengthen its role in regulating the safety of transit agencies operating heavy rail on fixed guideway: *Provided*, That the Secretary shall include actions the Department of Transportation will take and what additional legislative authorities it may need in order to fully implement recommendations of the National Transportation Safety Board directed at the Federal Transit Administration, including but not limited to recommendations related to crashworthiness, emergency access and egress, event recorders, and hours of service: *Provided further*, That the Secretary shall transmit to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Banking, Housing, and Urban Affairs a report outlining these recommendations and a plan for their implementation by the Department of Transportation no later than 45 days after enactment of this Act.

Reports.
Implementation plan.
Deadline.

SEC. 170. Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for items 523, 267, and 131 of section 3044 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59).

SEC. 171. Notwithstanding any other provision of law, for fiscal year 2010, the total estimated amount of future obligations of the Government and contingent commitments to incur obligations covered by all outstanding full funding grant agreements entered into on or before September 30, 2009, and all outstanding letters of intent and early systems work agreements under subsection 5309(g) of Title 49, United States Code, for major new fixed guideway capital projects may be not more than the sum of the amount authorized under subsections 5338(a)(3)(iv) and 5338(c) of such title for such projects and an amount equivalent to the last 3 fiscal years of funding allocated under subsections 5309(m)(1)(A) and (m)(2)(A)(ii) of such title, for such projects, less an amount the Secretary reasonably estimates is necessary for grants under subsection 5309(b)(1) of such title for those of such projects that are not covered by a letter or agreement: *Provided*, That the Secretary may enter into full funding grant agreements under subsection 5309(g)(2) of such title for major new fixed guideway capital projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

Determination.

SEC. 172. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially

granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

49 USC 5309 note.

SEC. 173. Hereafter, for interstate multi-modal projects which are in Interstate highway corridors, the Secretary shall base the rating under section 5309(d) of title 49, United States Code, of the non-New Starts share of the public transportation element of the project on the percentage of non-New Starts funds in the unified finance plan for the multi-modal project: *Provided*, That the Secretary shall base the accounting of local matching funds on the total amount of all local funds incorporated in the unified finance plan for the multi-modal project for the purposes of funding under chapter 53 of title 49, United States Code and title 23, United States Code: *Provided further*, That the Secretary shall evaluate the justification for the project under section 5309(d) of title 49, United States Code, including cost effectiveness, on the public transportation costs and public transportation benefits.

Evaluation.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Expenditure authority. Contracts.

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $32,324,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $149,750,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $59,057,000 shall be available for operations at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation

or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administration, completes a plan detailing by program or activity and by object class how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

Expenditure plan.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $15,000,000, to remain available until expended.

ASSISTANCE TO SMALL SHIPYARDS

Grants. Deadlines.

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $15,000,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized, $9,000,000, of which $5,000,000 shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That not to exceed $4,000,000 shall be available for administrative expenses to carry out the guaranteed loan program, which shall be transferred to and merged with the appropriation for "Operations and Training", Maritime Administration.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor

shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 176. Section 51314 of title 46, United States Code, is amended in subsection (b) by inserting at the end "Such fees shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be refunded to the Midshipmen through a mechanism approved by the Secretary. The Academy shall maintain a separate and detailed accounting of fee revenue and all associated expenses.".

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $21,132,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to "Pipeline Safety" in order to fund "Pipeline Safety Information Grants to Communities" as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $37,994,000, of which $1,699,000 shall remain available until September 30, 2012: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $105,239,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2012; and of which $86,334,000 shall be derived from

the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2012: *Provided*, That not less than $1,048,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2011: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2010 from amounts made available by 49 U.S.C. 5116(I) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(I), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,007,000, of which $6,036,000 shall remain available until September 30, 2012: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $75,114,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $29,066,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the

Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, to result in a final appropriation from the general fund estimated at no more than $27,816,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

Appointees.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Research and University Research Centers" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the committee report accompanying this Act for "Ferry Boats and Ferry Terminal Facilities", "Federal Lands", "Interstate Maintenance Discretionary", "Transportation, Community and System Preservation Program", "Delta Region Transportation Development Program", "Rail Line Relocation and Improvement Program", "Rail-highway

crossing hazard eliminations", "Capital Investment Grants", "Alternatives analysis", and "Bus and bus facilities".

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

Grants.
Notifications.
Deadline.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term

Notification.

"improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

Notification.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

Deadline.

Filing fees.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of Title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, that the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high quality performance under the contract.

Contracts.

SEC. 194. (a) IN GENERAL.—Section 127(a)(11) of title 23, United States Code, is amended by striking "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)" and inserting "all portions of the Interstate Highway System in the State, laws (including regulations)".

23 USC 127 note.

(b) PERIOD OF EFFECTIVENESS.—The amendment made by subsection (a) shall be in effect during the 1-year period beginning on the date of enactment of this Act.

Effecive date.
23 USC 127 note.

(c) REVERSION.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a)(11) of title 23, United States Code, is amended by striking "all portions of the Interstate Highway System in the State, laws (including regulations)" and inserting "that portion of the Maine Turnpike designated Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, laws (including regulations)".

(d) VERMONT PILOT PROGRAM.—Section 127(a) of title 23, United States Code, is amended by adding at the end the following:

"(13) VERMONT PILOT PROGRAM.—

Applicability.

"(A) IN GENERAL.—With respect to Interstate Routes 89, 91, and 93 in the State of Vermont, laws (including regulations) of that State concerning vehicle weight limitations applicable to State highways other than the Interstate system shall be applicable in lieu of the requirements of this subsection.".

(e) PERIOD OF EFFECTIVENESS FOR THE VERMONT PILOT PROGRAM.—The amendment made by subsection (d) shall be in effect during the 1-year period beginning on the date of enactment of this Act. 23 USC 127 note.

(f) REVERSION FOR THE VERMONT PILOT PROGRAM.—Effective as of the date that is 366 days after the date of enactment of this Act, section 127(a) of title 23, United States Code, is amended by striking paragraph (13). Effective date. 23 USC 127 note.

(g) REPORT ON THE VERMONT PILOT PROGRAM.—Not later than 2 years after the date of enactment of this paragraph, the Secretary shall complete and submit to Congress a report on the effects of the pilot program under this paragraph on highway safety, bridge and road durability, commerce, truck volumes, and energy use within the State of Vermont.

SEC. 195. The Secretary shall initiate an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111–8: *Provided*, That the Department of Transportation shall work with and coordinate with the Departments of Energy, Commerce and Agriculture to develop a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: *Provided further*, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): *Provided further*, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: *Provided further*, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress: *Provided further*, That $2,000,000 is available until expended for such purposes. Study. Recommendations.

SEC. 196. Notwithstanding any other provision of law, funds made available under section 330 of the Fiscal Year 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107–87) for the Las Vegas, Nevada Monorail Project, funds made available under section 115 of the Fiscal Year 2004 Transportation, Treasury and Independent Agencies Appropriations Act (Public Law 108–199) for the North Las Vegas Intermodal Transit Hub, and funds made available for the CATRAIL RTC Rail Project, Nevada in the Fiscal Year 2005 Transportation, Treasury, Independent Agencies and General Government Appropriations Act (Public Law 108–447), as well as any unexpended funds in the Federal Transit Administration grant numbers NV–03–0024 and NV–03–0027, shall be made available until expended to the Regional Transportation Commission of Southern Nevada for bus and bus-related projects and bus rapid transit projects: *Provided*, That the funds made available for a project in accordance with this section shall be administered under the terms and conditions set forth in 49 U.S.C. 5307, to the extent applicable. Nevada.

This title may be cited as the "Department of Transportation Appropriations Act, 2010".

Department of Housing and Urban Development Appropriations Act, 2010.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $26,855,000, of which not to exceed $4,619,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,703,000 shall be available for the Office of Hearings and Appeals; not to exceed $778,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $727,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,474,000 shall be available for the immediate Office of the General Counsel; not to exceed $2,912,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $3,996,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,218,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,125,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,781,000 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,497,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $1,097,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $928,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for prior approval to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

Transfer authority. Notification.

Notice.

Notification.

Reports. Electronic submission.

ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $537,011,000, of which not to exceed $76,958,000

shall be available for the personnel compensation and benefits of the Office of Administration; not to exceed $9,623,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $51,275,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $14,649,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $35,197,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $89,062,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,296,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,393,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,400,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $3,288,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; and not to exceed $249,870,000 shall be available for non-personnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary of Housing and Urban Development is authorized to transfer funds appropriated for any office included in Administration, Operations and Management to any other office included in Administration, Operations and Management only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 10 percent by all such transfers.

Transfer authority.

PERSONNEL COMPENSATION AND BENEFITS

PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $197,074,000.

COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $98,989,000.

HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $374,887,000.

OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $11,095,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $71,800,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $14,184,200,000, to remain available until expended, shall be available on October 1, 2009 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2009), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) $16,339,200,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal year 2008 and 2009 such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2010 funding cycle shall provide renewal funding for each public housing agency based on voucher management system (VMS) leasing and cost data for the most recent Federal fiscal year and by applying the most recent Annual Adjustment Factor as established by the Secretary,

and by making any necessary adjustments for the costs associated with deposits to family self-sufficiency program escrow accounts or first-time renewals including tenant protection or HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this Act), pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the last two provisos, the entire amount specified under this paragraph (except as otherwise modified under this Act) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for adjustments for public housing agencies with voucher leasing rates at the end of the calendar year that exceed the average leasing for the 12-month period used to establish the allocation; (3) for adjustments for the costs associated with VASH vouchers; or (4) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act: *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: *Provided further*, That of the amounts made available under this paragraph, up to $100,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative";

Notification.
Deadline.

(2) $120,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers,

mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary shall provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds;

Vouchers.

(3) $1,575,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,525,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2010 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2009 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act;

(5) $15,000,000 for incremental voucher assistance through the Family Unification Program: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

Voucher extension.

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and

Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over.

Waiver authority.

Voucher extension.

HOUSING CERTIFICATE FUND

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing" and the heading "Project-Based Rental Assistance", for fiscal year 2010 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based Section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

Contracts. Termination.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the "Act") $2,500,000,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2010 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes

Definition.

of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $20,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2010: *Provided further*, That of the amounts provided under this heading up to $40,000,000 may be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: *Provided further*, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: *Provided further*, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2010 to public housing agencies that are designated high performers.

Bonus awards.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER OF FUNDS)

For 2010 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,775,000,000: *Provided*, That, in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That of the amounts made available under this heading, up to $15,000,000 may be transferred to and merged with the appropriation for "Transformation Initiative".

42 USC 1437g note.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States

Housing Act of 1937 (42 U.S.C. 1437v), $200,000,000, to remain available until September 30, 2011, of which the Secretary of Housing and Urban Development may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That of the amounts provided under this heading, up to $65,000,000 may be available for a demonstration of the Choice Neighborhoods Initiative (subject to such section 24 except as otherwise specified under the provisos for this demonstration under this heading) for the transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs, and schools, including public schools, community schools, and charter schools: *Provided further*, That for this demonstration, funding may also be used for the conversion of vacant or foreclosed properties to affordable housing: *Provided further*, That use of funds made available for this demonstration under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further*, That grantees shall commit to an additional period of affordability determined by the Secretary, but not fewer than 20 years: *Provided further*, That grantees shall undertake comprehensive local planning with input from residents and the community: *Provided further*, That for the purposes of this demonstration, applicants may include local governments, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity: *Provided further*, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: *Provided further*, That the Secretary shall develop and publish a Notice of Funding Availability for the allocation and use of such competitive funds in this demonstration, including but not limited to eligible activities, program requirements, protections and services for affected residents, and performance metrics.

Publication.
Notice.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $700,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That of the amounts made available under this heading, $3,500,000

Contracts.

shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $18,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $7,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $919,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $335,000,000, to remain available until September 30, 2011, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2012: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section. Contracts.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,450,000,000, to remain available until September 30, 2012, unless otherwise specified: *Provided*, That of the total amount provided, $3,990,068,480 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $172,843,570 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2008, 2009 and 2010, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $22,087,950 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement under this heading in title II of division K of Public Law 110–161 is deemed to be amended

by striking "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the existing Old Town Boys and Girls Club accompanied by construction of new areas for the Club" and inserting "Old Town Boys and Girls Club, Albuquerque, NM, for renovation of the Heights Boys and Girls Club".

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division K of Public Law 110–161 is deemed to be amended by striking "Custer County, ID for acquisition of an unused middle school building" and inserting "Custer County, ID, to construct a community center".

The referenced explanatory statement under this heading in division I of Public Law 111–8 is deemed to be amended with respect to "Hawaii County Office of Housing and Community Development, HI" by striking "Senior Housing Renovation Project" and inserting "Transitional Housing Project".

The referenced statement of the managers under this heading "Community Planning and Development" in title II of division I of Public Law 111–8 is deemed to be amended by striking "Custer County, ID, to purchase a middle school building" and inserting "Custer County, ID, to construct a community center".

The referenced explanatory statement under the heading "Community Development Fund" in title II of division K of Public Law 110–161 is deemed to be amended with respect to "Emergency Housing Consortium in San Jose, CA" by striking "for construction of the Sobrato Transitional Center, a residential facility for homeless individuals and families" and inserting "for improvements to homeless services and prevention facilities".

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services establishing grant criteria as well as performance measures by which the success of grantees will be measured: *Provided further*, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: *Provided further*, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic

Grants.

Grants.

Plans.

Consultation.

Grants.
Native Americans.

development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the funding made available under the previous proviso, at least $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: *Provided further*, That of the amounts made available under this heading, $25,000,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

Native Americans.

Grants.

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $6,000,000, to remain available until September 30, 2011, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $275,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $17,500,000, to remain available until September 30, 2011: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2012: *Provided*, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $82,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity

Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: *Provided further*, That $5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,865,000,000, of which $1,860,000,000 shall remain available until September 30, 2012, and of which $5,000,000 shall remain available until expended for rehabilitation projects with 10-year grant terms: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the Shelter Plus Care Program and emergency shelter grants, shall be used for permanent housing for individuals and families: *Provided further*, That all funds awarded for services shall be matched by not less than 25 percent in funding by each grantee: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That up to $12,650,000 of the funds made available under this heading may be transferred to and merged with the appropriation for "Transformation Initiative": *Provided further*, That all balances for Shelter Plus Care renewals previously funded

Contracts.

from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2010.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, $8,157,853,000, to remain available until expended, shall be available on October 1, 2009, and $393,672,000, to remain available until expended, shall be available on October 1, 2010: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to $8,325,853,000 shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than $232,000,000 but not to exceed $258,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary of Housing and Urban Development may also use such amounts for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) Amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund" may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $825,000,000, to remain available until September 30, 2013, of which up to $582,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

Contracts.
Time period.

Waiver authority.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $300,000,000, of which up to $186,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2013: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That, of the amount provided under this heading, $87,100,000 shall be for amendments or renewal

Contracts.
Time period.

of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

Waiver authority. Time period.

Inspections.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $87,500,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2011: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: *Provided further*, That of the amounts made available under this heading, not less than $13,500,000 shall be awarded to HUD-certified housing counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

ENERGY INNOVATION FUND

For an Energy Innovation Fund to enable the Federal Housing Administration and the new Office of Sustainability to catalyze innovations in the residential energy efficiency sector that have promise of replicability and help create a standardized home energy efficient retrofit market, $50,000,000, to remain available until September 30, 2013: *Provided*, That $25,000,000 shall be for the Energy Efficient Mortgage Innovation pilot program, directed at the single family housing market: *Provided further*, That $25,000,000 shall be for the Multifamily Energy Pilot, directed at the multifamily housing market.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, non-insured rental housing projects, $40,000,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $72,036,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $16,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $9,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2010 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2010, commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed a loan principal of $400,000,000,000: *Provided*, That for new loans guaranteed pursuant to section 255 of the National Housing Act (12 U.S.C. 1715z–20), the Secretary shall adjust the factors used to calculate the principal limit (as such term is defined in HUD Handbook 4235.1) that were assumed in the President's Budget Request for 2010 for such loans, as necessary to ensure that the program operates at a net zero subsidy rate: *Provided further*, That during fiscal year 2010, obligations

to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided further*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $188,900,000, of which up to $70,794,000 may be transferred to the Working Capital Fund, and of which up to $7,500,000 shall be for education and outreach of FHA single family loan products: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2010, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,600,000, to remain available until expended: *Provided,* That commitments to guarantee loans shall not exceed $15,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2011.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(I) of Reorganization Plan No. 2 of 1968, $48,000,000, to remain available until September 30, 2011.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2011, of which $42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

Lobbying.

OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as Authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2011, of which not less than $20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided*

Waiver authority.
Determination.

Plans.
Strategy.
Notice.

further, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $200,000,000, to remain available until September 30, 2011: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used only for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated: *Provided further*, That up to $15,000,000 may be transferred to this account from all other accounts in this title (except for the Office of the Inspector General account) that make funds available for salaries and expenses.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $125,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended.

In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2012, for (1) research, evaluation, and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: "Public Housing Capital Fund", "Revitalization of Severely Distressed Public Housing", "Brownfields Redevelopment", "Section 108 Loan Guarantees", "Energy Innovation Fund", "Housing Opportunities for Persons With AIDS", "Community Development Fund", "HOME Investment Partnerships Program", "Self-Help and Assisted Homeownership Opportunity Program", "Housing for the Elderly", "Housing for Persons With Disabilities", "Housing Counseling Assistance",

"Payment to Manufactured Housing Fees Trust Fund", "Mutual Mortgage Insurance Program Account", "General and Special Risk Program Account", "Research and Technology", "Lead Hazard Reduction", "Rental Housing Assistance", and "Fair Housing Activities": *Provided*, That of the amounts made available under this paragraph, not less than $80,000,000 and not more than $180,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: *Provided further*, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that (1) identifies for each modernization project (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost, and (c) key milestones to be met; (2) demonstrates that each modernization project is (a) compliant with the department's enterprise architecture, (b) being managed in accordance with applicable lifecycle management policies and guidance, (c) subject to the department's capital planning and investment control requirements, and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: *Provided further*, That of the amounts made available under this paragraph, not less than $45,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: *Provided further*, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the housing needs of Native Americans, including sustainable building practices: *Provided further*, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an evaluation of the Moving-to-Work demonstration program: *Provided further*, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the four categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations.

Expenditure plan.

Assessment. Native Americans.

Evaluation.

Allocation plan.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescission

or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescission or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescission or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2010 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a non-frivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

Grants. AIDS.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2010 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2010 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2010 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2010, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

New Jersey.

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported

in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

Time period.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2010 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

Deadlines.
Reports.
Budget.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees

on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

AIDS.
New Jersey.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

North Carolina.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2010 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

Budget request.

SEC. 210. The President's formal budget request for fiscal year 2011, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

State listing.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors

Establishment.

or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of Public Housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

Transfer authority.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2010 and 2011, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) The transfer authorized in subsection (a) is subject to the following conditions:

(1) The number of low-income and very low-income units and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

Standards.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

Notification. Consultation. Certification.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

Determination.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (c)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary.

Records. Contracts.

(8) If the transferring project meets the requirements of subsection (c)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) Any financial risk to the FHA General and Special Risk Insurance Fund, as determined by the Secretary, would

be reduced as a result of a transfer completed under this section.

(10) The Secretary determines that Federal liability with regard to this project will not be increased. Determination.

(c) For purposes of this section— Definitions.

(1) the terms "low-income" and "very low-income" shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term "multifamily housing project" means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term "project-based assistance" means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act; and

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959;

(4) the term "receiving project or projects" means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term "transferring project" means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005. Native Alaskans.

Audits.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2010, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2010, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 ("MAHRAA") and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps

Determination.
Contracts.

to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

Michigan. Contracts. Determination.

SEC. 218. During fiscal year 2010, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

Reports. Deadlines. Contracts.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading "Program Account" under the heading "Community Development Loan Guarantees" may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

Deadline. Regulations.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking "fiscal year" and all that follows through the period at the end and inserting "fiscal year 2010."; and

(2) in subsection (o), by striking "September" and all that follows through the period at the end and inserting "September 30, 2010.".

Exemption.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

42 USC 1437g note.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

Allotment holder. Determination.

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings "Executive Direction" and heading "Administration, Operations, and Management" as well as each account receiving appropriations for "personnel compensation and benefits" within the Department of Housing and Urban Development.

Deadline. Designation.

Reports. Deadlines.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for Fiscal Year 2010 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for Fiscal Year 2010 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate government website or websites or through other electronic media, as determined by the Secretary.

Notification. Federal Register, publication. 42 USC 3545a.

Web posting.

SEC. 229. (a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

Cost estimate.

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

Contracts.
Time period.

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

Homeless.

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision

regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal years 2009 and 2010 made available as surplus Federal property for use to assist the homeless.

Applicability.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent of funds appropriated for any account under this title under the heading "Personnel Compensation and Benefits" to any other account under this title under the heading "Personnel Compensation and Benefits" only after such transfer has been submitted to, and received prior written approval by, the House and Senate Committees on Appropriations: *Provided*, That, no appropriation for any such account shall be increased or decreased by more than 10 percent by all such transfers.

Transfer authority. Submission.

SEC. 232. The Secretary of Housing and Urban Development may increase, pursuant to this section, the number of Moving-to-Work agencies authorized under section 204, title II, of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321) by adding to the program three Public Housing Agencies that meet the following requirements: is a High Performing Agency under the Public Housing Assessment System (PHAS). No PHA shall be granted this designation through this section that administers in excess of 5,000 aggregate housing vouchers and public housing units. No PHA granted this designation through this section shall receive more funding under sections 8 or 9 of the United States Housing Act of 1937 than they otherwise would have received absent this designation. In addition to other reporting requirements, all Moving-to-Work agencies shall report financial data to the Department of Housing and Urban Development as specified by the Secretary, so that the effect of Moving-to-Work policy changes can be measured.

Requirements.

Reports.

SEC. 233. Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government, the Secretary shall in fiscal year 2010 consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property into such condition as to satisfy minimum State and local code standards and the cost of maintaining the affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.

SEC. 234. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a "program of the Department of Housing and Urban Development" under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 235. (a) IN GENERAL.—The Secretary of Housing and Urban Development shall prepare a report, and post such report on the public website of the Department of Housing and Urban Development (in this section referred to as the "Department"), regarding the number of homes owned by the Department and the budget impact of acquiring, maintaining, and selling such homes.

Reports. Web posting.

(b) CONTENT.—The report required by this section shall include—

(1) the number of residential homes that the Department owned during the years 2004 through 2009;

(2) an itemized breakdown of the total annual financial impact, including losses and gains from selling homes and maintenance and acquisition of homes, of home ownership by the Department since 2004;

(3) a detailed explanation of the reasons for the ownership by the Department of the homes;

(4) a list of the 10 urban areas in which the Department owns the most homes and the rate of homelessness in each of those areas; and

(5) a list of the 10 States in which the Department owns the most homes and the rate of homelessness in each of those States.

SEC. 236. The matter under the heading "Community Development Fund", under the heading "Community Planning and Development", under the heading "Department of Housing and Urban Development" in chapter 10 of title I of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329; 122 Stat. 3601) is amended by striking ": *Provided further*, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program".

This title may be cited as the "Department of Housing and Urban Development Appropriations Act, 2010".

TITLE III

RELATED AGENCIES

ACCESS BOARD

SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,300,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $24,135,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

NATIONAL RAILROAD PASSENGER CORPORATION

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $19,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2011, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2011 in similar format and substance to those submitted by executive agencies of the Federal Government.

Budget requests.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $98,050,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided*, That of the funds provided under this heading, $2,416,000 shall remain available through September 30, 2011: *Provided further*, That of the funds provided, up to $100,000 shall be provided through reimbursement to the Department of Transportation's Office of Inspector General to audit the National Transportation Safety Board's financial statements. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

Audits.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by

the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $133,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That section 605(a) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8104) is amended by adding at the end of the first sentence, prior to the period, ", except that the board-appointed officers may be paid salary at a rate not to exceed level II of the Executive Schedule": *Provided further*, That in addition, $35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: *Provided further*, That in addition, $65,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

42 USC 8104.

Foreclosures.

Grants.
Waiver authority.

(1) The Neighborhood Reinvestment Corporation ("NRC"), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

Requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and

advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety. Certification.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 4 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default. Reports. Deadline.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $2,450,000.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Deadline.
Reports.

Fines.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available

for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

Expenditure request.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 30, 2010. Such report shall include the contractor, the amount of the contract and the rationale for using a sole source contract.

Reports. Deadline.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

Eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position,

Employment. Deadline. Time period. Certification.

other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended in contravention of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been found to violate the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

Light bulbs.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

Web posting.

SEC. 416. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 417. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that: (1) is provided assistance by the Department of Housing and Urban Development; and (2)(A) is or would be located on property of the Department of Veterans Affairs; or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

ACORN.

SEC. 418. None of the funds made available under this Act or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

Earmarks.

SEC. 419. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–218) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

This division may be cited as the "Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2010".

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

TITLE I

DEPARTMENT OF COMMERCE

Department of Commerce Appropriations Act, 2010.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $456,204,000, to remain available until September 30, 2011, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided,* That not less than $49,530,000 shall be for Manufacturing and Services; not less than $43,212,000 shall be for Market Access and Compliance; not less than $68,290,000 shall be for the Import Administration; not less than $258,438,000 shall be for the Trade Promotion and United States and Foreign Commercial Service; and not less than $27,295,000 shall be for Executive Direction and Administration: *Provided further*, That not less than $7,000,000 shall be for the Office of China Compliance, and not less than $4,400,000 shall be for the China Countervailing Duty Group: *Provided further,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further,* That negotiations shall be conducted within the World Trade Organization to recognize the right

Applicability.

Negotiations.

of members to distribute monies collected from antidumping and countervailing duties: *Provided further,* That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210: *Provided further,* That within the amounts appropriated, $5,215,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $100,342,000, to remain available until expended, of which $14,767,000 shall be for inspections and other activities related to national security: *Provided,* That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further,* That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

Applicability.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, and for trade adjustment assistance, $255,000,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $38,000,000: *Provided,* That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $31,500,000: *Provided*, That within the amounts appropriated, $1,100,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $97,255,000, to remain available until September 30, 2011.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $259,024,000.

PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $7,065,707,000, of which $100,000,000 shall be derived from available unobligated balances previously appropriated under this heading, to remain available until September 30, 2011: *Provided*, That none of the funds provided in this or any other Act for any fiscal year may be used for the collection of census data on race identification that does not include "some other race" as a category: *Provided further*, That from amounts provided herein, funds may be used for additional promotion, outreach, and marketing activities.

Race identification.
13 USC 5 note.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $19,999,000, to remain available until September 30, 2011: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences

of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $1,887,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2010, so as to result in a fiscal year 2010 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2010, should the total amount of offsetting fee collections be less than $1,887,000,000, this amount shall be reduced accordingly: *Provided further*, That from amounts provided herein, not to exceed $1,000 shall be made available in fiscal year 2010 for official reception and representation expenses: *Provided further*, That in fiscal year 2010 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2010: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That from the amounts provided herein, no less than $4,000,000 shall be available only for the USPTO contribution in

Applicability.
35 USC 41 note.

a cooperative or joint agreement or agreements with a non-profit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $515,000,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the "Working Capital Fund": *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses: *Provided further*, That within the amounts appropriated, $10,500,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology, $124,700,000, to remain available until expended. In addition, for necessary expenses of the Technology Innovation Program of the National Institute of Standards and Technology, $69,900,000, to remain available until expended.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $147,000,000, to remain available until expended, of which $20,000,000 is for a competitive construction grant program for research science buildings: *Provided*, That within the amounts appropriated, $47,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: *Provided further*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

Budget estimate.
15 USC 1513b note.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,305,178,000, to remain available until September 30, 2011, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2012: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled "Coastal Zone Management" and in addition $104,600,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That of the $3,412,778,000 provided for in direct obligations under this heading $3,305,178,000 is appropriated from the general fund, and $107,600,000 is provided by transfer: *Provided further*, That the total amount available for the National Oceanic and Atmospheric Administration corporate services administrative support costs shall not exceed $235,549,000: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $41,944,000: *Provided further*, That within the amounts appropriated, $99,295,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

Grants.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, $1,358,353,000, to remain available until September 30, 2012, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the $1,360,353,000 provided for in direct obligations

under this heading, $1,358,353,000 is appropriated from the general fund and $2,000,000 is provided from recoveries of prior year obligations: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further,* That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration Procurement, Acquisition or Construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: *Provided further*, That the Secretary of Commerce is authorized to enter into a lease, at no cost to the United States Government, with the Regents of the University of Alabama for a term of not less than 55 years, with two successive options each of 5 years, for land situated on the campus of University of Alabama in Tuscaloosa to house the Cooperative Institute and Research Center for Southeast Weather and Hydrology: *Provided further*, That within the amounts appropriated, $18,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

Budget estimates.

Contracts. University of Alabama.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $80,000,000, to remain available until September 30, 2011: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed

$3,000,000 shall be transferred to the "Operations, Research, and Facilities" account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010, obligations of direct loans may not exceed $16,000,000 for Individual Fishing Quota loans and not to exceed $59,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936: *Provided*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official reception and representation, $58,000,000: *Provided*, That the Secretary, within 60 days of enactment of this Act, shall provide a report to the Committees on Appropriations of the House and Senate that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 Census: *Provided further*, That of the amounts provided to the Secretary within this account, $5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations of the House and Senate that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

Deadline. Reports.

Certification.

HERBERT C. HOOVER BUILDING RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of the Herbert C. Hoover Building, $22,500,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $27,000,000.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries

and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce: *Provided further*, That for the National Oceanic and Atmospheric Administration this section shall provide for transfers among appropriations made only to the National Oceanic and Atmospheric Administration and such appropriations may not be transferred and reprogrammed to other Department of Commerce bureaus and appropriation accounts.

Notification. Deadline.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 105. The requirements set forth by section 112 of division B of Public Law 110–161 are hereby adopted by reference.

Incorporation by reference. 33 USC 878a note.

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. With the consent of the President, the Secretary of Commerce shall represent the United States Government in negotiating and monitoring international agreements regarding

President.

fisheries, marine mammals, or sea turtles: *Provided*, That the Secretary of Commerce shall be responsible for the development and interdepartmental coordination of the policies of the United States with respect to the international negotiations and agreements referred to in this section.

SEC. 108. Section 101(k) of the Emergency Steel Loan Guarantee Act of 1999 (15 U.S.C. 1841 note) is amended by striking "2009" and inserting "2011".

SEC. 109. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 110. The Administration of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

This title may be cited as the "Department of Commerce Appropriations Act, 2010".

Department of Justice Appropriations Act, 2010.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $118,488,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That $18,693,000 is for Department Leadership; $8,101,000 is for Intergovernmental Relations/External Affairs; $12,715,000 is for Executive Support/Professional Responsibility; and $78,979,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, $44,023,000, of which $2,000,000 shall be for reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities: *Provided,* That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer

exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, $88,285,000, to remain available until expended.

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $206,143,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $300,685,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account.

DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,438,663,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $5,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to 18 U.S.C. 4013(b).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $84,368,000, including not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, $12,859,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed

$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $875,097,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $10,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program $3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $163,170,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $102,000,000 in fiscal year 2010), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at $61,170,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, $1,934,003,000: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than

$36,980,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children: *Provided further,* That of the amount provided under this heading, $6,000,000 is for salaries and expenses for new assistant U.S. Attorneys to carry out additional prosecutions of serious crimes in Indian Country.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $219,250,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $210,000,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the Fund estimated at $4,250,000.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, $2,117,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $168,300,000, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed $11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $11,479,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary

to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(B), (F), and (G), $20,990,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,125,763,000; of which not to exceed $30,000 shall be available for official reception and representation expenses; and of which not to exceed $10,000,000 shall remain available until expended for information technology systems.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $26,625,000, to remain available until expended; of which not less than $12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $87,938,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with

State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $528,569,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $7,658,622,000, of which $101,066,000 is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; and of which not to exceed $150,000,000 shall remain available until expended: *Provided*, That not to exceed $205,000 shall be available for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, the Director of the Federal Bureau of Investigation, upon a determination that additional funding is necessary to carry out construction of the Biometrics Technology Center, may transfer from amounts available for "Salaries and Expenses" to amounts available for "Construction" up to $30,000,000 in fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs: *Provided further*, That any transfer made pursuant to the previous proviso shall be subject to section 505 of this Act.

CONSTRUCTION

For all necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of Federally-owned buildings; and preliminary planning and design of projects; $239,915,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,019,682,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,114,772,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code; and of which not to exceed $10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2010: *Provided further*, That, beginning in fiscal year 2010 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other

Effective date.
Firearms data.
18 USC 923 note.

evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of Federally-owned buildings; and preliminary planning and design of projects; $6,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 831, of which 743 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,086,231,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the

42 USC 250a.

Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2011: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $99,155,000, to remain available until expended, of which not less than $73,769,000 shall be available only for modernization, maintenance and repair, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to

be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) ("the 2000 Act"); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) ("the 2005 Act"); and for related victims services, $418,500,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided (which shall be by transfer for programs administered by the Office of Justice Programs)—

(1) $210,000,000 for grants to combat violence against women, as authorized by part T of the 1968 Act, of which—

(A) $18,000,000 shall be for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act; and

(B) $3,000,000 shall be for the National Institute of Justice for research and evaluation of violence against women and related issues addressed by grant programs of the Office on Violence Against Women;

(2) $60,000,000 for grants to encourage arrest policies as authorized by part U of the 1968 Act;

(3) $15,000,000 for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(4) $41,000,000 for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(5) $9,500,000 for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(6) $41,000,000 for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(7) $4,250,000 for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40802 of the 1994 Act;

(8) $14,000,000 for the safe havens for children program, as authorized by section 1301 of the 2000 Act;

(9) $6,750,000 for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(10) $3,000,000 for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(11) $1,000,000 for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act and consistent with title I of the Adam Walsh Child Protection and Safety Act of 2006;

(12) $3,500,000 for services to advocate and respond to youth, as authorized by section 41201 of the 1994 Act;

(13) $3,000,000 for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

(14) $3,000,000 for the court training and improvements program, as authorized by section 41002 of the 1994 Act;

(15) $1,000,000 for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act; and

(16) $2,500,000 for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the 1994 Act.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 "the 1968 Act"; the Juvenile Justice and Delinquency Prevention Act of 1974 "the 1974 Act"; the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and other programs (including the Statewide Automated Victim Notification Program); $235,000,000, to remain available until expended, of which—

(1) $60,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $41,000,000 is for the National Crime Victimization Survey;

(2) $48,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act;

(3) $12,000,000 is for the Statewide Victim Notification System of the Bureau of Justice Assistance;

(4) $45,000,000 is for the Regional Information Sharing System, as authorized by part M of title I of the 1968 Act; and

(5) $70,000,000 is for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); and the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); and other programs; $1,534,768,000, to remain available until expended as follows—

(1) $519,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of the 1968 Act, as amended, shall not apply for purposes of this Act), of which $5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, and $3,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process;

(2) $330,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5));

(3) $31,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $185,268,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat

juvenile delinquency, and to assist victims of crime (other than compensation), which shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act;

(5) $40,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(6) $2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient Alert Program (section 240001 of the 1994 Act);

(7) $12,500,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106–386 and for programs authorized under Public Law 109–164;

(8) $45,000,000 for Drug Courts, as authorized by section 1001(25)(A) of title I of the 1968 Act;

(9) $7,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(10) $15,000,000 for prison rape prevention and prosecution and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108–79);

(11) $30,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(12) $5,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

(13) $12,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110–416);

(14) $50,000,000 for assistance to Indian tribes, of which—

(A) $10,000,000 shall be available for grants under section 20109 of subtitle A of title II of the 1994 Act;

(B) $25,000,000 shall be available for the Tribal Courts Initiative;

(C) $12,000,000 shall be available for tribal alcohol and substance abuse reduction assistance grants; and

(D) $3,000,000 shall be available for training and technical assistance and civil and criminal legal assistance as authorized by title I of Public Law 106–559;

(15) $20,000,000 for economic, high technology and Internet crime prevention grants, including as authorized by section 401 of Public Law 110–403;

(16) $15,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(17) $2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(18) $3,000,000 for grants to improve the stalking and domestic violence database, as authorized by section 40602 of the 1994 Act;

(19) $1,000,000 for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act;

(20) $3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(21) $1,000,000 for grants for televised testimony, as authorized by part N of title I of the 1968 Act;

(22) $15,000,000 for programs to reduce gun crime and gang violence;

(23) $20,000,000 for grants to assist State and tribal governments as authorized by the NICS Improvements Amendments Act of 2007 (Public Law 110–180);

(24) $11,500,000 for the National Criminal History Improvement program for grants to upgrade criminal records;

(25) $100,000,000 for offender reentry programs, as authorized by the Second Chance Act of 2007 (Public Law 110–199), of which $37,000,000 is for grants for adult and juvenile offender State and local reentry demonstration projects, $15,000,000 is for grants for mentoring and transitional services, $10,000,000 is for reentry courts, $7,500,000 is for family-based substance abuse treatment, $2,500,000 is for evaluation and improvement of education at prisons, jails, and juvenile facilities, $5,000,000 is for technology careers training demonstration grants, $13,000,000 is for offender reentry substance abuse and criminal justice collaboration, and $10,000,000 is for prisoner reentry research;

(26) $10,000,000 for activities related to comprehensive criminal justice reform and recidivism reduction efforts by States;

(27) $10,000,000 for implementation of a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(28) $3,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys; and

(29) $35,000,000 for Paul Coverdell Forensic Science Improvement Grants under part BB of title I of the 1968 Act:

Provided, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform non-administrative public sector safety service.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Office of Weed and Seed Strategies, $20,000,000, to remain available until expended, as authorized by section 103 of title I of the Omnibus Crime Control and Safe Streets Act of 1968.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"), the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"), the Violence Against Women and Department of Justice Reauthorization Act of 2005

(Public Law 109–162), the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401), and other juvenile justice programs, $423,595,000, to remain available until expended as follows—

(1) $75,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, non-profit organizations with the Federal grants process;

(2) $91,095,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act, which shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act;

(3) $100,000,000 for youth mentoring grants;

(4) $65,000,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) $25,000,000 shall be for the Tribal Youth Program;

(B) $10,000,000 shall be for a gang education initiative; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

(5) $22,500,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(6) $55,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State;

(7) $10,000,000 for community-based violence prevention initiatives; and

(8) $5,000,000 for the Safe Start Program, as authorized by the 1974 Act:

Provided, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the "Salaries and Expenses" account), to remain available until expended; and $9,100,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such

Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to "Public Safety Officer Benefits" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

COMMUNITY ORIENTED POLICING SERVICES

(INCLUDING TRANSFERS OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296), which may include research and development; and the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (the "Adam Walsh Act"); and the Justice for All Act of 2004 (Public Law 108–405), $791,608,000, to remain available until expended: *Provided*, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act. Of the amount provided (which shall be by transfer, for programs administered by the Office of Justice Programs)—

(1) $30,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is for related research, testing, and evaluation programs;

(2) $40,385,000 for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, and for other anti-methamphetamine-related activities: *Provided,* That within the amounts appropriated $25,385,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: *Provided further*, That within the amounts appropriated $10,000,000 shall be transferred to the Drug Enforcement Administration upon enactment of this Act: *Provided further*, That within the amounts appropriated $5,000,000 is for anti-methamphetamine-related activities in Indian Country;

(3) $170,223,000 for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: *Provided,* That within the amounts appropriated, $168,723,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act: *Provided further*, That

of the amounts provided under this heading $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs;

(4) $161,000,000 for DNA related and forensic programs and activities, of which—

(A) $151,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) $5,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $5,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by Public Law 108–405, section 304;

(5) $40,000,000 for improving tribal law enforcement, including equipment and training;

(6) $12,000,000 for community policing development activities;

(7) $24,000,000 for a national grant program the purpose of which is to assist State and local law enforcement to locate, arrest and prosecute child sexual predators and exploiters, and to enforce sex offender registration laws described in section 1701(b) of the 1968 Act, of which—

(A) $11,000,000 is for sex offender management assistance as authorized by the Adam Walsh Act and the Violent Crime Control Act of 1994 (Public Law 103–322); and

(B) $1,000,000 is for the National Sex Offender Public Registry;

(8) $16,000,000 for expenses authorized by part AA of the 1968 Act (Secure our Schools); and

(9) $298,000,000 for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsections (g) and (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c).

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office on Violence Against Women, the Office of Justice Programs and the Community Oriented Policing Services Office, $192,388,000, of which not to exceed $15,708,000 shall be available for the Office on Violence Against Women; not to exceed $139,218,000 shall be available for the Office of Justice Programs; not to exceed $37,462,000 shall be available for the Community Oriented Policing Services Office: *Provided*, That, notwithstanding section 109 of title I of Public Law 90–351, an additional amount, not to exceed $21,000,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management: *Provided further,* That the total amount available for management and administration of such programs shall not exceed $213,388,000: *Provided further*, That notwithstanding section 205 of this Act, upon a determination

Determination.

by the Attorney General that emergent circumstances require additional funding for management and administration of such programs, the Attorney General may transfer such amounts to "Salaries and Expenses" from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $75,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

Abortion.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

Abortion.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Project extension.
5 USC 3104 note.

SEC. 206. The Attorney General is authorized to extend through September 30, 2011, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.

Investigations.
Applicability.
28 USC 533 note.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

SEC. 208. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

Sentinel.
Certification.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

Notification.
Applicability.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 212. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A–76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

Certification.

SEC. 214. None of the funds appropriated in this or any other Act shall be obligated for the initiation of a future phase of the Federal Bureau of Investigation's Sentinel program until the Attorney General certifies to the Committees on Appropriations that existing phases currently under contract for development or fielding have completed a majority of the work for that phase under the performance measurement baseline validated by the integrated baseline review conducted in 2008: *Provided*, That this restriction does not apply to planning and design activities for future phases: *Provided further*, That the Bureau will notify the Committees on Appropriations of any significant changes to the baseline.

Notification.

SEC. 215. In addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings "Justice Assistance", "State and Local Law Enforcement Assistance",

"Weed and Seed", "Juvenile Justice Programs", and "Community Oriented Policing Services"—

(1) Up to 3 percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance; and

(2) Up to 1 percent of funds made available to such Office for formula grants under such headings may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302 of title I of Public Law 90–351.

Determination.
Waiver authority.

SEC. 216. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of paragraph (1) of section 2976(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2009 and 2010 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects authorized under part FF of such Act of 1968.

SEC. 217. Section 5759 of title 5, United States Code, is amended by striking subsection (e).

Deadlines.
Reports.

SEC. 218. (a) The Attorney General shall submit quarterly reports to the Inspector General of the Department of Justice regarding the costs and contracting procedures relating to each conference held by the Department of Justice during fiscal year 2010 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

(3) a description of the contracting procedures relating to that conference, including—

(A) whether contracts were awarded on a competitive basis for that conference; and

(B) a discussion of any cost comparison conducted by the Department of Justice in evaluating potential contractors for that conference.

SEC. 219. (a) Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following:

5 USC 5761.

"§ 5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation

Regulations.

"The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.".

(b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following:

"5761. Foreign language proficiency pay awards for the Federal Bureau of Investigation."

Waiver authority.

SEC. 220. For purposes of the allocation under section 505(d)(1) of title I of Public Law 90–351 (42 U.S.C. 3755(d)(1)) for fiscal year 2010, the Attorney General is authorized to waive the application of section 505(e)(3) (42 U.S.C. 3755(e)(3)) to any non-reporting unit of local government that—

(1) was eligible to receive an allocation under section 505(d)(2)(B) (42 U.S.C. 3755(d)(2)(B));

Reports. Deadline.

(2) agrees to begin to report timely data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation by not later than the end of such fiscal year; and

(3) does so begin in accordance with such agreement.

This title may be cited as the "Department of Justice Appropriations Act, 2010".

Science Appropriations Act, 2010.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $7,000,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $4,469,000,000, to remain available until September 30, 2011.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation

of mission and administrative aircraft, $501,000,000, to remain available until September 30, 2011.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,746,300,000, to remain available until September 30, 2011: *Provided*, That notwithstanding section 505 of this Act, none of the funds provided herein and from prior years that remain available for obligation during fiscal year 2010 shall be available for the termination or elimination of any program, project or activity of the architecture for the Constellation program nor shall such funds be available to create or initiate a new program, project or activity, unless such program termination, elimination, creation, or initiation is provided in subsequent appropriations Acts.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities including operations, production, and services; maintenance; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $6,146,800,000, to remain available until September 30, 2011: *Provided*, That of the amounts provided under this heading, not more than $3,157,100,000 shall be for Space Shuttle operations, production, research, development, and support, not more than $2,317,000,000 shall be for International Space Station operations, production, research, development, and support, and not more than $751,500,000 shall be for Space and Flight Support.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $182,500,000, to remain available until September 30, 2011.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $70,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,194,000,000: *Provided*, That not more than $2,206,300,000 shall be available for center management and operations: *Provided further*, That not less than $40,000,000 shall be available for independent verification and validation activities: *Provided further*, That within the amounts appropriated, $63,000,000 shall be used for the projects, and in the amounts, specified in the explanatory statement accompanying this Act.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND REMEDIATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, $448,300,000, to remain available until September 30, 2015: *Provided*, That within the funds provided, $13,700,000 shall be available to support science research and development activities; $90,800,000 shall be available to support exploration research and development activities; $27,300,000 shall be available to support space operations research and development activities; and $316,500,000 shall be available for cross agency support activities: *Provided further*, That hereafter, notwithstanding section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j), all proceeds from leases entered into under that section shall be deposited into this account and shall be available for a period of 5 years, to the extent provided in annual appropriations Acts: *Provided further*, That such proceeds shall be available for obligation for fiscal year 2010 in an amount not to exceed $6,226,000: *Provided further*, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459j).

Contracts.
Time period.
42 USC 2459j–1.

42 USC 16611b note.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $36,400,000.

ADMINISTRATIVE PROVISIONS

Funds for announced prizes otherwise authorized shall remain available, without fiscal year limitation, until the prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

Notwithstanding any other provision of law, no funds shall be used to implement by Reduction in Force or other involuntary separations (except for cause) by the National Aeronautics and Space Administration prior to September 30, 2010.

The unexpired balances of the Science, Aeronautics, and Exploration account, for activities for which funds are provided under this Act, may be transferred to the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,617,920,000, to remain available until September 30, 2011, of which not to exceed $570,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2010 budget request for icebreaking services, $54,000,000 shall be transferred to the U.S. Coast Guard "Operating Expenses" within 60 days of enactment of this Act: *Provided further,* That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further,* That not less than $147,120,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

Deadline.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $117,290,000, to remain available until expended: *Provided,* That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $872,760,000, to remain available until September 30, 2011: *Provided*, That not less than $55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69: *Provided further,* That not less than $32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,200 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $300,000,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2010 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,540,000: *Provided*, That not to exceed $2,800 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $14,000,000.

This title may be cited as the "Science Appropriations Act, 2010".

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,400,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; and not to exceed $30,000,000 for payments to State and local enforcement agencies for authorized services to the Commission, $367,303,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the House and Senate Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further,* That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

Notification.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $81,860,000, to remain available until expended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $420,000,000, of which $394,400,000 is for basic field programs and required independent audits; $4,200,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $17,000,000 is for management and grants oversight; $3,400,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

Applicability.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2009 and 2010, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,250,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $47,826,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $124,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

Negotiations.

Negotiations.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 et seq.) $5,131,000, of which $500,000 shall remain available until September 30, 2011: *Provided*, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Notifications. Deadlines.

SEC. 505. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds that—

(1) creates or initiates a new program, project or activity;

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted by this Act, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(5) reorganizes or renames offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House

and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(8) augments funds for existing programs, projects or activities in excess of $500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds; or

(9) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds in provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

Religious harassment.
42 USC 2000e–12 note.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 507. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Deadlines.
Reports.

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such

department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section. Transfer authority.

SEC. 510. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. Tobacco and tobacco products.

SEC. 511. None of the funds appropriated pursuant to this Act or any other provision of law may be used for—

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law. Firearms.

SEC. 512. Notwithstanding any other provision of law, amounts deposited or available in the Fund established under 42 U.S.C. 10601 in any fiscal year in excess of $705,000,000 shall not be available for obligation until the following fiscal year. 42 USC 10601 note.

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students. Discrimination.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 515. Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data. Firearms data.

(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not

all firearms used in crime are traced and not all firearms traced are used in crime.

(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.

Audits. Reports. Deadlines.

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

Deadline. Public information. Web posting.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

Certification.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

Effective date. Determination.

(e) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

Human organism.

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

Torture.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

Exports and imports. Firearms. Canada.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

(1) does not exempt an exporter from filing any Shipper's Export Declaration or notification letter required by law, or from being otherwise eligible under the laws of the United States to possess, ship, transport, or export the articles enumerated in subsection (a); and

(2) does not permit the export without a license of—

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

President. Determination. Federal Register, publication.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

Firearms.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative

expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin "curios or relics" firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

National security letters.

SEC. 523. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

Notification. Deadline.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

Web posting. 5 USC app. 8L.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Contracts. Grants. Certification.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in

an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 528. None of the funds appropriated or otherwise made available in this Act may be used in a manner that is inconsistent with the principal negotiating objective of the United States with respect to trade remedy laws to preserve the ability of the United States—

(1) to enforce vigorously its trade laws, including anti-dumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market-access barriers.

(RESCISSIONS)

SEC. 529. (a) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2010, from the following accounts in the specified amounts—

(1) "Legal Activities, Assets Forfeiture Fund", $387,200,000;

(2) "Federal Bureau of Investigation, Salaries and Expenses", $50,000,000;

(3) "Office of Justice Programs", $54,000,000; and

(4) "Community Oriented Policing Services", $40,000,000.

(b) Within 30 days of enactment of this Act, the Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the amount of each rescission made pursuant to this section. Deadline. Reports.

(c) The rescissions contained in this section shall not apply to funds provided in this Act.

SEC. 530. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 531. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than

50 employees from a Federal department or agency at any single conference occurring outside the United States.

Detainees. Cuba. President. Classified information. Deadlines.

SEC. 532. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

Disposition plan.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

Notification. Certification.

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United

States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

(f) None of the funds made available in this Act may be used to provide any immigration benefit (including a visa, admission into the United States or any of the United States territories, parole into the United States or any of the United States territories (other than parole for the purposes of prosecution and related detention), or classification as a refugee or applicant for asylum) to any individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba.

(g) In this section, the term "freely associated States" means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau. Definition.

(h) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act. Reports.

SEC. 533. Section 504(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996 (as contained in Public Law 104–134) is amended by striking paragraph (13). 110 Stat. 1321–55.

SEC. 534. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries. ACORN.

SEC. 535. (a) The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as "ACORN") or any subsidiary or affiliate of ACORN to determine— Audits.

(1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused;

(2) what steps, if any, have been taken to recover any Federal funds that were misused;

(3) what steps should be taken to prevent the misuse of any Federal funds; and

(4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.

Deadline. Reports. Recommendations.

(b) Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.

SEC. 536. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. 537. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.

(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.

(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.

(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 538. None of the funds made available in this Act may be used to relocate the Bureau of the Census or employees from the Department of Commerce to the jurisdiction of the Executive Office of the President.

Earmarks.

SEC. 539. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–149) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

This division may be cited as the "Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010".

DIVISION C—FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

Financial Services and General Government Appropriations Act, 2010.

TITLE I

DEPARTMENT OF THE TREASURY

Department of the Treasury Appropriations Act, 2010.

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $304,888,000, of which not to exceed $21,983,000 is for executive direction program activities; not to exceed $47,249,000 is for economic policies and programs activities, including $1,000,000 that shall be transferred to the National Academy of Sciences for a study by the Board on Mathematical Sciences and Their Applications on the long-term economic effects of the aging population in the United States, to remain available until September 30, 2011, and $1,500,000 that shall be transferred to the National Academy of Sciences for a carbon audit of the tax code as authorized in section 117 of the Energy Improvement and Extension Act of 2008 (Public Law 110–343), to remain available until September 30, 2011; not to exceed $48,580,000 is for financial policies and programs activities; not to exceed $64,611,000 is for terrorism and financial intelligence activities; not to exceed $22,679,000 is for Treasury-wide management policies and programs activities; and not to exceed $99,786,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2011, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2011, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided*

Transfer authority. Notification.

Approval.

further, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2011, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $3,400,000, to remain available until September 30, 2012, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further,* That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2012, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $9,544,000, to remain available until September 30, 2012: *Provided*, That $4,544,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $29,700,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $152,000,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to

exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $23,300,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $111,010,000, of which not to exceed $26,085,000 shall remain available until September 30, 2012; and of which $9,316,000 shall remain available until September 30, 2011: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $90,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $244,132,000, of which not to exceed $9,220,000 shall remain available until September 30, 2012, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $103,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement: *Provided,* That of the amount

appropriated under this heading, $3,000,000, to remain available until September 30, 2011, shall be for the hiring, training, and equipping of special agents and related support personnel.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2010 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $26,700,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $192,244,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2012, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2010 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at $182,244,000. In addition, $90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding sections 4707(d) and 4707(e) of title 12, United States Code, $166,750,000, to remain available until September 30, 2011; of which $12,000,000 shall be for financial assistance, technical assistance, training and outreach programs, designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which $1,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law

110–289); of which $3,150,000 shall be for an additional pilot project grant to an eligible organization located in the State of Hawaii for financial education and pre-home ownership counseling as authorized in section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), and of which up to $18,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

For an additional amount to be transferred to the "Capital Magnet Fund", as authorized by section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.), as amended by section 1131 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), to support financing for affordable housing and economic development projects, $80,000,000, to remain available until September 30, 2011: *Provided*, That, for fiscal year 2010, section 1339(h)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as amended by section 1131 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289), shall be applied by substituting the term "at least 10 times the grant amount or such other amount that the Secretary may require" for "at least 10 times the grant amount". Applicability.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,278,830,000, of which not less than $6,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than $12,000,000, to remain available until September 30, 2011, shall be available for a Community Volunteer Income Tax Assistance matching grants demonstration program for tax return preparation assistance, and of which not less than $205,954,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,904,000,000, of which not less than $59,206,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed $126,500 shall be for official reception and representation expenses associated with hosting the Leeds Castle Meeting in the United States during 2010: *Provided*, That up to $10,000,000 may be transferred as necessary from this account

to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act. In addition to amounts made available above, $600,000,000 shall be made available for enhanced tax enforcement activities.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $4,083,884,000, of which up to $75,000,000 shall remain available until September 30, 2011, for information technology support; of which not to exceed $1,000,000 shall remain available until September 30, 2012, for research; of which not less than $2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed $25,000 shall be for official reception and representation; and of which $290,000,000 shall be made available to support enhanced tax enforcement activities: *Provided*, That of the amounts provided under this heading, such sums as are necessary shall be available to fully support tax enforcement and enhanced tax enforcement activities.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, $263,897,000, to remain available until September 30, 2012, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

Expenditure plan.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $15,512,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

Confidentiality.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 105. Of the funds made available by this Act to the Internal Revenue Service, not less than $7,100,000,000 shall be available only for tax enforcement. In addition, of the funds made available by this Act to the Internal Revenue Service, and subject to the same terms and conditions, $890,000,000 shall be available for enhanced tax law enforcement.

Contracts.

SEC. 106. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 108. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 110. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 111. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 112. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 113. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "11 years" and inserting "12 years".

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 115. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 116. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during

fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 117. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

This title may be cited as the "Department of the Treasury Appropriations Act, 2010".

TITLE II

Executive Office of the President Appropriations Act, 2010.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $59,143,000, of which not less than $1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $13,838,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided,* That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law,

such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

Notice.
Deadlines.

Penalties.
Deadline.

Deadline.
Reports.

Records.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,200,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $12,231,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $115,280,000, of which $16,768,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $92,863,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

Deadline.
Policy reviews.

Notification.

Reports.
Deadline.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $29,575,000; of which $1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

21 USC 1702 note.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center (CTAC) for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $5,000,000, which shall remain available until expended for counternarcotics research and development projects: *Provided*, That such amount shall be available for transfer to other Federal departments or agencies: *Provided further*, That the Office of National Drug Control Policy shall submit for approval by the Committees on Appropriations of the House of Representatives and the Senate, a mission statement for CTAC, a detailed explanation of the CTAC program, and a detailed spending plan for the use of these funds, prior to obligation of any funds provided in this paragraph: *Provided further*, That the report required by the preceding proviso shall be in lieu of inclusion of CTAC in the financial plan required by section 202.

Reports.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $239,000,000, to remain available until September 30, 2011, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management

Deadline.

System): *Provided further,* That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2008 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2009, shall be funded at not less than the fiscal year 2009 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2010 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

Funding justification.

Notifications. Deadlines.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $154,400,000, to remain available until expended, which shall be available as follows: $45,000,000 to support a national media campaign; $95,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,000,000 for the National Drug Court Institute; $10,000,000 for the United States Anti-Doping Agency for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; $1,250,000 for the National Alliance for Model State Drug Laws; and $250,000 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2011.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY INNOVATION

(INCLUDING TRANSFER OF FUNDS)

For the Partnership Fund for Program Integrity Innovation, $37,500,000, to remain available until September 30, 2012, which may be used for grants, contracts, cooperative agreements, and administrative costs of carrying out Partnership Fund for Program Integrity Innovation pilot projects: *Provided*, That these funds shall be transferred by the Director of the Office of Management and Budget to appropriate agencies to carry out pilot projects and to

conduct or provide for evaluation of such projects: *Provided further*, That such transfers shall be contingent upon the Director of the Office of Management and Budget determining, in consultation with an interagency council consisting of representatives of appropriate Federal agencies, States, and other stakeholders, that the pilot projects address Federal programs that have a substantial State role in eligibility determination or administration or where Federal-State cooperation could otherwise be beneficial; in aggregate, save at least as much money as they cost; demonstrate the potential to streamline administration or strengthen program integrity; and do not achieve savings primarily by reducing the participation of eligible beneficiaries: *Provided further*, That the interagency council required by the previous proviso shall submit a progress report to the Committees on Appropriations of the House of Representatives and the Senate not later than March 31, 2010 and semiannually thereafter until the program is completed, including detailed information on goals, objectives, performance measures, and evaluations of the program in general and of each specific pilot undertaken.

Reports.
Deadlines.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,604,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $330,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS)

Notification.

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management

and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

Deadline. Financial plan.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account (except "Counterdrug Technology Assessment Center") under the heading "Office of National Drug Control Policy", a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

Reports. Deadlines.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the "Executive Office of the President Appropriations Act, 2010".

TITLE III

Judiciary Appropriations Act, 2010.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $74,034,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $14,525,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $32,560,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $21,350,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $5,011,018,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $5,428,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to

assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $977,748,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $61,861,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $452,607,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $83,075,000, of which not to

exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $27,328,000; of which $1,800,000 shall remain available through September 30, 2011, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $71,874,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $6,500,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,000,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $16,837,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall

not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

Deadline. Financial plan.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

Applicability.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

Reimbursements.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking "18 years" and inserting "19 years";

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking "18 years" and inserting "19 years"; and

(3) in the seventh sentence (relating to the District of Hawaii), by striking "15 years" and inserting "16 years".

This title may be cited as the "Judiciary Appropriations Act, 2010".

TITLE IV

District of Columbia Appropriations Act, 2010.

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors

Accounts.

as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

Deadline.
Reports.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $261,180,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,022,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $108,524,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $65,114,000, of which not to exceed $2,500 is for official reception and representation expenses; and $75,520,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the

Contracts.
Deadlines.
Reports.

Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

Deadline. Notification.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: *Provided,* That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

Contracts. Deadlines. Reports.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $212,408,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $153,856,000 shall be for necessary expenses of Community Supervision and

Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $58,552,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

Deadline.

Records. Public information.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $37,316,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $20,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2011, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER FOR THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer for the District of Columbia, $1,850,000, in the amounts and for the projects specified in the table that appears under the heading "Federal Payment to the Office of the Chief Financial Officer for the District of Columbia" in the statement of managers to accompany this Act: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer for the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010.

Deadlines. Budget. Reports.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $75,400,000, to be allocated as follows: for the District of Columbia Public Schools, $42,200,000 to improve public school education in the District of Columbia; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, $13,200,000 to provide opportunity scholarships for students in the District of Columbia in accordance with title III of division C of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), to remain available until expended, of which up to $1,000,000 may be used to administer and fund assessments, and of which up to $1,000,000 may be used to administer testing of students to determine and compare academic performance of the schools enrolling students participating in the opportunity scholarship program: *Provided,* That notwithstanding the second proviso under this heading in Public Law 111–8, funds provided herein may only be used to provide opportunity scholarships to students who received scholarships in the 2009–2010 school year: *Provided further,* That funds available under this heading for opportunity scholarships, including from prior-year appropriations Acts, may be made available only for scholarships to students who received scholarships in the 2009–2010 school year: *Provided further,* That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees; and (3) the participating school is in compliance with the accreditation and other standards prescribed under the District of Columbia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools: *Provided further,* That the Secretary of Education shall submit a report to Congress not later than June 15, 2010 detailing the academic rigor and quality of each participating school and that for the purposes of submitting the report the Secretary shall administer to eligible students participating in the program the same tests of academic performance

Reports. Deadline.

as those administered to students enrolled in the District of Columbia Public Schools in the 2009–2010 school year and the Secretary shall utilize the performance of scholarship recipients on that test as well as other metrics of academic quality considered appropriate by the Secretary to evaluate the academic rigor and quality of participating schools and include in this report comparative data on District of Columbia Public Schools and Public Charter Schools: *Provided further*, That the Secretary of Education shall ensure that site inspections of participating schools are conducted at least twice annually.

Inspections.
Deadline.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, $15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $375,000, to remain available until expended for the District of Columbia National Guard retention and college access programs, which shall hereafter be known as the "Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program".

FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, $17,000,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

FEDERAL PAYMENT FOR YOUTH SERVICES

For a Federal payment to the District of Columbia, $4,000,000, to remain available until September 30, 2011, to support the "Reconnecting Disconnected Youth" initiative.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of the Fiscal Year 2010 Budget Request Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2010 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,016,041,000 (of which $5,637,824,000 shall be from local funds, (including $394,417,000 from dedicated taxes) $2,661,782,000 shall be from Federal grant funds, $1,711,249,000 shall be from other funds, and $5,187,000 shall be from private funds); in addition, $185,725,000 from funds previously appropriated in this Act as

Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5): *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $791,096,000: in addition for capital construction projects, an increase of $3,249,642,000, of which $2,685,760,000 shall be from local funds, $54,893,000 from the District of Columbia Highway Trust fund, $186,805,000 from the Local Street Maintenance fund, $322,184,000 from Federal grant funds, and a rescission of $1,834,494,000 from local funds and a rescission of $91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of $1,323,821,000, to remain available until expended: *Provided further,* That the amounts provided under this heading are to be available, allocated and expended as proposed under Title III of the Fiscal Year 2010 Budget Request Act at the rate set forth under "District of Columbia Funds Division of Expenses" of the Fiscal Year 2010 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on September 28, 2009: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code sec. 1–201.01 et seq.): *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2010, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2010".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $1,500,000, to remain available until September 30, 2011, of which not to exceed $1,000 is for official reception and representation expenses.

CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $750,000, to remain available until expended.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $2,000 for official reception and representation expenses, $118,200,000, of which $2,000,000 shall remain available for obligation until September 30, 2011, to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110–140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $17,959,000, of which $3,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That $750,000 shall be for the Help America Vote College Program as authorized by the Help America Vote Act of 2002: *Provided further*, That $300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, $75,000,000, to remain available until expended, of which $70,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107–252), $3,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and $2,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $335,794,000: *Provided*, That $335,794,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this

appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $335,794,000 in fiscal year 2010 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2009, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2010: *Provided further*, That the Inspector General of the Federal Communications Commission shall examine whether, and to what extent, the National Exchange Carrier Association, Inc. is acting in compliance with the Communications Act of 1934, as amended, and the regulations promulgated thereunder, and whether, and to what extent, the FCC has delegated authority to National Exchange Carrier Association, Inc. consistent with the Communications Act of 1934, as amended: *Provided further*, That the Federal Communications Commission Inspector General shall submit a report to Congress not later than July 1, 2010, setting forth the conclusions of such examination.

Examination.

Reports.
Deadline.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking "December 31, 2009", each place it appears and inserting "December 31, 2010".

118 Stat. 3998.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $37,942,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $66,500,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $24,773,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $291,700,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $102,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than $168,700,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, $537,900,000. Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,543,585,000, of which: (1) $894,037,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Alabama:

Mobile, United States Courthouse, $50,000,000.

California:

Calexico, Calexico West, Land Port of Entry, $9,437,000.

Colorado:

Lakewood, Denver Federal Center Remediation, $9,962,000.

District of Columbia:

Columbia Plaza, $100,000,000.

Southeast Federal Center Remediation, $15,000,000.

Florida:

Miami, Federal Bureau of Investigation Field Office Consolidation, $190,675,000.

Georgia:

Savannah, United States Courthouse, $7,900,000.

Maine:

Madawaska, Land Port of Entry, $50,127,000.

Maryland:

White Oak, Food and Drug Administration Consolidation, $137,871,000.

Greenbelt, United States Courthouse, $10,000,000.

Pennsylvania:
Lancaster, United States Courthouse, $6,500,000.
Texas:
El Paso, Tornillo-Guadalupe, Land Port of Entry, $91,565,000.
San Antonio, United States Courthouse, $4,000,000.
Utah:
Salt Lake City, United States Courthouse, $211,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further,* That for fiscal year 2011 and thereafter, the annual budget submission to Congress for the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: *Provided further,* That for fiscal year 2011 and thereafter, the annual budget submission to Congress for the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) $413,776,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Expiration date.

Project plan.
40 USC 301 note.

Project plan.

Repairs and Alterations:
District of Columbia:
East Wing Infrastructure Systems Replacement, $84,500,000.
Eisenhower Executive Office Building Roof Replacement, $15,000,000.
New Executive Office Building, $30,276,000.
Special Emphasis Programs:
Fire and Life Safety Program, $20,000,000.
Energy and Water Retrofit and Conservation Measures, $2,000,000.
Federal High-Performance Green Buildings, $2,000,000.
Basic Repairs and Alterations, $260,000,000:

Provided further, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security

Advanced approval.

Advanced approval.

improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $140,525,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,804,871,000 for rental of space which shall remain available until expended; and (5) $2,290,376,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2010, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

Expiration date.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; $59,665,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $72,881,000, of which $1,000,000 shall be for a payment to the Oklahoma City National Memorial Foundation as authorized by 16 U.S.C. 450ss–5.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $59,000,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $34,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

Time period.
Spending plan.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95–138, $3,756,000.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, $36,515,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $61,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2010 in excess of such amount shall

remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2010 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations of the House of Representatives and the Senate.

Advanced approval.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2011 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 514. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 515. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of the General Services Administration under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations of the House of Representatives and the Senate prior to exercising any lease authority provided in the resolution.

Contracts. Explanatory statement.

SEC. 516. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $660,000, to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $40,339,000 together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,500,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and

Conflict Resolution Act of 1998, $3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $339,770,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,100,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $85,500,000, of which $61,757,000 shall remain available until September 30, 2012: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

Expenditure plan.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $27,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $13,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2010, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2010 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $1,250,000 shall be available until September 30, 2011 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $14,000,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee

to remain overnight at his or her post of duty, $102,970,000, of which $5,908,000 shall remain available until September 30, 2011 for the Enterprise Human Resources Integration project; $1,364,000 shall remain available until September 30, 2011 for the Human Resources Line of Business project; and in addition $112,738,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which not more than $9,300,000 shall remain available until September 30, 2011 for the cost of implementing the new integrated financial system and not more than $4,000,000 shall remain available until September 30, 2011 for automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2010, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further,* That within the funds provided, the Office of Personnel Management shall carry out the Intergovernmental Personnel Act Mobility Program, with special attention to Federal agencies employing more than 2,000 nurses: *Provided further,* That funding may be allocated to develop guidelines that provide Federal agencies direction in using their authority under the Intergovernmental Personnel Act Mobility Program, according to the directives outlined in the joint explanatory statement.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,148,000, and in addition, not to exceed $21,215,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

33 USC 776.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $18,495,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,333,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence

Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,500,000, to remain available until September 30, 2011.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,111,000,000, to remain available until expended; of which not less than $4,400,000 shall be for the Office of Inspector General; of which not to exceed $20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,094,915,800 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That $16,084,200 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2010 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2010 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $24,275,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President

President. Exemption authority.

Military induction.

deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $433,438,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That $113,000,000 shall be available to fund grants for performance in fiscal year 2010 or fiscal year 2011 as authorized by section 21 of the Small Business Act, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110–186, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: *Provided further*, That $22,000,000 shall remain available until September 30, 2011 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That during fiscal year 2010, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: *Provided further,* That $11,690,500 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2011: *Provided further*, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d).

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $16,300,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, $1,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $3,000,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act, $80,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2010 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000: *Provided further*, That during fiscal year 2010 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2010, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, including the cost of modifying such loans as defined in section 502 of the Congressional Budget Act of 1974, $1,690,000, to remain available until expended, of which $352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and $1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110–246.

In addition, for administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act and the guaranteed loan programs authorized by section 42 of the Small Business Act and section 12085 of Public Law 110–246, $76,588,200, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $65,278,200 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses, and of which $1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 520. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

Disaster assistance. Alaska. North Dakota.

SEC. 521. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2010.

SEC. 522. Funds made available under section 525 of Public Law 111–8 for the Jackie Joyner-Kersee Center shall be made available to the Illinois Institute of Independent Colleges and Universities.

SEC. 523. For an additional amount under the heading "Small Business Administration—Salaries and Expenses", $59,000,000, to remain available until September 30, 2011, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the projects specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the statement of managers to accompany this Act.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $118,328,000, of which $89,328,000 shall not be available for obligation until October 1, 2010: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2010.

Overseas voting. Blind persons.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $49,241,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

Contracts.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity

that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

Deadline.
Reports.

Reports.

Fines.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

Expenditure request.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

Abortion.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

Abortion.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2009, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2010 shall remain available until expended.

Rescission.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $1,500,000 are rescinded.

Definition.
Cuba.

SEC. 619. During fiscal year 2010, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term "payment of cash in advance" shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 620. (a) Section 101(a)(1) of the Federal and District of Columbia Government Real Property Act of 2006 (Public Law 109–396; 120 Stat. 2711) is amended to read as follows:

40 USC 101 note.

"(1) IN GENERAL.—

Effective date.

"(A) U.S. RESERVATION 13.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b).

Deadline.

"(B) OLD NAVAL HOSPITAL.—Not later than 60 days after the date of the enactment of the Financial Services and General Government Appropriations Act, 2010, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in Old Naval Hospital.".

Effective date.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Federal and District of Columbia Government Real Property Act of 2006.

SEC. 621. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

Earmarks.

SEC. 622. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–202) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2010 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the

officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles. 31 USC 1343 note.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed 5 USC 3101 note. Affidavit. Penalties.

by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

Applicability.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

5 USC 5343 note.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2010, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal

years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2010, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2010, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2010 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2010 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2009, shall be determined under regulations prescribed by the Office of Personnel Management. Regulations.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2009, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2009. Applicability.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in Notification.

excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

Definition.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or

contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants—personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*,

That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

Lobbying.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

Deadline.
Notification.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Breastfeeding.

SEC. 725. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

Reports.
Deadline.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

Applicability.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

Contracts.

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

Contracts.
Contraceptives.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

Sports.
Drugs and drug abuse.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official

travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

Deadline. Reports.

SEC. 733. (a) For fiscal year 2010, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations of the House of Representatives and the Senate by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

Budget requests.

SEC. 734. Notwithstanding section 1346 of title 31, United States Code, and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the Federal Aviation Administration, upon the direction of the Director of the Office of Management and Budget, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the Federal

Aviation Administration, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the Federal Aviation Administration pursuant to an operational agreement with the Department of the Interior for the entirety of fiscal year 2010 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2011. The Director of the Office of Management and Budget shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of the Office of Management and Budget shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

Notification.
Deadline.

Deadline.

Study.

SEC. 735. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation, directive, or policy.

News story.

SEC. 736. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 737. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

Evaluation.
5 USC 5701 note.

SEC. 738. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who

lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct. Guidelines. Procedures.

SEC. 739. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms "Great Lakes" and "Great Lakes State" have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term "Great Lakes restoration activities" means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing— Certification.

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 740. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity. Contracts.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the Determination.

authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 741. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 742. (a) Section 748 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D) is repealed.

Ante, p. 630.

(b) Hereafter, the President may modify or replace Executive Order No. 13423 if the President determines that a revised or new executive order will achieve equal or better environmental or energy efficiency results.

President. Determination. 42 USC 4321 note.

SEC. 743. (a) SERVICE CONTRACT INVENTORY REQUIREMENT.—

Deadlines. 31 USC 501 note.

(1) GUIDANCE.—Not later than March 1, 2010, the Director of the Office of Management and Budget shall develop and disseminate guidance to aid executive agencies in establishing systems for the collection of information required to meet the requirements of this section and to ensure consistency of inventories across agencies.

(2) REPORT.—Not later than July 31, 2010, the Director of the Office of Management and Budget shall submit a report to Congress on the status of efforts to enable executive agencies to prepare the inventories required under paragraph (3), including the development, as appropriate, of guidance, methodologies, and technical tools.

(3) INVENTORY CONTENTS.—Not later than December 31, 2010, and annually thereafter, the head of each executive agency required to submit an inventory in accordance with the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 31 U.S.C. 501 note), other than the Department of Defense, shall submit to the Office of Management and Budget an annual inventory of service contracts awarded or extended through the exercise of an option on or after April 1, 2010, for or on behalf of such agency. For each service contract, the entry for an inventory under this section shall include, for the preceding fiscal year, the following:

(A) A description of the services purchased by the executive agency and the role the services played in achieving agency objectives, regardless of whether such a purchase was made through a contract or task order.

(B) The organizational component of the executive agency administering the contract, and the organizational component of the agency whose requirements are being met through contractor performance of the service.

(C) The total dollar amount obligated for services under the contract and the funding source for the contract.

(D) The total dollar amount invoiced for services under the contract.

(E) The contract type and date of award.

(F) The name of the contractor and place of performance.

(G) The number and work location of contractor and subcontractor employees, expressed as full-time equivalents for direct labor, compensated under the contract.

(H) Whether the contract is a personal services contract.

(I) Whether the contract was awarded on a noncompetitive basis, regardless of date of award.

(b) FORM.—Reports required under this section shall be submitted in unclassified form, but may include a classified annex.

(c) PUBLICATION.—Not later than 30 days after the date on which the inventory under subsection (a)(3) is required to be submitted to the Office of Management and Budget, the head of each executive agency shall—

(1) make the inventory available to the public; and

Public information.

(2) publish in the Federal Register a notice that the inventory is available to the public.

Federal Register, publication. Notice.

(d) GOVERNMENT-WIDE INVENTORY REPORT.—Not later than 90 days after the deadline for submitting inventories under subsection (a)(3), and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress and make publicly available on the Office of Management and Budget website a report on the inventories submitted. The report shall identify whether each agency required to submit an inventory under subsection (a)(3) has met such requirement and summarize the information submitted by each executive agency required to have a Chief Financial Officer pursuant to section 901 of title 31, United States Code.

Public information. Web posting.

(e) REVIEW AND PLANNING REQUIREMENTS.—Not later than 180 days after the deadline for submitting inventories under subsection (a)(3) for an executive agency, the head of the executive agency, or an official designated by the agency head shall—

(1) review the contracts and information in the inventory;

(2) ensure that—

(A) each contract in the inventory that is a personal services contract has been entered into, and is being performed, in accordance with applicable laws and regulations;

(B) the agency is giving special management attention to functions that are closely associated with inherently governmental functions;

(C) the agency is not using contractor employees to perform inherently governmental functions;

(D) the agency has specific safeguards and monitoring systems in place to ensure that work being performed by contractors has not changed or expanded during performance to become an inherently governmental function;

(E) the agency is not using contractor employees to perform critical functions in such a way that could affect the ability of the agency to maintain control of its mission and operations; and

(F) there are sufficient internal agency resources to manage and oversee contracts effectively;

(3) identify contracts that have been poorly performed, as determined by a contracting officer, because of excessive costs or inferior quality; and

(4) identify contracts that should be considered for conversion to—

(A) performance by Federal employees of the executive agency in accordance with agency insourcing guidelines required under section 736 of the Financial Services and General Government Appropriations Act, 2009 (Public Law 111–8, division D); or

(B) an alternative acquisition approach that would better enable the agency to efficiently utilize its assets and achieve its public mission.

(f) REPORT ON ACTIONS TAKEN IN RESPONSE TO ANNUAL INVENTORY.—Not later than one year after submitting an annual inventory under subsection (a)(3), the head of each executive agency submitting such an inventory shall submit to the Office of Management and Budget a report summarizing the actions taken pursuant to subsection (e), including any actions taken to consider and convert functions from contractor to Federal employee performance. The report shall be included as an attachment to the next annual inventory and made publicly available in accordance with subsection (c).

Effective date.

(g) SUBMISSION OF SERVICE CONTRACT INVENTORY BEFORE PUBLIC-PRIVATE COMPETITION.—Notwithstanding any other provision of law, beginning in fiscal year 2011, if an executive agency has not submitted to the Office of Management and Budget the inventory required under subsection (a)(3) for the prior fiscal year, the agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A–76 or any other administrative regulation or directive until such time as the inventory is submitted for the prior fiscal year.

(h) GAO REPORTS ON IMPLEMENTATION.—

(1) REPORT ON GUIDANCE.—Not later than 120 days after submission of the report by the Director of the Office of Management and Budget required under subsection (a)(2), the Comptroller General of the United States shall report on the guidance issued and actions taken by the Director. The report shall be submitted to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives.

(2) REPORTS ON INVENTORIES.—

(A) INITIAL INVENTORY.—Not later than September 30, 2011, the Comptroller General of the United States shall submit a report to the Committees named in the preceding paragraph on the initial implementation by executive agencies of the inventory requirement in subsection (a)(3) with respect to inventories required to be submitted by December 31, 2010.

(B) SECOND INVENTORY.—Not later than September 30, 2012, the Comptroller General shall submit a report to the same Committees on annual inventories required to be submitted by December 31, 2011.

(3) PERIODIC BRIEFINGS.—The Comptroller General shall provide periodic briefings, as may be requested by the Committees, on matters related to implementation of this section.

(i) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SEC. 744. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2010 under section 5303 of title 5, United States Code, shall be an increase of 1.5 percent, and the overall average percentage of the adjustments taking effect in such fiscal year under sections 5304–5304a of such title 5 shall be an increase of 0.5 percent (with comparability payments to be determined and allocated among pay localities by the President). Adjustments under the preceding sentence shall also apply to civilian employees in the Department of Homeland Security and in the Department of Defense. All adjustments under this subsection shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2010.

President. Determination. 5 USC 5303 note.

Applicability. Effective date.

(b) Notwithstanding section 710, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2010 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentages in subsection (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304–5304a of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304–5304a of such title 5 and prevailing rate employees described in section 5343(a)(5) of such title 5 shall be considered to be located in the pay locality designated as "Rest of U.S." pursuant to section 5304 of such title 5 for purposes of this subsection.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2010.

SEC. 745. (a) Section 5538 of title 5, United States Code, is amended by striking subsection (b) and inserting the following:

"(b) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(1) during which such employee is entitled to re-employment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(2) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.".

(b) The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

Effective date. 5 USC 5538 note.

SEC. 746. Except as expressly provided otherwise, any reference to "this Act" contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 747. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) The term "covered manufacturer" means—

(A) an automobile manufacturer in which the United States Government has an ownership interest, or to which the Government has provided financial assistance under

title I of the Emergency Economic Stabilization Act of 2008; or

(B) an automobile manufacturer which acquired more than half of the assets of an automobile manufacturer in which the United States Government has an ownership interest, or to which the Government has provided financial assistance under title I of the Emergency Economic Stabilization Act of 2008.

(2) The term "covered dealership" means an automobile dealership that had a franchise agreement for the sale and service of vehicles of a brand or brands with a covered manufacturer in effect as of October 3, 2008, and such agreement was terminated, not assigned in the form existing on October 3, 2008 to another covered manufacturer in connection with an acquisition of assets related to the manufacture of that vehicle brand or brands, not renewed, or not continued during the period beginning on October 3, 2008, and ending on December 31, 2010.

(b) A covered dealership that was not lawfully terminated under applicable State law on or before April 29, 2009, shall have the right to seek, through binding arbitration, continuation, or reinstatement of a franchise agreement, or to be added as a franchisee to the dealer network of the covered manufacturer in the geographical area where the covered dealership was located when its franchise agreement was terminated, not assigned, not renewed, or not continued. Such continuation, reinstatement, or addition shall be limited to each brand owned and manufactured by the covered manufacturer at the time the arbitration commences, to the extent that the covered dealership had been a dealer for such brand at the time such dealer's franchise agreement was terminated, not assigned, not renewed, or not continued.

Deadline.

(c) Before the end of the 30-day period beginning on the date of the enactment of this Act, a covered manufacturer shall provide to each covered dealership related to such covered manufacturer a summary of the terms and the rights accorded under this section to a covered dealership and the specific criteria pursuant to which such dealer was terminated, was not renewed, or was not assumed and assigned to a covered manufacturer.

Deadlines.

(d) A covered dealership may elect to pursue the right to binding arbitration with the appropriate covered manufacturer. Such election must occur within 40 days of the date of enactment. The arbitration process must commence as soon as practicable thereafter with the selection of the arbitrator and conclude with the case being submitted to the arbitrator for deliberation within 180 days of the date of enactment of this Act. The arbitrator may extend the time periods in this subsection for up to 30 days for good cause. The covered manufacturer and the covered dealership may present any relevant information during the arbitration. The arbitrator shall balance the economic interest of the covered dealership, the economic interest of the covered manufacturer, and the economic interest of the public at large and shall decide, based on that balancing, whether or not the covered dealership should be added to the dealer network of the covered manufacturer. The factors considered by the arbitrator shall include (1) the covered dealership's profitability in 2006, 2007, 2008, and 2009, (2) the

covered manufacturer's overall business plan, (3) the covered dealership's current economic viability, (4) the covered dealership's satisfaction of the performance objectives established pursuant to the applicable franchise agreement, (5) the demographic and geographic characteristics of the covered dealership's market territory, (6) the covered dealership's performance in relation to the criteria used by the covered manufacturer to terminate, not renew, not assume or not assign the covered dealership's franchise agreement, and (7) the length of experience of the covered dealership. The arbitrator shall issue a written determination no later than 7 business days after the arbitrator determines that case has been fully submitted. At a minimum, the written determination shall include (1) a description of the covered dealership, (2) a clear statement indicating whether the franchise agreement at issue is to be renewed, continued, assigned or assumed by the covered manufacturer, (3) the key facts relied upon by the arbitrator in making the determination, and (4) an explanation of how the balance of economic interests supports the arbitrator's determination.

Determination. Deadline.

(e) The arbitrator shall be selected from the list of qualified arbitrators maintained by the Regional Office of the American Arbitration Association (AAA), in the Region where the dealership is located, by mutual agreement of the covered dealership and covered manufacturer. If agreement cannot be reached on a suitable arbitrator, the parties shall request AAA to select the arbitrator. There will be no depositions in the proceedings, and discovery shall be limited to requests for documents specific to the covered dealership. The parties shall be responsible for their own expenses, fees, and costs, and shall share equally all other costs associated with the arbitration, such as arbitrator fees, meeting room charges, and administrative costs. The arbitration shall be conducted in the State where the covered dealership is located. Parties will have the option of conducting arbitration electronically and telephonically, by mutual agreement of both parties. The arbitrator shall not award compensatory, punitive, or exemplary damages to any party. If the arbitrator finds in favor of a covered dealership, the covered manufacturer shall as soon as practicable, but not later than 7 business days after receipt of the arbitrator's determination, provide the dealer a customary and usual letter of intent to enter into a sales and service agreement. After executing the sales and service agreement and successfully completing the operational prerequisites set forth therein, a covered dealership shall return to the covered manufacturer any financial compensation provided by the covered manufacturer in consideration of the covered manufacturer's initial determination to terminate, not renew, not assign or not assume the covered dealership's applicable franchise agreement.

Deadline. Contracts.

(f) Any legally binding agreement resulting from a voluntary negotiation between a covered manufacturer and covered dealership(s) shall not be considered inconsistent with this provision and any covered dealership that is a party to such agreement shall forfeit the right to arbitration established by this provision.

(g) Notwithstanding the requirements of this provision, nothing herein shall prevent a covered manufacturer from lawfully terminating a covered dealership in accordance with applicable State law.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

Lobbying.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

Notification.
Deadline.

unless the Committees on Appropriations of the House of Representatives and the Senate are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

Applicability.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

Voting rights.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

Needle distribution.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

Contraceptives. Conscience exceptions.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

Deadline. Reports.

SEC. 812. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

Drugs and drug abuse.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

Abortion.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Deadline. Budget.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted

pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

Applicability. Certification.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

Deadline. Budget.

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the "Financial Services and General Government Appropriations Act, 2010".

DIVISION D—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010.

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Department of Labor Appropriations Act, 2010.

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 ("WIA"), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,828,530,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,969,449,000 as follows:

(A) $861,540,000 for adult employment and training activities, of which $149,540,000 shall be available for the period July 1, 2010, through June 30, 2011, and of which

$712,000,000 shall be available for the period October 1, 2010 through June 30, 2011;

(B) $924,069,000 for youth activities, which shall be available for the period April 1, 2010 through June 30, 2011; and

(C) $1,183,840,000 for dislocated worker employment and training activities, of which $323,840,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which $860,000,000 shall be available for the period October 1, 2010 through June 30, 2011:

Provided, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor: *Provided further*, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice;

(2) for federally administered programs, $470,038,000 as follows:

(A) $229,160,000 for the dislocated workers assistance national reserve, of which $29,160,000 shall be available for the period July 1, 2010 through June 30, 2011, and of which $200,000,000 shall be available for the period October 1, 2010 through June 30, 2011: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for Statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $52,758,000 for Native American programs, which shall be available for the period July 1, 2010 through June 30, 2011;

(C) $84,620,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $78,410,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,700,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $510,000 for other discretionary purposes, which shall be available for the period July 1, 2010 through June 30, 2011: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which

shall be available for the period July 1, 2010 through June 30, 2011; and

(E) $102,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2010 through June 30, 2011: *Provided,* That for program year 2010 and each program year thereafter, the YouthBuild program may serve an individual who has dropped out of high school and re-enrolled in an alternative school, if that re-enrollment is part of a sequential service strategy; 29 USC 2918b.

(3) for national activities, $389,043,000, as follows:

(A) $93,450,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2010 through June 30, 2011, of which $30,000,000 shall be for Transitional Jobs activities, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, and that up to 10 percent of the amount available for Transitional Jobs activities may be used for evaluation of such projects or transferred to the Department of Health and Human Services and/or the Department of Justice for support of Transitional Jobs activities; and of which $5,500,000 shall be for competitive grants to address the employment and training needs of young parents, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA; and of which $48,889,000 shall be used for the projects, and in the amounts, specified under the heading "Training and Employment Services" in the statement of the managers on the conference report accompanying this Act: *Provided,* That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $108,493,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2010 through June 30, 2011, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, of which $15,000,000 shall be for competitive grants to provide Transitional Job activities for ex-offenders;

(C) $9,600,000 for Evaluation, which shall be available for the period July 1, 2010 through June 30, 2011;

(D) $40,000,000 for activities that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D);

(E) $125,000,000 for Career Pathways Innovation Fund, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, of which not less than $65,000,000 shall be dedicated to activities that prepare workers for careers

in the health care sector, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D); and

(F) $12,500,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2010 through June 30, 2011, and which shall not be subject to the requirements of section 171(c)(4)(D).

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 ("OAA"), $825,425,000, of which $600,425,000 shall be available for the period July 1, 2010 through June 30, 2011 and of which $225,000,000 shall be available on the date of the enactment of this Act and remain available through December 31, 2011: *Provided*, That notwithstanding sections 506 and 514 of the OAA, $225,000,000 shall be allotted within 45 days of the date of the enactment of this Act to current grantees that the Secretary of Labor determines can effectively utilize additional funding: *Provided further*, That within 15 days of the enactment of this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the procedure for allotting such funds: *Provided further*, That funds made available under this heading may, in accordance with section 517(c) of the OAA, be recaptured and reobligated.

Deadline. Determination.

Deadline. Reports.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2010 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, $1,818,400,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2010.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $86,403,000, together with not to exceed $3,977,278,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund ("the Trust Fund"), of which:

(1) $3,195,645,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration

of trade readjustment allowances, reemployment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2010, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2012, and funds used for unemployment insurance workloads experienced by the States through September 30, 2010, shall be available for Federal obligation through December 31, 2010;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $680,893,000 from the Trust Fund, together with $22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011;

(4) $20,994,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $68,436,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $53,307,000 shall be available for the Federal administration of such activities, and $15,129,000 shall be available for grants to States for the administration of such activities; and

(6) $63,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171(e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2010 through June 30, 2011:

Provided, That to the extent that the Average Weekly Insured Unemployment ("AWIU") for fiscal year 2010 is projected by the Department of Labor to exceed 5,059,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national

one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: *Provided further,* That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

In addition, $50,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for nonrepayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the "Federal Unemployment Benefits and Allowances" account, such sums as may be necessary, which shall be available for obligation through September 30, 2011.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $97,516,000, together with not to exceed $50,140,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $154,861,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation ("Corporation") is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may

be necessary in carrying out the program, including associated administrative expenses, through September 30, 2010, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2010 shall be available for obligations for administrative expenses in excess of $464,067,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2010, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2011 for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available through September 30, 2011, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

Notification.

Notification.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $491,382,000, together with $2,124,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938 and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act: *Provided further*, That funds identified in the table contained in the statement of the managers on the conference report accompanying this Act for Program Direction and Support may be allocated among the agencies included in this account and may be transferred to any other account within the Department of Labor for such purposes.

Fees.

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $50,000,000 are rescinded as of September 30, 2010.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of

benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $187,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2009, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2010: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $58,120,000 shall be made available to the Secretary as follows:

Determination.

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $19,968,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $23,323,000;

(3) For periodic roll management and medical review, $14,829,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Regulations.

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $169,180,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2011, $45,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $51,900,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2010, such sums as may be necessary from the Black Lung Disability Trust Fund ("Fund"), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1986; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2010 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,720,000 for transfer to the Employment Standards Administration "Salaries and Expenses"; not to exceed $25,091,000 for transfer to Departmental Management, "Salaries and Expenses"; not to exceed $327,000 for transfer to Departmental Management, "Office of Inspector General"; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury. 26 USC 9501 note.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $558,620,000, including not to exceed $104,393,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act ("Act"), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2010, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person Fees.

Small businesses.

who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

Farms and farming.

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,750,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $357,293,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, and $1,450,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines,

and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster. 30 USC 962.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $533,183,000, together with not to exceed $78,264,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series. Survey.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $39,031,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three sedans, $354,827,000, together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That $66,500,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2010: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical

assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That $40,000,000 shall be for the United States' contribution to the International Labour Organization's International Program on the Elimination of Child Labor: *Provided further*, That not less than $6,500,000 shall be used to implement model programs that address worker rights issues through technical assistance in countries with which the United States has trade preference programs: *Provided further*, That funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, may be allocated to agencies of the Department by the Department's Chief Information Officer: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,708,205,000, plus reimbursements, as follows:

(1) $1,574,015,000 for Job Corps Operations, of which $983,015,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011 and of which $591,000,000 shall be available for obligation for the period October 1, 2010 through June 30, 2011;

(2) $105,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $5,000,000 shall be available for the period July 1, 2010 through June 30, 2013 and $100,000,000 shall be available for the period October 1, 2010 through June 30, 2013; and

(3) $29,190,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2009 through September 30, 2010:

Contracts.

Provided, That the Office of Job Corps shall have contracting authority: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $210,156,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2010, of which $2,449,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $45,971,000, of which $9,641,000 shall be available for obligation for the period July 1, 2010 through June 30, 2011.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $78,093,000, together with not to exceed $5,921,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification. Deadline.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

Child labor.

SEC. 104. None of the funds appropriated in this title for grants under section 171 of the Workforce Investment Act of 1998 may be obligated prior to the preparation and submission of a report by the Secretary of Labor to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

Reports.

SEC. 105. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training: *Provided*, That the preceding limitation shall not apply to multi-year grants awarded prior to June 30, 2007.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for grants under the Career Pathways Innovation Fund and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 107. None of the funds appropriated in this Act under the heading "Employment and Training Administration" shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

(INCLUDING TRANSFER OF FUNDS)

Transfer plan.
29 USC 2883b.

SEC. 108. The Secretary of Labor shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for the transfer of the administration of the Job Corps program authorized under title I–C of the Workforce Investment Act of 1998 from the Office of the Secretary to the Employment and Training Administration. As of the date that is 30 days after the date of submission of such plan, the Secretary may transfer the administration and appropriated funds of the program from the Office of the Secretary and the provisions of section 102 of Public Law 109–149 shall no longer be applicable.

Effective date.

SEC. 109. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

This title may be cited as the "Department of Labor Appropriations Act, 2010".

Department of Health and Human Services Appropriations Act, 2010.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, and XXVI of the Public Health Service Act ("PHS Act"), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, and the Stem Cell Therapeutic and Research Act of 2005, $7,473,522,000, of which $41,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided,* That of the funds made available under this heading, $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act: *Provided further*, That amounts provided for such grants shall be available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: *Provided further*, That of the funds made available under this heading, $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program", authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further,* That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further,* That no more than $44,055,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services ("HHS") pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $317,491,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public

Abortions. Political activities.

Deadline.
Grants.
Urban and rural areas.

office: *Provided further*, That of the funds available under this heading, $1,932,865,000 shall remain available to the Secretary of HHS through September 30, 2012, for parts A and B of title XXVI of the PHS Act: *Provided further*, That within the amounts provided for part A of title XXVI of the PHS Act, $6,021,000 shall be available to the Secretary through September 30, 2012, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2010 to metropolitan and transitional areas that received grant funding in fiscal year 2009 under subparts I and II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subparts I and II of part A for fiscal year 2009, together with the amount of this additional funding, is not less than 92.4 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2009, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That $835,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the PHS Act: *Provided further,* That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further,* That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $92,551,000 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,400,000 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further,* That notwithstanding section 747(e)(2) of the PHS Act, not less than $29,025,000 shall be for family medicine programs, not less than $7,575,000 shall be for general dentistry programs, and not less than $7,575,000 shall be for pediatric dentistry programs including faculty loan repayments for service as a full-time faculty member in dentistry: *Provided further*, That dentistry faculty loan repayments shall be made using the same terms and conditions as the Nursing Faculty Loan Repayment program authorized under section 738 of the PHS Act unless otherwise authorized: *Provided further*, That of the funds provided, $10,000,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds provided, $35,000,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: *Provided further,* That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior year adjustments to awards made under these sections: *Provided further*, That notwithstanding section 340A(d)(3)(B) of the PHS Act, $5,000,000 shall be available for 3 year grant periods under the Patient Navigator Act: *Provided further*, That of the amount appropriated in this paragraph, $338,002,000 shall be used for the projects financing the construction and renovation (including equipment) of health care and other facilities and for other health-related activities, and in the amounts, specified under the heading "Health Resources

and Services" in the statement of the managers on the conference report accompanying this Act, and of which up to one percent of the amount for each project may be used for related agency administrative expenses: *Provided further,* That notwithstanding section 338J(k) of the PHS Act, $10,075,000 shall be available for State Offices of Rural Health: *Provided further,* That of the funds provided, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program for quality improvement and adoption of health information technology: *Provided further,* That $75,000,000 shall be available for State Health Access Grants to expand access to affordable health care coverage for the uninsured populations in such States.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act ("PHS Act"). For administrative expenses to carry out the guaranteed loan program, including section 709 of the PHS Act, $2,847,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund ("Trust Fund"), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $6,502,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act ("PHS Act"), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,390,387,000, of which $69,150,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; of which $595,749,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act; of which $20,620,000 shall be used for the projects, and in the amounts, specified under the heading "Disease Control, Research, and Training" in the statement of the managers on the conference report accompanying this Act; of which $118,979,000 for international HIV/AIDS shall remain available through September 30, 2011; and of which $70,723,000

shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center: *Provided,* That in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2011: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,864,000 to carry out the National Immunization Surveys; (2) $138,683,000 to carry out the National Center for Health Statistics surveys; (3) $30,880,000 for Public Health Informatics; (4) $47,036,000 for Health Marketing; (5) $31,170,000 to carry out Public Health Research; and (6) $91,724,000 to carry out research activities within the National Occupational Research Agenda: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That of the funds made available under this heading, up to $1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further,* That not to exceed $20,787,000 may be available for making grants under section 1509 of the PHS Act to not less than 21 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction of the next building or facility designated in the Buildings and Facilities Master Plan that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment.

Gun control.

Notification.

Contracts.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health ("the Board") to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor

with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: *Provided,* That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $5,103,388,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,096,916,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $413,236,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,808,100,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,636,371,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,818,275,000, of which $304,000,000 shall be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004: *Provided*, That $300,000,000 may be made available to International Assistance Programs "Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis", to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $2,051,798,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,329,528,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $707,036,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $689,781,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,110,229,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $539,082,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $418,833,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $145,660,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $462,346,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,059,848,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,489,372,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $516,028,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $316,582,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,268,896,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $128,844,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $211,572,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $70,051,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act ("PHS Act") with respect to health information communications, $339,716,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2010, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

For carrying out the responsibilities of the Office of the Director, National Institutes of Health ("NIH"), $1,177,300,000, of which up to $25,000,000 shall be used to carry out section 214 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only:

Provided further, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $193,880,000 shall be available for continuation of the National Children's Study: *Provided further*, That $544,109,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act ("PHS Act"): *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $100,000,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles III, V, and XIX of the Public Health Service Act ("PHS Act") with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, $3,431,624,000, of which $14,518,000 shall be used for the projects, and in the amounts, specified under the heading "Substance Abuse and Mental Health Services" in the statement of the managers on the conference report accompanying this Act: *Provided,* That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That $795,000 shall be available until expended for reimbursing the General Services Administration for environmental testing and remediation on the federally owned facilities at St. Elizabeths Hospital, including but not limited to testing and remediation conducted prior to fiscal year 2010: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $22,750,000 to carry out national surveys on drug abuse and mental health; and (4)

$8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further,* That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2010.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act ("PHS Act"), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 937(c) of the PHS Act shall not exceed $397,053,000.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $220,962,473,000, to remain available until expended.

For making, after May 31, 2010, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2010 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2011, $86,789,382,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $207,286,070,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act ("PHS Act"), and the Clinical

Laboratory Improvement Amendments of 1988, not to exceed $3,470,242,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided,* That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further,* That $35,681,000, to remain available through September 30, 2011, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further,* That $65,600,000, to remain available through September 30, 2011, shall be for the Centers for Medicare and Medicaid Services ("CMS") Medicare contracting reform activities: *Provided further*, That $55,000,000 shall be available for the State high risk health insurance pool program as authorized by the State High Risk Pool Funding Extension Act of 2006: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2010 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That $3,100,000 shall be used for the projects, and in the amounts, specified under the heading "Program Management" in the statement of the managers on the conference report accompanying this Act.

Fees.

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $311,000,000, to remain available through September 30, 2011, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $220,320,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; of which $29,790,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which $31,100,000 shall be for the Medicaid and Children's Health Insurance Program ("CHIP") program integrity activities; and of which $29,790,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2010 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

Reports.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $3,571,509,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2011, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $5,100,000,000, of which $4,509,672,000 shall be for payments under subsections (b) and (d) of such section; and of which $590,328,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: *Provided*, That all but $839,792,000 of the amount provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2010 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2605(b)(2)(B)(ii) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2010, and any allotment from funds appropriated in this Act or any other appropriations Act for fiscal year 2010, to provide assistance to households whose income does not exceed 75 percent of the State median income.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $730,928,000, of which

up to $9,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2010 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2012.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,127,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,960,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $271,401,000 shall be reserved by the States for activities authorized under section 658G, of which $99,534,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act ("PHS Act"), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act ("CSBG Act"), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act

of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,314,532,000, of which $39,500,000, to remain available through September 30, 2011, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2010: *Provided,* That $7,234,783,000 shall be for making payments under the Head Start Act: *Provided further*, That of funds appropriated in the American Recovery and Reinvestment Act of 2009 for Head Start and Early Head Start, only the amount provided to a Head Start grantee under section 640(a)(3)(A)(i)(I) of the Head Start Act as a cost of living adjustment may be considered to be part of the fiscal year 2009 base grant for such grantee for purposes of section 640(a)(2)(B)(i) through (v) of the Head Start Act: *Provided further*, That $746,000,000 shall be for making payments under the CSBG Act: *Provided further,* That not less than $10,000,000 shall be for section 680(a)(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the PHS Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further,* That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further,* That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $2,000,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That of the funds appropriated under this

Procedures.
42 USC 9921 note.

Applicability.

heading, $1,000,000 shall be transferred to the National Commission on Children and Disasters to carry out title VI of division G of Public Law 110–161: *Provided further,* That $20,785,000 shall be used for the projects, and in the amounts, specified under the heading "Children and Families Services Programs" in the statement of the managers on the conference report accompanying this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437 of such Act, $63,311,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,532,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2011, $1,850,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, section 398 and title XXIX of the Public Health Service Act, and section 119 of the Medicare Improvements for Patients and Providers Act of 2008, $1,516,297,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $5,974,000 shall be used for the projects, and in the amounts, specified under the heading "Aging Services Programs" in the statement of the managers on the conference report accompanying this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, IV, XVII, XX, and XXI of the Public Health Service Act ("PHS Act"), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $493,377,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, and $65,211,000 from the amounts available under section 241 of the PHS Act to carry out national health or human services

research and evaluation activities: *Provided*, That of this amount, $53,891,000 shall be for minority AIDS prevention and treatment activities; $5,789,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; and $1,000,000 shall be transferred, not later than 30 days after enactment of this Act, to the National Institute of Mental Health to administer the Interagency Autism Coordinating Committee: *Provided further*, That all of the funds made available under this heading for carrying out title XX of the PHS Act shall be for activities specified under section 2003(b)(1) of such title XX: *Provided further,* That of the funds made available under this heading, $110,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: *Provided further*, That of the amounts provided under this heading from amounts available under section 241 of the PHS Act, $4,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further*, That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further*, That $1,650,000 shall be used for the projects, and in the amounts, specified under the heading "General Departmental Management" in the statement of the managers on the conference report accompanying this Act.

Deadline.

Embryo adoption.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $71,147,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $42,331,000: *Provided*, That in addition to amounts provided herein,

$19,011,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $50,279,000: *Provided,* That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least forty percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $37,785,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies and to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act ("PHS Act"), $617,942,000; of which $33,065,000 shall be to support preparedness and emergency operations, of which $5,000,000 shall remain available through September 30, 2011; and of which $10,000,000, to remain available through September 30, 2011, shall be to support the delivery of medical countermeasures: *Provided*, That of the amount made available herein for the delivery of medical countermeasures, up to $8,000,000 may be transferred to the U.S. Postal Service to support delivery of medical countermeasures.

For expenses necessary to support advanced research and development pursuant to section 319L of the PHS Act, $305,000,000, to be derived by transfer from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, to remain available through September 30, 2011.

For expenses necessary to prepare for and respond to an influenza pandemic, $354,167,000, of which $276,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2(a) of the PHS Act: *Provided further*, That notwithstanding section 496(b) of the PHS Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologics, if the Secretary finds such construction or renovation necessary to secure sufficient supplies of such vaccines or biologics: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this paragraph.

All remaining balances from funds appropriated under the heading "Biodefense Countermeasures" in the Department of Homeland Security Appropriations Act, 2004, shall be transferred to this account, and shall remain available for obligation through September 30, 2013, for the procurement of medical countermeasures pursuant to section 319F–2(c) of the PHS Act: *Provided*, That products purchased with these funds shall be deposited in the Strategic National Stockpile under section 319F–2(a) of the PHS Act.

For expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, $69,585,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

Government employees. Children and youth. AIDS.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

Reports.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation

and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Deadline.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification.
Deadline.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research Office" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

Certification.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the

reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

Drugs and drug abuse.
Certification.
Deadline.
Tobacco and tobacco products.
42 USC 300x–26a.

SEC. 212.(a) Except as provided by subsection (e) none of the funds appropriated for fiscal year 2010 or any subsequent fiscal year by this or any subsequent appropriations Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act ("PHS Act") if such State certifies to the Secretary of Health and Human Services by May 1 of the fiscal year for which the funds are appropriated, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary under section 1926 of such Act.

(c) The State is to maintain State expenditures in such fiscal year for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for the preceding fiscal year, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all State obligations of funds for such fiscal year and all State expenditures for the preceding fiscal year for tobacco prevention and compliance activities by program activity by July 31 of such fiscal year.

Reports.
Deadline.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31 of such fiscal year.

(e) None of the funds appropriated by this or any subsequent appropriations Act may be used to withhold substance abuse funding pursuant to section 1926 of the PHS Act from a territory that receives less than $1,000,000.

SEC. 213. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2010:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary

Consultation.

of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary of Health and Human Services is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 214. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health ("Director") may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act ("PHS Act") to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such

Applicability.

transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 215. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention ("CDC") and the Agency for Toxic Substances and Disease Registry ("ATSDR") may be transferred to "Disease Control, Research, and Training", to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 216. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408. 42 USC 294o note.

SEC. 217. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 218. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards ("NRSA") shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 219. By May 1, 2010, the Secretary of the Department of Health and Human Services shall amend regulations at 42 CFR Part 50 Subpart F for the purpose of strengthening Federal and institutional oversight and identifying enhancements, including requirements for financial disclosure to institutions, governing financial conflicts of interest among extramural investigators receiving grant support from the National Institutes of Health. Deadline. Regulations.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2010".

TITLE III

Department of Education Appropriations Act, 2010.

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 ("ESEA") and section 418A of the Higher Education Act of 1965, $15,914,666,000, of which $4,954,510,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which $10,841,176,000 shall become available on October 1, 2010, and shall remain available

through September 30, 2011, for academic year 2010–2011: *Provided*, That $6,597,946,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2009, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,264,712,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,264,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $9,167,000 shall be to carry out sections 1501 and 1503 of the ESEA: *Provided further*, That $545,633,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds (and funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act) to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, priority shall be given to those schools with graduation rates below 60 percent: *Provided further*, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds and to the funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act: *Provided further*, That the ESEA title I, part A funds awarded to local educational agencies under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purpose of calculating hold-harmless amounts under subsections 1122(c) and 1125A(g)(3) in making allocations under title I, part A for fiscal year 2010 and succeeding years and, notwithstanding section 1003(e), shall not be considered for the purpose of reserving funds under section 1003(a): *Provided further*, That $250,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, $10,000,000 shall be reserved for formula grants to States based on each State's relative share of funds under part A of title I of the ESEA for fiscal year 2009 (excluding funds awarded under the American Recovery and Reinvestment Act of 2009), except that no State shall receive less than $150,000, to establish or support a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 to assist the State in developing a comprehensive literacy plan, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program,

of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: *Provided further*, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: *Provided further*, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,276,183,000, of which $1,138,000,000 shall be for basic support payments under section 8003(b), $48,602,000 shall be for payments for children with disabilities under section 8003(d), $17,509,000 shall be for construction under section 8007(a), $67,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2009–2010, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

Eligibility.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance

Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; part Z of title VIII of the Higher Education Act ("HEA"); and the Civil Rights Act of 1964, $5,228,444,000, of which $3,363,993,000 shall become available on July 1, 2010, and remain available through September 30, 2011, and of which $1,681,441,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for the activities described in such proviso and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That from the funds referred to in the second preceding proviso, $500,000 shall be for part Z of title VIII of the HEA: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That funds made available under this heading for section 2421 of the ESEA may be used for activities authorized under section 802 of the Higher Education Opportunity Act: *Provided further,* That $56,313,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $34,391,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further,* That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That $9,729,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages: *Provided further*, That of the funds available for section 2103(a) of the ESEA, $5,000,000 shall be available to continue a national school leadership partnership initiative as described in the statement of the managers on the conference report accompanying this Act.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $127,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 ("ESEA"), and by part F of title VIII of the Higher Education Act of 1965, $1,389,065,000: *Provided*, That $10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary of Education for technical assistance and dissemination of information: *Provided further*, That $671,570,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That $88,791,000 shall be used for the projects, and in the amounts, specified in the statement of the managers on the conference report accompanying this Act: *Provided further*, That $1,000,000 shall be for a national clearinghouse that will collect and disseminate information on effective educational practices and the latest research regarding the planning, design, financing, construction, improvement, operation, and maintenance of safe, healthy, high-performance public facilities for nursery and pre-kindergarten, kindergarten through grade 12, and higher education: *Provided further*, That $400,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That recipients of such grants shall demonstrate that such performance-based systems are developed with the input of teachers and school leaders in the schools and local educational agencies to be served by the grant: *Provided further*, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: *Provided further*, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That of the funds available for part B of title V of the

Financial plan.

ESEA, the Secretary shall use up to $23,082,000 to carry out activities under section 5205(b) and under subpart 2: *Provided further*, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $50,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models and shall reserve $10,000,000 to carry out the activities described in section 5205(a), including by providing technical assistance to authorized public chartering agencies in order to increase the number of high-performing charter schools: *Provided further*, That the funds referenced in the preceding proviso shall not be obligated prior to submission of a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds: *Provided further*, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools: *Provided further*, That each application submitted pursuant to section 5203(a) shall contain assurances that State law, regulations, or other policies require that: (1) each authorized charter school in the State operate under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the school's authorized public chartering agency; and demonstrate improved student academic achievement; and (2) authorized public chartering agencies use increases in student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of the ESEA as the most important factor when determining to renew or revoke a school's charter: *Provided further*, That from the funds for subpart 1 of part D of title V of the ESEA, $12,000,000 shall be for competitive awards to local educational agencies located in counties in Louisiana, Mississippi, and Texas that were designated by the Federal Emergency Management Agency as counties eligible for individual assistance due to damage caused by Hurricanes Katrina, Ike, or Gustav: *Provided further*, That such awards shall be used to improve education in areas affected by such hurricanes and shall be for such activities as replacing instructional materials and equipment; paying teacher incentives; modernizing or renovating or repairing school buildings; beginning or expanding Advanced Placement or other rigorous courses; supporting the expansion of charter schools; and supporting after-school or extended learning time activities.

Reports.

Plans.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3 and 10 of part D of title V of the Elementary and Secondary Education Act of 1965, $393,053,000: *Provided*, That $224,053,000 shall be

available for subpart 2 of part A of title IV, of which $8,212,000 shall be used for activities authorized under subpart 3 of part D of title V: *Provided further*, That $134,000,000 shall be available to carry out part D of title V: *Provided further,* That of the funds available to carry out subpart 3 of part C of title II, up to $13,383,000 may be used to carry out section 2345 and $2,957,000 shall be used by the Center for Civic Education to implement a comprehensive program to improve public knowledge, understanding, and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $750,000,000, which shall become available on July 1, 2010, and shall remain available through September 30, 2011, except that 6.5 percent of such amount shall be available on October 1, 2009, and shall remain available through September 30, 2011, to carry out activities under section 3111(c)(1)(C): *Provided,* That the Secretary of Education shall use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act ("IDEA") and the Special Olympics Sport and Empowerment Act of 2004, $12,587,035,000, of which $3,726,354,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which $8,592,383,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011, for academic year 2010–2011: *Provided*, That $13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of accessible educational materials: *Provided further*, That $737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2009, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2009: *Provided further*, That the part B and C funds awarded to States under the American Recovery and Reinvestment Act of 2009 for fiscal year 2009 shall not be considered for the purposes of calculating State allocations under sections 611, 619, and 643 for fiscal year 2010 and succeeding years: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,506,861,000: *Provided,* That for purposes of determining whether a State may administer the Centers for Independent Living program under section 723 of the Rehabilitation Act, for fiscal year 2010, the Secretary shall exclude American Recovery and Reinvestment Act of 2009 funds awarded in fiscal year 2009 from the calculation of Federal funding allotted under section 721(c) and (d) of the Rehabilitation Act: *Provided further*, That $5,095,000 shall be used for the projects, and in the amounts, specified under the heading "Rehabilitation Services and Disability Research" in the statement of the managers on the conference report accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,600,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $68,437,000, of which $5,400,000 shall be for construction and shall remain available until expended: *Provided,* That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $123,000,000, of which $5,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act ("AEFLA"), subpart 4 of part D of title V of the Elementary and Secondary Education Act of 1965 ("ESEA") and title VIII–D of the Higher Education Amendments of 1998, $2,016,447,000, of which $4,400,000 shall become available on October 1, 2009, and remain available through September 30, 2011, of which $1,221,047,000 shall become available on July 1, 2010, and shall remain available through September 30, 2011, and of which $791,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: *Provided*, That in allocating AEFLA State grants, the Secretary of Education shall first distribute up to $45,907,000 to those States and outlying areas that, due to administrative error,

were underpaid for fiscal years 2003 through 2008 in the amounts such States and outlying areas were underpaid: *Provided further,* That the Secretary shall not reduce the allocations for those years to the States and outlying areas that were overpaid through such error, or take other corrective action with respect to those overpayments: *Provided further,* That the additional funds provided to States and outlying areas to correct the administrative error shall not be considered in determining the "hold harmless" amounts under section 211(f) of the AEFLA for fiscal year 2011 or subsequent fiscal years: *Provided further,* That of the amount provided for Adult Education State Grants, $75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further,* That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further,* That of the amounts made available for AEFLA, $11,346,000 shall be for national leadership activities under section 243: *Provided further,* That $88,000,000 shall be available to support the activities authorized under subpart 4 of part D of title V of the ESEA, of which up to 5 percent shall become available on October 1, 2009, and shall remain available through September 30, 2011, for evaluation, technical assistance, school networks, peer review of applications, and program outreach activities, and of which not less than 95 percent shall become available on July 1, 2010, and remain available through September 30, 2011, for grants to local educational agencies: *Provided further,* That funds made available to local educational agencies under this subpart shall be used only for activities related to establishing smaller learning communities within large high schools or small high schools that provide alternatives for students enrolled in large high schools: *Provided further,* That the Secretary of Education may use amounts available under this heading for the necessary costs of any closeout of the National Institute for Literacy.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING DEFERRAL OF FUNDS)

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, $19,296,809,000, which shall remain available through September 30, 2011.

The maximum Pell Grant for which a student shall be eligible during award year 2010–2011 shall be $4,860. 20 USC 1070a note.

Of the funds made available under section 401A(e)(1)(D) of the Higher Education Act of 1965, $561,000,000 shall not be available until October 1, 2010.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, and 9 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, $870,402,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965 ("HEA"), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961, title VIII of the Higher Education Amendments of 1998, part I of subtitle A of title VI of the America COMPETES Act, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,255,665,000: *Provided,* That $9,687,000, to remain available through September 30, 2011, shall be available to fund fellowships for academic year 2011–2012 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further,* That notwithstanding any other provision of law, a recipient of a multiyear award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act ("HEOA"), that would have otherwise received a continuation award for fiscal year 2010 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further,* That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further,* That $1,500,000, to remain available until expended, shall be available to carry out a scholarship program for the purpose of increasing the skilled workforce for industrial health and safety occupations, including mine safety: *Provided further,* That the Secretary of Education shall identify these scholarships as "Erma Byrd Scholarships": *Provided further,* That such scholarships shall be awarded without regard to an applicant's prior work experience, but the Secretary shall, notwithstanding section 437 of the General Education Provisions Act and 5 U.S.C. 553, by notice in the Federal Register, establish the eligibility requirements, service obligations, payback requirements, and

Designation.
Notice.
Federal Register, publication.

other program requirements similar to those specified in section 515 of the Federal Mine Safety and Health Act as are necessary to implement such a program: *Provided further,* That such scholarship funds may be used to replace a student's expected family contribution, but institutions accepting such scholarship funds may not use these funds to supplant existing institutional aid: *Provided further,* That the Secretary shall be authorized to accept contributions for such scholarships from private sources: *Provided further,* That these funds shall be used for scholarships for academic year 2010–2011 and may be available for scholarships in academic year 2011–2012: *Provided further*, That $101,507,000 shall be used for the projects, and in the amounts, specified under the heading "Higher Education" in the statement of the managers on the conference report accompanying this Act: *provided further*, That $17,750,000 shall be used for the programs specified under the "Fund for the Improvement of Post Secondary Education" in the statement of the managers in accordance with the specified sections.

HOWARD UNIVERSITY

For partial support of Howard University, $234,977,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,228,000, as authorized pursuant to part D of title III of the Higher Education Act of 1965 ("HEA"): *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $178,221,000.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $659,006,000, of which $588,356,000 shall be available through September 30, 2011: *Provided,* That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: *Provided further,* That up to $10,000,000 of the funds available to carry out section 208 of the Educational Technical

Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $456,200,000, of which $8,200,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $103,024,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $60,053,000.

GENERAL PROVISIONS

Racial desegregation.

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

Voluntary prayer. Meditation.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but

no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

Notification. Deadline.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

SEC. 306. None of the funds made available in the sixth proviso under the heading "Innovation and Improvement" in this Act shall be made available for new awards under the Teacher Incentive Fund prior to the submission of an impact evaluation plan to the Committees on Appropriations of the House of Representatives and the Senate.

Evaluation plan.

SEC. 307. Section 14007 of division A of the American Recovery and Reinvestment Act of 2009 is amended—

Ante, p. 284.

(1) by amending subsection (a)(3) to read as follows:

"(3) PURPOSE OF AWARDS.—The Secretary shall make awards to eligible entities in order to identify, document, and bring to scale innovative best practices based on demonstrated success, to allow such eligible entities to—

"(A) expand their work and serve as models for best practices; and

"(B) work in partnership with the private sector and the philanthropic community.";

(2) in subsection (b)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (1)(A), (1)(B), (2), and (3), respectively;

(B) in paragraph (1)(A), as so redesignated, by inserting "or" after the semicolon;

(C) by amending paragraph (1)(B), as so redesignated, to read as follows:

"(B) have demonstrated success in significantly increasing student academic achievement for all groups of students described in such section;"; and

(D) in paragraph (3), as so redesignated, by striking "they have established partnerships" and inserting "it has established one or more partnerships";

(3) in subsection (c), by striking "paragraphs" and all that follows through "such requirements" and inserting "paragraphs (1)(A) or (1)(B) and (2) of subsection (b) if the nonprofit organization has a record of significantly improving student achievement, attainment, or retention and shall be considered to have met the requirements of subsection (b)(3) if it demonstrates that it will meet the requirement relating to private-sector matching"; and

(4) by adding at the end a new subsection (d) to read as follows:

"(d) SUBGRANTS.—In the case of an eligible entity that is a partnership described in subsection (a)(1)(B), the partner serving as the fiscal agent may make subgrants to one or more of the other entities in the partnership.".

121 Stat. 2199.

SEC. 308. Section 307 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 is amended by striking "and 2009" each place the term occurs and inserting "through 2011".

Applicability. 48 USC 1921d note.

SEC. 309. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting "2010" for "2009".

Ante, p. 284.

SEC. 310. Section 14006(c) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(1) by inserting "(1) IN GENERAL.—" before "Each State"; and

(2) by adding a new paragraph (2) at the end to read as follows:

"(2) EXCEPTION.—Paragraph (1) does not apply to grants made by the Secretary to consortia of States to develop academic assessments that are aligned with academic standards.".

This title may be cited as the "Department of Education Appropriations Act, 2010".

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,396,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service ("the Corporation") to carry out the Domestic Volunteer Service Act of 1973 ("1973 Act") and the National and Community Service Act of 1990 ("1990 Act"), $857,021,000, of which $319,974,000 shall be to carry out the 1973 Act and $537,047,000 shall be to carry out the 1990 Act and notwithstanding sections 198B(b)(3), 198S(g), 501(a)(4)(C), and 501(a)(4)(F) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $50,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act; (3) $7,500,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $5,000,000 shall be available for grants to public or private nonprofit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; (5) $17,000,000 shall be available to provide assistance to State commissions on

national and community service, under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; (6) $29,000,000 shall be available to carry out subtitle E of the 1990 Act; and (7) $4,000,000 shall be available for expenses authorized under section 501(a)(4)(F) of the 1990 Act, which, notwithstanding the provisions of section 198P shall be awarded by the Corporation on a competitive basis to State commissions.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 ("1990 Act"), $197,000,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within "Operating Expenses" allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $88,000,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $7,700,000.

ADMINISTRATIVE PROVISIONS

Notice.
Public comment.

SEC. 401. The Corporation for National and Community Service ("the Corporation") shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2010, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Requirements.
42 USC 12571 note.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall

minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to the Corporation for National and Community Service under section 196 of the National and Community Service Act of 1990 ("1990 Act") for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting ("Corporation"), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2012, $445,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose. In addition, for payment to the Corporation for fiscal year 2010, $86,000,000 as follows:

Political test.

Deadline.

(1) $25,000,000 shall be for fiscal stabilization grants to public radio and television licensees, with no deduction for administrative or other costs of the Corporation, to maintain local programming and services and preserve jobs threatened by declines in non-Federal revenues due to the downturn in the economy, to be awarded no later than 45 days after enactment of this Act;

(2) $36,000,000 shall be for costs related to digital program production, development, and distribution associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives; and

(3) $25,000,000 is available pursuant to section 396(k)(10) of the Communications Act of 1934 for replacement and upgrade of the public radio interconnection system.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service ("Service") to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $46,652,000, including $349,000 for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided,* That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further,* That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $10,358,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $282,251,000, of which $16,382,000 shall be used for the projects, and in the amounts, specified under the heading "Office of Museum and Library Services: Grants and Administration" in the statement of the managers on the conference report accompanying this Act.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $11,800,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, $3,271,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $283,400,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $13,463,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $11,712,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $64,000,000, which shall include amounts becoming available in fiscal year 2010 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2011, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board ("Board") for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $109,073,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,186,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $34,742,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2011, $16,000,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $45,000 for official reception and representation expenses, not more than $10,800,500,000 may

be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances of funds provided under this paragraph at the end of fiscal year 2010 not needed for fiscal year 2010 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $273,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $485,000,000, for additional continuing disability reviews and redeterminations of eligibility, of which, upon a determination by the Office of the Chief Actuary that such initiative would be at least as cost effective as redeterminations of eligibility, up to $34,000,000 shall be available for one or more initiatives to improve asset verification: *Provided,* That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

Reports.

In addition, $160,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2010 exceed $160,000,000, the amounts shall be available in fiscal year 2011 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $29,000,000, together with not to exceed $73,682,000, to be transferred and expended as authorized by section 201(g)(1) of

the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate. Notice.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself. Lobbying.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $22,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for "Federal Mediation and Conciliation Service, Salaries and expenses"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for "National Mediation Board, Salaries and expenses".

SEC. 505. None of the funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution. Needle distribution.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal

money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Abortion.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

Definition.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

Abortion.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

Human embryos.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses

in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

Definition.

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

Drugs and drug abuse.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

Health and health care.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

Contracts.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

Reports.

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

Certifications.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

Certifications.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

Notifications. Deadlines.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded

by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

Political disclosures.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

Scientific information.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

Deadline. Operating plan.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2010 that are different than those specified in this Act, the accompanying detailed table in the statement of the managers on the conference report accompanying this Act, or the fiscal year 2010 budget request.

Reports.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2010, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

Deadline.

29 USC 206 note.

SEC. 520. Section 8103(b) of Public Law 110–28 is amended—

(1) in paragraph (1)(B), by inserting before the semicolon the following: ", except that, beginning in 2010 and each year thereafter, such increase shall occur on September 30"; and

(2) in paragraph (2)(C), by inserting before the period the following: ", except that, beginning in 2010 and each year thereafter, such increase shall occur on September 30".

Claims.

SEC. 521. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

Mexico.

SEC. 522. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 523. None of the funds made available in this Act may be used in contravention of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611 et seq.).

8 USC 1356.

SEC. 524. (a) IN GENERAL.—Strike subparagraphs (B) and (C) that appear within section 426(b) of division J of the Consolidated Appropriations Act, 2005 (Public Law 108–447) and insert the following:

"(B) SECRETARY OF HOMELAND SECURITY.—One-third of the amounts deposited into the Fraud Prevention and Detection Account shall remain available to the Secretary of Homeland Security until expended for programs and activities to prevent and detect immigration benefit fraud, including fraud with respect to petitions filed under paragraph (1) or (2)(A) of section 214(c) to grant an alien nonimmigrant status described in subparagraph (H) or (L) of section 101(a)(15).

"(C) SECRETARY OF LABOR.—One-third of the amounts deposited into the Fraud Prevention and Detection Account

shall remain available to the Secretary of Labor until expended for wage and hour enforcement programs and activities otherwise authorized to be conducted by the Secretary of Labor that focus on industries likely to employ nonimmigrants, including enforcement programs and activities described in section 212(n) and enforcement programs and activities related to section 214(c)(14)(A)(i)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

8 USC 1356 note.

SEC. 525. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.124 of title 41, Code of Federal Regulations.

Earmarks.

SEC. 526. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–220) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

Contracts.
Certification.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

This division may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010".

Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010.

DIVISION E—MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,719,419,000, to remain available until September 30, 2014, of which $350,000,000 shall be for trainee troop housing facilities: *Provided*, That of this amount,

Determination.
Notification.

not to exceed $200,519,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army" and under the headings "Army" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,769,003,000, to remain available until September 30, 2014: *Provided*, That of this amount, not to exceed $179,652,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Navy and Marine Corps" and under the headings "Navy" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

Determination. Notification.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,450,426,000, to remain available until September 30, 2014: *Provided*, That of this amount, not to exceed $103,562,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air Force" and under the headings "Air Force" in the table entitled "Military Construction" in the explanatory statement of managers

Determination. Notification.

to accompany this Act: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 110–329, $37,500,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,093,679,000, to remain available until September 30, 2014: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $131,942,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount appropriated, notwithstanding any other provision of law, not to exceed $41,400,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Defense-Wide" and under the headings "Defense-Wide" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 110–329, $151,160,000 are hereby rescinded.

Determination. Notification.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $582,056,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $47,429,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded

Determination. Notification.

Deadline. Expenditure plan.

requirements: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army National Guard" and under the headings "Army National Guard" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $371,226,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $20,021,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air National Guard" and under the headings "Air National Guard" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

Determination. Notification.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $431,566,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $22,716,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army Reserve" and under the headings "Army Reserve" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

Determination. Notification.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $125,874,000, to remain available until September 30, 2014, of which $20,000,000 shall be for critical unfunded requirements of the Navy Reserve and $35,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: *Provided*, That of the amount appropriated, not to exceed $2,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Navy Reserve" and under the headings "Navy Reserve" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

Determination. Notification.

Deadline. Expenditure plan.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $112,269,000, to remain available until September 30, 2014, of which $55,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $3,869,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air Force Reserve" and under the headings "Air Force Reserve" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

Determination. Notification.

Deadline. Expenditure plan.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $197,414,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $273,236,000, to remain available until September 30, 2014: *Provided,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Army" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $146,569,000, to remain available until September 30, 2014: *Provided,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Navy and Marine Corps" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $66,101,000, to remain available until September 30, 2014: *Provided,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family

Housing Construction, Air Force" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $2,859,000, to remain available until September 30, 2014: *Provided,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Defense-Wide" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $49,214,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $323,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $151,541,000, to remain available until September 30, 2014, which shall be only for the Assembled Chemical Weapons Alternatives program: *Provided,* That the amount appropriated in

this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Chemical Demilitarization Construction, Defense-Wide" in the table entitled "Military Construction" in the explanatory statement of managers to accompany this Act.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $496,768,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $7,455,498,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

Notification.
Deadline.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Contracts.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

Certification.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

Notification.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

Steel.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

Notification.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

Contracts.
Japan.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

Contracts.
Kwajalein Atoll.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Notification.
Military exercise.
Deadline.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

Deadline. Reports. Classified information. 22 USC 1928 note.

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report in unclassified and, if necessary, classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

Definition.

(c) In this section, the term "host country" means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged

with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

Deadlines. Notifications.

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

Deadline. Contracts. Notice.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C.

3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

10 USC 2821 note.

SEC. 123. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

Deadlines. Notifications.

Reports. Deadline.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

Certification.

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety,

Notification.
Deadline.

or environmental quality: *Provided,* That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

Time period.
Determination.

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

Colorado.

SEC. 127. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 128. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the explanatory statement of managers to accompany this Act and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

SEC. 129. Of the funds made available in this title, the following accounts are hereby reduced in the following amounts to reflect adjusted inflation and bid savings projections: "Military Construction, Army", $230,000,000; "Military Construction, Navy and Marine Corps", $235,000,000; and "Military Construction, Air Force", $64,091,000.

SEC. 130. Of the funds made available under the following headings in Public Law 110–329, the following amounts associated with unobligated balances are hereby rescinded: "Military Construction, Army", $33,000,000; "Military Construction, Navy and Marine Corps", $51,468,000; "Military Construction, Defense-Wide", $93,268,000; "Military Construction, Army National Guard", $33,000,000; and "Military Construction, Air National Guard", $7,000,000.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $47,396,106,000, to remain available until expended: *Provided*, That not to exceed $29,283,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $9,232,369,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $49,288,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2010, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $165,082,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $29,000, as authorized by chapter 31 of title 38, United States Code: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $328,000, which may be paid to the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $664,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical support and compliance" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $71,843,500,000,

plus reimbursements, of which $37,136,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: *Provided*, That, of the amount made available under this heading for fiscal year 2010, not to exceed $1,015,000,000 shall remain available until September 30, 2011: *Provided further,* That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000 shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

Priorities.

Priorities.

Drugs and drug abuse.
Requirements.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $10,237,000,000, plus reimbursements, of which $5,307,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: *Provided,* That, of the amount made available under this heading for fiscal year 2010, not to exceed $145,000,000 shall remain available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $10,599,000,000, plus reimbursements, of which $5,740,000,000 shall become available on October 1, 2010, and shall remain available until September 30, 2011: *Provided*, That, of the amount made

available under this heading for fiscal year 2010, not to exceed $145,000,000 shall remain available until September 30, 2011: *Provided further,* That, of the amount available for fiscal year 2010, $130,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $581,000,000, plus reimbursements, shall remain available until September 30, 2011.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,000,000, of which not to exceed $24,200,000 shall remain available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $2,086,707,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,689,207,000: *Provided further*, That of the funds made available under this heading, not to exceed $111,000,000 shall remain available until September 30, 2011: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

Determination.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information

systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,307,000,000, plus reimbursements, shall remain available until September 30, 2011: *Provided*, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading: *Provided further*, That of the amounts made available under this heading, $800,485,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project.

Expenditure plan.

Deadline. Submission.

Certification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $109,000,000, of which $6,000,000 shall remain available until September 30, 2011.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,194,000,000, to remain available until expended, of which $16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*,

That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further,* That of the funds made available under this heading, $933,030,000 shall be for the projects and activities, and in the amounts, specified under this heading in the explanatory statement of managers to accompany this Act.

Contracts.
Deadlines.

Reports.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $703,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided,* That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections

8131 through 8137 of title 38, United States Code, $100,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed. Time period.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: *Provided*, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further,* That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued. Notification.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

Reimbursement.

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the "General operating expenses" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Determination.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department

of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $35,257,000 for the Office of Resolution Management and $3,287,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General operating expenses" and "Information technology systems" accounts for use by the office that provided the service.

Contracts.
Reports.
Deadline.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

Native Americans.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

Requirements. Regulations.

Definition.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

Reports. Deadlines.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2010, may be transferred to or from the "Information technology systems" account: *Provided,* That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Time period.

SEC. 221. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided,* That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

Determination.

SEC. 222. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have

a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section. Notification.

SEC. 223. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided,* That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress. Waiver authority. Notice.

SEC. 225. Section 1925(d)(3) of title 38, United States Code, is amended by striking "appropriation 'General Operating Expenses, Department of Veterans Affairs'" and inserting "appropriations for 'General Operating Expenses and Information Technology Systems, Department of Veterans Affairs'". Waiver authority. Notice.

SEC. 226. Section 1922(a) of title 38, United States Code, is amended by striking "administrative costs to the Government for the costs of" and inserting "administrative support financed by the appropriations for 'General Operating Expenses, Department of Veterans Affairs' and 'Information Technology Systems, Department of Veterans Affairs' for".

SEC. 227. (a) Effective October 1, 2010, the North Chicago Veterans Affairs Medical Center located in Lake County, Illinois, shall be known and designated as the "Captain James A. Lovell Federal Health Care Center". Effective date. Federal buildings and facilities. Illinois.

(b) Any reference to the medical center referred to in subsection (a) in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Captain James A. Lovell Federal Health Care Center.

SEC. 228. Section 315(b) of title 38, United States Code, is amended by striking "December 31, 2009" and inserting "December 31, 2010".

SEC. 229. Section 1714(c) of title 38, United States Code is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) service dogs trained for the aid of persons with mental illnesses, including post-traumatic stress disorder, to veterans with such illnesses who are enrolled under section 1705 of this title.".

Effective date. Federal buildings and facilities. Kentucky.

SEC. 230. (a) The Department of Veterans Affairs Medical Center in Louisville, Kentucky, and any successor to such medical center, shall after the date of the enactment of this Act be known and designated as the "Robley Rex Department of Veterans Affairs Medical Center".

(b) Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Robley Rex Department of Veterans Affairs Medical Center.

SEC. 231. (a) Section 2703(b) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 469), as amended by section 231 of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2009 (division E of Public Law 110–329; 122 Stat. 3713), is further amended by inserting after "the City of Gulfport" the following: ", or its urban renewal agency,".

(b) The Secretary of Veterans Affairs shall take appropriate actions to modify the quitclaim deeds executed to effectuate the conveyance authorized by section 2703 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006, in order to accurately reflect and memorialize the amendment made by subsection (a).

SEC. 232. Of the amounts appropriated or otherwise made available by this title, the Secretary may execute $5,000,000 for cooperative agreements with State and local government entities or their designees with a demonstrated record of serving veterans to conduct outreach to ensure that veterans in underserved areas receive the care and benefits for which they are eligible.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $62,675,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be

necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $27,115,000, of which $1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $39,850,000, to remain available until expended: *Provided,* That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account. Virginia.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $134,000,000, of which $72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $924,484,000, to remain available until September 30, 2012: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Army" in the table entitled "Overseas Contingency Operations" in the explanatory statement of managers to accompany this Act.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $474,500,000, to remain available until September 30, 2012: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Air Force" in the table entitled "Overseas Contingency Operations" in the explanatory statement of managers to accompany this Act.

ADMINISTRATIVE PROVISION

SEC. 401. Amounts appropriated or otherwise made available by this title are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Pay raises.

SEC. 502. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

Lobbying.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

Submissions.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Contracts.
Wisconsin.

SEC. 509. None of the funds made available in this Act may be used for the processing of new enhanced-use leases at the National Homes for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin.

Web posting.
Public information.
Reports.

SEC. 510. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

ACORN.

SEC. 511. None of the funds made available in this division or any other division in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

This division may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010".

Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010.

DIVISION F—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $8,227,000,000, of which $1,586,214,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That the Secretary of State may transfer up to $137,600,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,667,130,000 to remain available until September 30, 2011, of which not less than $138,075,000 shall be available only for public diplomacy American salaries, and $220,840,000 is for Worldwide Security Protection and shall remain available until expended: *Provided*, That the Secretary of State shall submit to the Committees on Appropriations, concurrent with the fiscal year 2011 congressional budget justification materials, a strategy described in the joint explanatory statement of the committee of conference (hereafter "joint explanatory statement") accompanying this Act for projected personnel requirements for the United States Department of State over the next 3 fiscal years.

Strategy.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $2,495,158,000, to remain available until September 30, 2011, of which not less than $381,800,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms

control, nonproliferation and disarmament activities as authorized, $892,012,000, to remain available until September 30, 2011.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $2,172,700,000, to remain available until September 30, 2011, of which $1,365,374,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,653,305 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under this heading.

Deadline.
Reports.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development (USAID), and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $120,000,000, to remain

available until expended: *Provided*, That funds made available under this heading may be made available in fiscal year 2010 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further*, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization only to support an actively deployed Civilian Response Corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, $10,000,000 shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Department of State has signed a memorandum of understanding with the Department of Defense relating to the provision of airlift for deployment of Civilian Response Corps personnel and equipment: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title II of this Act.

President. Transfer authority. Notification.

Reports. Memorandum.

Deadline. Spending plan.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $139,000,000, to remain available until expended, as authorized: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $100,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections, of which $23,000,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $23,000,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $635,000,000, to remain available until expended: *Provided,* That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $28,000,000, to remain available until September 30, 2011.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $876,850,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $847,300,000, to remain available until expended: *Provided,* That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2010.

Deadline.
Submission.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,000,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), $8,500,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $739,000, as authorized: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $711,000, which may be transferred

to, and merged with, funds made available under the heading "Diplomatic and Consular Programs".

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,174,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

22 USC 269a note.

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,682,500,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

Budget. United Nations.

Notification. Deadline. United Nations.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $2,125,000,000, of which 15 percent shall remain available until September 30, 2011: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, the planned exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving

Deadline. Notification. Human trafficking.

in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

Determination.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

22 USC 269a note.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $33,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $12,608,000: *Provided,* That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $53,976,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: *Provided further*, That in addition to other funds available for

such purposes, funds available under this heading may be used to make payments necessary to fulfill the United States' obligations under the Pacific Salmon Treaty.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $733,788,000, of which not more than $5,500,000 may be made available for non-salary and benefits expenses for TV Marti broadcasts to Cuba: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2010: *Provided further*, That not later than 45 days after enactment of this Act, the BBG shall report to the Committees on Appropriations that all BBG language services and grantees, including the broadcasters to the Middle East, Afghanistan, and Pakistan, have processes and policies, including appropriate management and editorial controls, to require that programming abide by the standards and principles set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) and the relevant journalistic code of ethics, and not provide an open platform for terrorists or those who support terrorists: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, was found to be in violation of the principles, standards, or journalistic code of ethics referenced in the previous proviso: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

Extension date. 22 USC 6206 note.

Deadline. Reports.

Notification. Deadline.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $12,622,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $19,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $49,220,000, to remain available until September 30, 2011, of which up to $15,000,000 may be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2010, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2010, to remain available until expended: *Provided,* That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Nonprofit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2010, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange

Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $23,000,000: *Provided,* That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $118,000,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $18,000,000 shall be for democracy, human rights, and rule of law programs: *Provided,* That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

Deadline.
Reports.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $635,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,300,000, to remain available until September 30, 2011: *Provided*, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,610,000, to remain available until September 30, 2011.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2011.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,500,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2011: *Provided,* That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: *Provided further,* That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: *Provided further,* That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance appraisals: *Provided further,* That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: *Provided further,* That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: *Provided further,* That travel by members and staff of the Commission shall be arranged and conducted under the rules and procedures applying to travel by members and staff of the House of Representatives.

Deadline. Reports.

Applicability.

Compliance.

Compliance.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,388,800,000, of which up to $105,000,000 may remain available until September 30, 2011: *Provided,* That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this Act

Reports. Deadline.

may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further*, That of the funds appropriated under this heading that are available for capital investments related to the Development Leadership Initiative, up to $245,000,000 may remain available until September 30, 2014: *Provided further*, That the USAID Administrator shall submit to the Committees on Appropriations, concurrent with the fiscal year 2011 congressional budget justification materials, a strategy described in the joint explanatory statement accompanying this Act for projected personnel requirements for USAID over the next 3 fiscal years: *Provided further,* That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

Strategy.

Notification.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to support, maintain, mobilize, and deploy a Civilian Response Corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $30,000,000, to remain available until expended: *Provided,* That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading

Deadline.
Spending plan.

and under the heading "Civilian Stabilization Initiative" in title I of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $185,000,000, to remain available until expended, of which not more than $134,500,000 may be made available for the purpose of implementing the Capital Security Cost-Sharing Program: *Provided,* That this amount is in addition to funds otherwise available for such purposes: *Provided further,* That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

Notification.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $46,500,000, to remain available until September 30, 2011, which sum shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2010, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,420,000,000, to remain available until September 30, 2011, and which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under

HIV/AIDS.

this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this paragraph, $78,000,000 should be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than 6 months after the date of enactment of this Act, and must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator

President.
Determination.
Abortion.
Sterilization.

Deadline.

Abortion.

Lobbying.
Abortion.

Family planning.
Requirements.
Deadline.
Determination.
Reports.

shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent practicable, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement should be made available for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

Grants.
Non-discrimination.
Compliance.

Condoms.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,359,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than $750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2010 may be made available to USAID for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to $14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the United States Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,520,000,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated by this Act, not less than $265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: *Provided further*, That of the funds appropriated under this heading, not less than $23,500,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided further,* That of the funds

appropriated under this heading, $10,000,000 shall be made available for cooperative development programs within the Office of Private and Voluntary Cooperation, United States Agency for International Development (USAID): *Provided further*, That of the funds appropriated by this Act, not less than $315,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121): *Provided further*, That the relevant bureaus and offices of USAID that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That of the funds appropriated by title III of this Act, not less than $1,169,833,000 should be made available for food security and agricultural development programs, which may be made available notwithstanding any other provision of law to address critical food shortages, of which $31,500,000 shall be made available for Collaborative Research Support Programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the USAID Administrator shall submit to the Committees on Appropriations a strategy for achieving food security and agricultural development program goals: *Provided further*, That of the funds appropriated under this heading for food security and agricultural development programs, $10,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That of the funds appropriated under this heading, not less than $20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

Strategy.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $845,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided,* That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further,* That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further,* That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading:

Reports.
Deadline.

Determination.

Provided further, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), in consultation with the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $50,000,000, to remain available until expended: *Provided*, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: *Provided further,* That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further,* That the USAID Administrator may furnish assistance under this heading notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620J of the Foreign Assistance Act of 1961: *Provided further,* That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds: *Provided further,* That the requirements of the previous proviso may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further,* That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further,* That any such notification provided pursuant to such waiver shall contain an explanation of the emergency circumstances.

Notification. Deadline.

Waiver authority.

Notification. Deadline.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided,* That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further,* That funds made available by this paragraph may be used for the cost of

Notification.

Applicability.
Loans.

modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,600,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided,* That funds made available under this heading shall remain available until September 30, 2012.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $6,337,000,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, $250,000,000 shall be available only for assistance for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, not less than $25,000,000 shall be made available for democracy, human rights and governance programs, and not less than $35,000,000 shall be made available for education programs, of which not less than $10,000,000 is for scholarships for Egyptian students with high financial need: *Provided further*, That $11,000,000 of the funds appropriated under this heading should be made available for assistance for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be made available for educational scholarships for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than $363,000,000 shall be made available only for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading not more than $400,400,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed $2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes: *Provided further*, That not more than $150,000,000 of the funds provided for the West Bank and Gaza shall be for cash transfer

assistance: *Provided further,* That funds appropriated under this heading that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)): *Provided further*, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics: *Provided further*, That funds appropriated by this Act for assistance for Afghanistan and Pakistan may be made available for government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the government of the recipient country have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided further*, That any such cash transfer assistance shall be subject to prior consultation with the Committees on Appropriations: *Provided further*, That the Secretary of State should suspend any such cash transfer assistance to an implementing agency if the Secretary has credible evidence of misuse of such funds by any such agency: *Provided further*, That any decision to significantly modify the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan or Pakistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived if it is determined that failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such consultation requirement was applicable: *Provided further*, That of the funds made available under this heading for assistance for Pakistan, $2,000,000 shall be transferred to, and merged with, funds available under the heading "Administration of Foreign Affairs, Office of Inspector General" for oversight of programs in Pakistan: *Provided further*, That of the funds appropriated under this heading, $209,790,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $8,000,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries.

Pakistan.

Afghanistan.
Pakistan.
Certification.

Notification.
Waiver authority.

Notification.
Deadline.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $120,000,000, to remain available until September 30, 2011, of which $70,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights

and Labor, Department of State, and $50,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $17,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2011.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $741,632,000, to remain available until September 30, 2011, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Independent States of the Former Soviet Union" and similar headings and "Assistance for Eastern Europe and the Baltic States" and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh: *Provided further*, That of the funds appropriated under this heading that are available for assistance for the Kyrgyz Republic, up to $11,500,000 shall be made available for the Joint Development Fund.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration

needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,685,000,000, to remain available until expended, of which $25,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $400,000,000, to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: *Provided further*, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: *Provided further*, That not later than 180 days after enactment of this Act, the Director shall, after consultation with the Committees on Appropriations, submit a report to the Committees that includes the findings of a comprehensive assessment of the current program model of the Peace Corps and a strategy for reforming and improving operations.

Abortion.

Notification.
Waiver authority.

Deadline.
Spending plan.

Deadline.
Reports.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $1,105,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2010: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out such Act, including administrative costs for compact development, negotiation, and implementation: *Provided further*, That the Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to re-obligation: *Provided further*, That none of the funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under this heading may be used for military assistance or military training, including for assistance for military or paramilitary purposes and for assistance to military forces: *Provided further*, That the terms and conditions of section 1105(c) of Public Law 111–32 shall apply to funds appropriated under this heading: *Provided further*, That a Millennium Challenge Corporation candidate country selected as an eligible country in fiscal year 2009 in accordance with section 607(c) of the Millennium Challenge Act of 2003 that is transitioning out of one of the income categories identified in subsections 606(a) and (b) shall retain its candidacy status at the lower income category for purposes of setting compact funding levels for the fiscal year of its transition and the two subsequent fiscal years: *Provided further*, That of the funds appropriated under this heading, not

Applicability.

Notification.
Deadline.

Notification.

Applicability.

Candidacy status.

to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $23,000,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,000,000, to remain available until September 30, 2011: *Provided,* That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further,* That interest earned shall be used only for the purposes for which the grant was made: *Provided further,* That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to $10,000 if the increase is due solely to foreign currency fluctuation: *Provided further,* That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

Waiver authority.

Reports.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $25,000,000, to remain available until September 30, 2012, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made

pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $60,000,000, to remain available until September 30, 2012: *Provided,* That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further,* That amounts paid to the Heavily Indebted Poor Countries (HIPC) Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Human rights.

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the central government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further,* That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further,* That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further,* That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

Consultation.

Notification.
Deadline.

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further,* That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

Sudan.
Burma.
Determination.
Notification.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,597,000,000, to remain available until September 30, 2011: *Provided*, That during fiscal year 2010, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further,* That of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided further*, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics purposes: *Provided further*, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further*, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that the Government of Bolivia is investigating, prosecuting, and punishing military and police personnel who have been credibly alleged to have violated internationally recognized human rights.

Notification.

Deadline.
Reports.

Notification.

Afghanistan.
Determination.
Reports.

Consultation.

Colombia.

Bolivia.
Determination.
Reports.
Human rights.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $754,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $75,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further,* That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, not more than $500,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2011.

Notification.

Determination.
Israel.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $331,500,000: *Provided,* That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, up to $102,000,000 may be made available for assistance for Somalia, of which up to $55,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: *Provided further*, That of the funds appropriated under this heading, not less than

$26,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further,* That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations. Notification.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $108,000,000, of which up to $4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided,* That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further,* That funds made available under this heading for assistance for Angola, Bangladesh, Cameroon, Central African Republic, Chad, Cote d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further,* That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances. Notification. Foreign countries. Notification.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,195,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That of the funds appropriated under this heading, not less than $2,220,000,000 shall be available for grants only for Israel, and not less than $1,040,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $583,860,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2010 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Notification. Israel. Deadline. Egypt. Deadline.

Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated under this heading, $150,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not more than $55,000,000 shall be available for assistance for Colombia, of which up to $12,500,000 is available to support maritime interdiction and riverine operations: *Provided further*, That of the funds appropriated under this heading, not less than $238,000,000 should be made available for assistance for Pakistan: *Provided further*, That in addition to the funds made available in the previous proviso, up to $60,000,000 of the funds appropriated under the heading "Economic Support Fund" in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, may be transferred to, and merged with, funds appropriated under this heading and made available for assistance for Pakistan, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

Notification.

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control

Notification.

Foreign countries.
Notification.

Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $54,464,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: *Provided further*, That not more than $550,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2010 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

Notification.

Notification.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $394,000,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $86,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,262,500,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contributions to the multilateral Clean Technology Fund, $300,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For contributions to the multilateral Strategic Climate Fund, $75,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $4,670,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $105,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $155,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $2,500,000, to remain available until September 30, 2011.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard

to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided,* That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further,* That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2010: *Provided further,* That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or end-use energy efficiency technologies.

Termination date.
12 USC 635 note.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2010, 2011, 2012, and 2013: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

Notification.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $83,880,000: *Provided,* That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further,* That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2010.

Termination date.
12 USC 635a note.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That amounts collected in fiscal year 2010 in excess of obligations shall become available on September 1, 2010 and shall remain available until September 30, 2013.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided,* That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $52,310,000: *Provided further,* That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2010, 2011, and 2012: *Provided further,* That funds so obligated in fiscal year 2010 remain available for disbursement through 2018; funds obligated in fiscal year 2011 remain available for disbursement through 2019; and funds obligated in fiscal year 2012 remain available for disbursement through 2020: *Provided further,* That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further,* That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the

credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $55,200,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such department or agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law. Contracts.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce,

Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

Consultation. Notification.

(c) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Kabul, Afghanistan, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided,* That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further,* That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives.

Applicability.

Consultation.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

President. Determination. Certification.

Notification.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided,* That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further,* That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2010, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

Notification.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Global Health and Child Survival", "Development Assistance", and "Economic Support Fund" shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

President. Deadline. Consultation. Policy justification.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided,* That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2010, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": *Provided,* That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided,* That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available

for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further,* That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

President. Determination. Consultation.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2010 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2011 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

Consultation.
Deadline.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

Regulations.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

Notification.

Determination.
Reports.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds. Deadlines.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings "Global Health and Child Survival", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Assistance for Europe, Eurasia and Central Asia", "Economic Support Fund", "Democracy Fund", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses", "Civilian Stabilization Initiative", "Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation", "Foreign Military Financing

Program", "International Military Education and Training", "Peace Corps", "Complex Crises Fund", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

President.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

Waiver authority.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

Deadline.

Explanation.

Foreign countries.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Mexico, Kazakhstan, Somalia, Sri Lanka, or Cambodia and countries listed in section 7045(c)(2) and (f)(2) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance

Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided,* That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further,* That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2011. Notification.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations. President. Certification.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the joint explanatory statement accompanying this Act:

"American Sections, International Commissions".

"Civilian Stabilization Initiative".
"Diplomatic and Consular Programs".
"Educational and Cultural Exchange Programs".
"International Boundary and Water Commission, United States and Mexico".
"International Fisheries Commissions".
"International Broadcasting Operations".
"Global Health and Child Survival".
"Democracy Fund".
"Economic Support Fund".
"Assistance for Europe, Eurasia and Central Asia".
"International Narcotics Control and Law Enforcement".
"Nonproliferation, Anti-terrorism, Demining and Related Programs".
"Foreign Military Financing Program".
"Peacekeeping Operations".
"International Organizations and Programs".

Notification.

(b) For the purposes of implementing this section and only with respect to the tables included in the joint explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

Applicability.

(c) The requirements contained in subsection (a) shall apply to the tables under the headings "Bilateral Economic Assistance" and "General Provisions" in the joint explanatory statement.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Global Health and Child Survival", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

President. Determination.

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military

Termination date.

Applicability.

equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests. Reports.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines— President. Determination.

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations. Waiver authority. Determination. Federal Register, publication. Deadline. Notification.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading "Trade and Development Agency", may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: "Economic Support Fund" and "Foreign Military Financing Program", "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Reports. Deadline.

Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

Reports.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

Notification.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

22 USC 262h note.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association,

the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.— 22 USC 2362 note.

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes

as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

Deadline. President.

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided,* That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further,* That nothing in this subsection shall be construed to alter any existing statutory

President. Notification.

Abortion. Sterilization.

prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2010, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided,* That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution

to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For purposes of this section "international financial institutions" are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

Notification.

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between

the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section. President.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: *Provided*, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation. Notification. President. Determination.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the

Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country: *Provided*, That the authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL AUTHORITIES

Notification.

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject

to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) WAIVER.—

President. Determination. Certification.

(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) AUTHORITY REPEALED.—Section 7034(d) of Public Law 111–8 is hereby repealed.

Ante, p. 877.

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other sub-national entity emerging from instability, as well as a nation emerging from instability.

(f) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "and 2009" and inserting "2009, and 2010"; and

(B) in subsection (e), by striking "2009" each place it appears and inserting "2010"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "2009" and inserting "2010".

(g) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, from this or any other Act, not less than $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(h) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Economic Support Fund", "Peacekeeping Operations", "International Disaster Assistance", and "Transition Initiatives" should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided,* That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further,* That for the purposes of this subsection the term

Consultation.

Definition.

"foreign terrorist organization" means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

Notification.

(i) MIDDLE EAST FOUNDATION.—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(j) CONTINGENCIES.—During fiscal year 2010, the President may use up to $50,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(k) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, "Economic Support Fund", not less than $5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508, as amended).

(l) INTERPARLIAMENTARY EXCHANGES.—Of the unobligated funds in the "Educational and Cultural Exchange Programs" appropriation account, $411,687 shall be transferred to the permanent appropriation for delegation expenses provided under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, as enacted into law by section 101(a) of Public Law 100–202 (22 USC 276e note), for the purpose of conducting Interparliamentary Exchanges and shall remain available until expended.

(m) DEMOCRACY PROMOTION.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term "promotion of democracy" means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

Contracts.
Grants.
Notification.

(3) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant or cooperative agreement) in excess of $1,000,000 of funds under the heading "Democracy Fund", and in excess of $2,500,000 under other headings in this Act for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

(4) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(5) Of the funds appropriated under title III of this Act that are made available for the promotion of democracy, not less than $30,000,000 shall be made available to expand access

to information and communications through the Internet, and shall be used for programs that provide unmonitored and uncensored access to the Internet for large numbers of users living in closed societies that have acutely hostile Internet environments.

(n) PERSONNEL.—The authority provided by section 1113 of Public Law 111–32 shall remain in effect through fiscal year 2010. Termination date.

(o) PARTNER VETTING.—None of the funds appropriated by this Act or any prior Act may be used by the Secretary of State or the Administrator of the United States Agency for International Development (USAID) to implement a Partner Vetting System (PVS): *Provided*, That notwithstanding the previous sentence, funds appropriated by this Act may be used to implement a PVS pilot program, including necessary rulemaking: *Provided further*, That any such PVS pilot program shall apply equally to the programs and activities of the Department of State and USAID: *Provided further*, That the Secretary of State and the USAID Administrator shall jointly consult with the Committees on Appropriations not later than 90 days after enactment of this Act and prior to the implementation of such a PVS pilot program, and such funds shall be subject to the regular notification procedures of the Committees on Appropriations. Applicability. Consultation. Deadline. Notification.

(p) SPENDING PLANS.—The Secretary of State shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds for assistance for Afghanistan, Pakistan, and Iraq, detailed spending plans for funds appropriated for such purposes. Deadline.

(q) TECHNICAL CORRECTIONS.—

(1)(A) Section 67 of the Bretton Woods Agreements Act, as added by section 1402 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), is amended by striking "resolution numbered 54–4" and inserting "resolution numbered 52–4". *Ante*, p. 1918.

(B) The amendment made by subparagraph (A) shall take effect as if included in the enactment of section 1402 of Public Law 111–32. Effective date. 22 USC 286ss note.

(2) Section 302(l) of the Foreign Assistance Act of 1961 is amended by striking "Vaccine Fund" and inserting "GAVI Alliance". 22 USC 2222.

(r) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)(3)) shall remain in effect through September 30, 2010. Termination date. 22 USC 4831 note.

(s) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall promptly and fully implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): *Provided*, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired): *Provided further*, That the Secretary should assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders: *Provided further*, That the Secretary should include all trafficking cases involving A–3 or G–5 visa Implementation.

holders in the Trafficking in Persons annual report where a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(t) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—Section 1342(c)(3) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) is amended by adding ", as amended" after "signed at The Hague, October 5, 1994".

18 USC 3181 note.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

Determination. Certification.

SEC. 7036. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated under titles III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist

within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

President. Determination.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act ("Limitation on Assistance to the Palestinian Authority").

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

Deadline.
Certification.
Procedures.

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

Terrorism.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

Procedures.
Determination.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

Reports.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations Acts, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2010 under the heading "Economic Support Fund", and such audit shall address— Audit. Investigation.

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations. Notification.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13. Deadline. Reports.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States. President. Certification.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. President.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll. Reports.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

President. Certification. Reports.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

Reports. Deadline.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(l)(A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

SAUDI ARABIA

SEC. 7041. None of the funds made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia: *Provided*, That the Secretary of State may waive this section if the Secretary determines that to do so is in the national interest of the United States.

Waiver authority. Determination.

NEAR EAST

SEC. 7042. (a) EGYPT.—

(1) Of the funds appropriated by titles III and IV of this Act, not less than $1,295,200,000 shall be made available for assistance for Egypt.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" for assistance for Egypt, up to $50,000,000 may be made available for an endowment to further the shared interests of the United States and Egypt, consistent with the purposes and requirements for which such funds are requested in the fiscal year 2010 congressional budget justification materials and appropriated under such heading: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations on the establishment of such an endowment, and any funds to be used for such an endowment shall be subject to the regular notification procedures of the Committees on Appropriations.

Consultation. Notification.

(b) IRAQ.—

(1) Of the funds appropriated by titles III and IV of this Act, up to $466,800,000 may be made available for assistance for Iraq.

(2) The terms and conditions of section 1106(a) and (b) of Public Law 111–32 shall apply to assistance for Iraq in fiscal year 2010. Applicability.

(3) None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq. Base rights.

(c) JORDAN.—Of the funds appropriated by titles III and IV of this Act, not less than $542,950,000 shall be made available for assistance for Jordan.

(d) LEBANON.—

(1) Of the funds appropriated by titles III and IV of this Act, not less than $238,300,000 shall be made available for assistance for Lebanon.

(2) Funds appropriated under the heading "Foreign Military Financing Program" in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701: *Provided*, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan. Spending plan.

(e) MIDDLE EAST PEACE.—Funds appropriated by this Act should be made available in a manner to further peace in the Middle East between Israelis and Palestinians.

(f) WEST BANK AND GAZA.—

(1) Of the funds appropriated by titles III and IV of this Act, $502,900,000 shall be made available for assistance for the West Bank and Gaza.

(2) The reporting requirements contained in section 1404 of Public Law 110–242 shall apply to funds made available by this Act, including a description of modifications, if any, to the security strategy of the Palestinian Authority. Applicability.

(3) The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32, House Report 111–151) under the heading "Migration and Refugee Assistance" in title XI shall apply to funds made available by this Act under such heading. Applicability.

IRAN SANCTIONS

SEC. 7043. (a) USE OF FUNDS.—It is the policy of the United States to seek to prevent Iran from achieving the capability to produce or otherwise manufacture nuclear weapons, including by supporting international diplomatic efforts to halt Iran's uranium enrichment program, and the President should fully implement and enforce the Iran Sanctions Act of 1996, as amended (Public

Law 104-172) as a means of encouraging foreign governments to require state-owned and private entities to cease all investment in, and support of, Iran's energy sector and all exports of refined petroleum products to Iran.

(b) LIMITATION.—

(1) None of the funds made available in title VI of this Act under the heading "Program Account" or "Subsidy Appropriation" may be used by the Export-Import Bank of the United States to authorize any new guarantee, insurance, or extension of credit for any project controlled by an energy producer or refiner that continues to:

(A) provide Iran with significant refined petroleum resources;

(B) materially contribute to Iran's capability to import refined petroleum resources; or

(C) allow Iran to maintain or expand, in any material respect, its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

Determination. Reports. Exemption.

(2) If the Secretary of State determines and reports to the Committees on Appropriations that a country is closely cooperating with efforts of the United States related to Iran, such as through the imposition of sanctions, the Secretary may exempt private entities from such country from the limitation under paragraph (1).

President. Waiver authority. Determination. Reports.

(3) The President may waive the limitation under paragraph (1) if the President determines and reports to the Committees on Appropriations that to do so is important to the national security interest of the United States.

(c) REPORTS.—

(1) The Secretary of State shall submit to the Committees on Appropriations, not later than 90 days after the date of enactment of this Act and the end of each 90-day period thereafter until September 30, 2010, a report on the status of the bilateral and multilateral efforts aimed at curtailing the pursuit by Iran of nuclear weapons technology.

Deadline. Reports.

(2) The Secretary of State, in consultation with the Secretary of the Treasury, shall submit to the Committees on Appropriations, not later than 180 days after the date of enactment of this Act, a report on the status of bilateral United States and multilateral sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran: *Provided*, That such report may be submitted in classified form if necessary and shall include the following:

(A) a list of all current United States bilateral and multilateral sanctions against Iran;

(B) a list of all United States and foreign entities that the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(C) a detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceding the date of enactment of this Act that have resulted in a determination that a sanctions violation has occurred, and actions taken by

the United States Government pursuant to the determination;

(D) any case in which sanctions were waived or otherwise not imposed against an entity which was determined to have engaged in activities for which sanctions should be imposed and the reason why action was not taken to sanction the entity; and

(E) a description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7044. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings "Diplomatic and Consular Programs", "International Narcotics Control and Law Enforcement", and "Andean Counterdrug Programs" may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

Applicability. Determination.

Notification.

(c) AIRCRAFT COORDINATION.—

(1) The uses of aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

Applicability.

(d) AIR FLEETS.—Not later than September 30, 2010, the Secretary of State, in consultation with the USAID Administrator, shall submit a report to the Committees on Appropriations detailing the total inventory of aircraft procured, leased, or contracted by the Department of State and USAID, the contractors operating such aircraft, and the annual costs of such contracts: *Provided*, That such report shall also include a best value analysis of the

Deadline. Reports.

tradeoffs between the purchase or lease of aircraft, including all aspects of the costs and risks associated with air operations such as repair, maintenance, air safety and daily operations.

WESTERN HEMISPHERE

SEC. 7045. (a) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading "Development Assistance" and not less than $10,000,000 under the heading "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) ASSISTANCE FOR HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than $295,530,000 shall be made available for assistance for Haiti.

Reports.

(3) None of the funds made available by this Act under the heading "International Narcotics Control and Law Enforcement" may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) CARIBBEAN BASIN SECURITY INITIATIVE.—Of the funds appropriated under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", and "Foreign Military Financing Program" in this Act, not less than $37,000,000 should be made available for assistance for the countries of the Caribbean Basin, to provide equipment and training to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, education, anti-corruption, rule of law activities, and maritime security, of which not less than $21,100,000 should be made available for social justice and education programs to include vocational training, workforce development and juvenile justice activities: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

Deadline.

(1) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of the Caribbean Basin by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(2) DEFINITION.—For the purposes of this subsection, the term "countries of the Caribbean Basin" means Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and

Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" not less than $4,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated by this Act under the heading "International Military Education and Training" (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony. Certification.

(3) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not more than $1,000,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General's office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony: *Provided further*, That funds made available in this Act for regional naval cooperation and maritime security assistance programs shall not be subject to the funding limitation of this subsection. Certification.

(e) ASSISTANCE FOR MEXICO.—

(1) ASSISTANCE.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Foreign Military Financing Program", and "Economic Support Fund" in this Act, not more than $210,250,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Mexico.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings "International Narcotics Control and Law Enforcement", "Economic Support Fund", and "Foreign Military Financing Program", up to $83,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: *Provided*, That funds appropriated under the heading "Economic Support Fund" shall be made available through the United States Agency for International Development for continued support of an Economic and Social Development Fund for Central America: *Provided further*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for countries of Central America to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for the countries of Central America.

(2) DEFINITION.—For the purposes of this subsection, the term "countries of Central America" means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

Deadline.
Reports.
Passport cards.

(h) PILOT PROJECT.—Not later than June 30, 2011, the Secretary of State, in consultation with the Secretary of Homeland Security, shall submit a report to the Committees on Appropriations on the feasibility of extending the use of passport cards as proof of identity and citizenship for the purposes of international travel by nationals of the United States, Canada, and Mexico to air ports of entry between the United States and Canada and between the United States and Mexico: *Provided*, That the report shall detail all relevant security, infrastructure, budget, policy, or diplomatic implications that may arise from extending such use of passport cards: *Provided further*, That the Secretary shall use up to $100,000 of the funds made available under the heading "Diplomatic and Consular Programs" in this Act for a pilot project to test the feasibility of such use of passport cards at selected air ports of entry between the United States and Canada.

COLOMBIA

SEC. 7046. (a) ASSISTANCE.—Of the funds appropriated under the headings "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "International Military Education and Training", and "Foreign Military Financing Program" in this Act, not more than $521,880,000 shall be made available for assistance for Colombia.

Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided,* That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading "International Narcotics Control and Law Enforcement" in this Act: *Provided further,* That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further,* That rotary and fixed wing aircraft supported with funds appropriated under the heading "International Narcotics Control and Law Enforcement" for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduria General de la Nacion, and the Defensoria del Pueblo: *Provided further,* That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: *Provided further,* That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad.

President. Helicopters.

Of the funds available under the heading "International Narcotics Control and Law Enforcement" for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with Environmental Protection Agency label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided,* That such funds may not be made available

Certification.

Certification.

unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is being paid in a timely manner for meritorious claims: *Provided further,* That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further,* That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further,* That funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

Certification.

(b) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Colombia.

(2) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

Ante, p. 888.

(A) Subsection (b)(1)(B) is amended by striking clause (iv) and inserting the following:

"(iv) That the Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.".

(B) Subsection (b)(2) is amended by striking "July 31, 2009" and inserting "July 31, 2010".

(C) Subsection (b)(3) is amended by striking "Andean Counterdrug Programs" and inserting "International Narcotics Control and Law Enforcement".

(D) Subsection (c) is amended by striking "September 30, 2009" and inserting "September 30, 2010".

(E) Subsection (d)(1) is amended—

(i) by striking "$16,769,000" and inserting "$18,606,000"; and

(ii) by striking "fiscal year 2009" and inserting "fiscal year 2010".

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

President. Determination.

Notification.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations activity when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations activity is a peacekeeping mission; (2) such activity will involve United States Armed Forces under the command or operational control of a foreign

national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by adding the following:

"(vi) For assessments made during calendar year 2010, 27.3 percent.".

UNITED NATIONS HUMAN RIGHTS COUNCIL

Reports.
Deadlines.

SEC. 7052. The Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until September 30, 2010, on the resolutions adopted in the United Nations Human Rights Council.

ATTENDANCE AT INTERNATIONAL CONFERENCES

Reports.

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided,* That for purposes of this section the term "international conference" shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

Definition.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

Certification.

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country

until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

Waiver authority. Effective date. Determinations.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

Deadline. Reports.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

Definitions.

(f) In this section:

(1) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

Time period.

(B) incurred during the period April 1, 1997, through September 30, 2009.

(3) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7057. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided,* That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7058. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

22 USC 3948 note.

SEC. 7059. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2011. Expiration date.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading "Operating Expenses".

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided,* That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia".

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available by this Act in title III for assistance under the heading "Global Health and Child Survival", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal

services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan program: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

Assignment.

(l) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: *Provided*, That the authority contained in this subsection shall expire on September 30, 2011.

Expiration date.

Notification.

(m) RECRUITMENT STRATEGY.—Funds made available under the heading "Operating Expenses" in title II of this Act may be made available to implement the strategy described in section 7059(1) of Public Law 111–8, subject to the regular notification procedures of the Committees on Appropriations.

(n) LOCALLY EMPLOYED STAFF.—Of the funds appropriated under title II of this Act, up to $1,000,000, in addition to funds otherwise made available for such purposes, may be made available for special compensation for overseas, locally employed staff.

(o) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Pursuant to the authority of section 309 of the Foreign Service Act of 1980, and notwithstanding the limitation set forth in section 305 of the Foreign Service Act of 1980, as amended, USAID may appoint into the Senior Foreign Service and employ up to 10 individuals to be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

HIV/AIDS.

SEC. 7060. Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading "Global Health and Child Survival" and the United States Leadership Against

HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $648,457,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

DEVELOPMENT GRANTS PROGRAM

SEC. 7061. Of the funds appropriated in title III of this Act, not less than $40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), to support grants of not more than $2,000,000 to small nongovernmental organizations: *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7065.

WOMEN IN DEVELOPMENT

SEC. 7062. (a) Programs funded under title III of this Act shall include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act shall be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy.

(c) Funds made available under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

GENDER-BASED VIOLENCE

SEC. 7063. (a) Funds appropriated under the headings "Development Assistance", "Economic Support Fund", and "International Narcotics Control and Law Enforcement" in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7064. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act, not less than $925,000,000 should be made available for assistance for basic education, of which not less than $365,000,000 shall be made available under the heading "Development Assistance".

(2) There shall continue to be a Coordinator of United States Government Actions to Provide Basic Education Assistance in developing countries as established in section 664 of division J of Public Law 110–161.

Continuation.
22 USC 2651a note.

(3) The United States Agency for International Development shall ensure that programs supported with funds appropriated for basic education in this Act and prior Acts are integrated, when appropriate, with health, agriculture, governance, and economic development activities to address the economic and social needs of the broader community.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $200,000,000 shall be made available for assistance for higher education, of which not less than $25,000,000 shall be made available for such assistance for Africa including not less than $15,000,000 to support partnerships between African and United States institutions of higher education.

RECONCILIATION PROGRAMS

SEC. 7065. Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", $26,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $10,000,000 shall be made available for such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

Consultation.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7066. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2008 and 2009, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: *Provided*, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7067. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

SENIOR POLICY OPERATING GROUP

SEC. 7068. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

PROHIBITION ON USE OF TORTURE

SEC. 7069. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

AFRICA

SEC. 7070. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading "International Military Education and Training" in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded international military education and training: *Provided*, That the limitation included in this paragraph shall not apply to courses that support training in maritime security for Angola and Cameroon.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(b) COUNTERTERRORISM PROGRAMS.—Funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", "International Narcotics Control and Law Enforcement", "Nonproliferation, Anti-terrorism, Demining, and Related Programs", and "Peacekeeping Operations" shall be made available as follows:

(1) Not less than $24,735,000 shall be made available for the East Africa Regional Strategic Initiative;

(2) Not less than $3,600,000 shall be made available for Africa Conflict Stabilization and Border Security;

(3) Not less than $81,315,000 shall be made available for Trans-Sahara Counterterrorism Partnership; and

(4) Not less than $10,000,000 shall be made available for a Horn of Africa and Pan Sahel Program, in addition to funds otherwise made available for such purposes, to be administered by the United States Agency for International Development.

(c) ETHIOPIA.—

(1) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" that are available for assistance for Ethiopia may be made available unless the Secretary of State—

Determination. Human rights.

(A) determines that the Government of Ethiopia is taking effective measures to guarantee the rights of its citizens to peaceful expression, association and assembly, and to document violations of internationally recognized human rights without harassment or criminal penalty, and

provides such determination in writing to the Committees on Appropriations; and

Reports.

(B) submits a report to such Committees on the types and amounts of United States training and equipment provided to the Ethiopian military including steps being taken to ensure that such assistance is not provided to Ethiopian military units or personnel with records of violations of internationally recognized human rights.

(2) The restriction in paragraph (1) shall not apply to assistance to support the deployment of members of the Ethiopian military in international peacekeeping operations.

(d) RWANDA.—

(1) None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Rwanda if the Secretary of State has credible evidence that the Government of Rwanda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo that have committed violations of internationally recognized human rights, including rape.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the importation of minerals into Rwanda by such groups, or to support the deployment of members of the Rwandan military in international peacekeeping operations.

(e) NATURAL RESOURCE TRANSPARENCY.—Funds appropriated by this Act that are available for assistance for Liberia, Sierra Leone, Nigeria, Côte d'Ivoire, and the countries participating in the Congo Basin Forest Partnership shall be made available to promote and support transparency and accountability in relation to the extraction of timber, oil and gas, cacao and other natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative and the Kimberley Process Certification Scheme.

(f) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

Determination. Certification.

(2) Subsection (f)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias;

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements; and

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the

human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) The provisions of subsection (f)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) For the purposes of this Act, the term "Government of Sudan" shall not include the Government of Southern Sudan. Definition.

(5) Notwithstanding any other provision of law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CFR 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and Determination.

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination. Deadline. Notification.

(g) SOUTHERN SUDAN.—The Secretary of State shall seek to obtain regular audits of the financial accounts of the Government of Southern Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the public disclosure of such audits in a timely manner: *Provided*, That in determining amounts and types of United States assistance to make available to the Government of Southern Sudan, the Secretary shall consider the extent to which such government is ensuring transparency and accountability of funds: *Provided further*, That the Secretary shall, as appropriate, assist the Government of Southern Sudan in conducting such audits, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of Southern Sudan to improve resource management and ensure transparency and accountability of funds. Audits. Public information. Reports. Deadline.

(h) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance Determination. Reports.

under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

Waiver authority. President.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

Reports.

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

22 USC 2151 note. Loans. Determination. Reports.

(i) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except for macroeconomic growth assistance, unless the Secretary of State makes the determination pursuant to paragraph (1).

ASIA

SEC. 7071. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,400,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

Loans. 50 USC 1701 note.

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international

financial institution in which the United States participates, to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $36,500,000 shall be made available for assistance for Burma: *Provided*, That such assistance shall be made available only to support democracy and humanitarian programs and activities in Burma, programs and activities along the Burma-Thailand border, programs and activities involving Burmese student groups and other organizations located outside Burma, and humanitarian assistance for displaced Burmese along Burma's borders: *Provided further*, That such funds may be made available notwithstanding any other provision of law: *Provided further*, That in addition to assistance for Burmese refugees provided under the heading "Migration and Refugee Assistance" in this Act, not less than $4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma. Thailand.

(3) Funds made available under paragraph (2) for any new program, project or activity shall be subject to prior consultation with the Committees on Appropriations and all such funds made available under paragraph (2) shall be subject to the regular notification procedures of such Committees: *Provided*, That when implementing activities with funds appropriated by this Act for assistance for Burma, the implementing agency shall only support activities that are consistent with the principles and goals of the National League for Democracy in Burma. Notification.

(c) CAMBODIA.—Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking credible steps to address allegations of corruption and mismanagement within the tribunal. Certification.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not to exceed $20,000,000 shall be made available for assistance for Indonesia, of which $2,000,000 is withheld from obligation until the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed under such heading in the joint explanatory statement accompanying this Act. Reports.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Indonesia, not less than $400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) NEPAL.—

(1) Funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Nepal if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is— Certification.

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of internationally recognized human rights; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance to support the deployment of members of the Nepal Army in humanitarian relief and reconstruction operations in Nepal.

(f) NORTH KOREA.—

Refugees.

(1) Funds appropriated under the heading "Migration and Refugee Assistance" in this Act shall be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading "International Broadcasting Operations" in title I of this Act, up to $8,000,000 should be made available for broadcasts into North Korea.

(3) Of the funds appropriated by this Act under the heading "Economic Support Fund", $3,500,000 shall be made available for democracy, human rights, and governance programs for North Korea.

Energy.

(4) None of the funds made available by this Act under the heading "Economic Support Fund" may be made available for energy-related assistance for North Korea.

Notification.

(5) Funds made available by this Act under the heading "Economic Support Fund" for assistance for countries in the North Asia region may be made available for programs and activities pursuant to section 4 of Public Law 108–333, as amended, and subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That for the purposes of this subsection, such programs and activities shall be considered democracy promotion.

Deadline.
Reports.
Determination.

(6) Not later than 45 days after enactment of this Act, the Secretary of State shall report to the Committees on Appropriations the amount the Secretary determines the Government of North Korea owes the Government of the United States for the unsupervised distribution of food assistance provided by the United States: *Provided*, That the Secretary of State should reduce any assistance made available to the Government of North Korea by such amount, unless the Secretary reports to the Committees on Appropriations that the Government of North Korea provided such food assistance to eligible recipients as intended, or that North Korea has reimbursed the Government of the United States for the costs of such food assistance: *Provided further*, That the previous proviso shall not apply to programs and activities that promote human rights, democracy, rule of law, and to humanitarian assistance.

Reports.

(g) PEOPLE'S REPUBLIC OF CHINA.—

Export and imports.
Deadline.
Notification.

(1) None of the funds appropriated under the heading "Diplomatic and Consular Programs" in this Act may be obligated or expended for processing licenses for the export of satellites

of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

Applicability. People's Liberation Army.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

Notification.

(3) Notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, of the funds appropriated by this Act under the heading "Development Assistance", not less than $12,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, governance, and the rule of law.

Reports.

(h) PHILIPPINES.—Of the funds appropriated by this Act under the heading "Foreign Military Financing Program", not to exceed $32,000,000 may be made available for assistance for the Philippines, of which $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines detailed under such heading in the joint explanatory statement accompanying this Act.

(i) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $1,000,000, in addition to funds otherwise made available for such purposes, shall be made available for democracy programs and activities in Timor-Leste, and not less than $2,000,000 shall be made available for higher education scholarships.

Dioxin.

(j) VIETNAM.—Funds appropriated by this Act that are made available for assistance for Vietnam for remediation of dioxin contaminated sites and related health activities may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

SERBIA

SEC. 7072. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2010, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2010, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

Determination. Certification.

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

Ratko Mladic.

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators,

the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7073. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

President. Determination.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

(c)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

President. Determination. Certification.

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7074. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation: Time period. Certification.

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party;

(2) is honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(3) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(4) is immediately releasing political leaders, activists and journalists who remain in detention.

(b) The Secretary of State may waive the requirements of subsection (a) if the Secretary determines that to do so is important to the national interests of the United States. Waiver authority. Determination.

CENTRAL ASIA

SEC. 7075. The terms and conditions of sections 7075(a) and (b) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act: *Provided*, That for purposes of the application of section 7076(e) to this Act, the term "assistance" shall not include expanded international military education and training. Applicability. Definition.

AFGHANISTAN

SEC. 7076. (a) IN GENERAL.—Funds appropriated by this Act that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation and leadership of Afghan women and directly improves the security,

economic and social well-being, and political status of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

Applicability.

(1) The terms and conditions of section 1102(b)(1) of Public Law 111–32 shall apply to assistance for Afghanistan in fiscal year 2010.

(2) Of the funds appropriated by this Act under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than $175,000,000 shall be made available to support programs that directly address the needs and protect the rights of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations.

Applicability.

(c) PROCUREMENT OF AFGHAN PRODUCTS AND SERVICES.—The terms and conditions of section 1102(c) of Public Law 111–32 shall apply to assistance for Afghanistan in fiscal year 2010.

Applicability.

(d) ANTICORRUPTION.—

(1) The terms and conditions of section 1102(d) of Public Law 111–32 shall apply to assistance for Afghanistan in fiscal year 2010.

Certification.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for the Government of Afghanistan, $200,000,000 may not be obligated for such assistance unless the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan is cooperating fully with United States efforts against the Taliban and Al Qaeda and to reduce poppy cultivation and illicit drug trafficking: *Provided*, That the Secretary of State may waive the previous sentence if the Secretary reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States.

Waiver authority.
Reports.

(e) RECONSTRUCTION AND DEVELOPMENT ASSISTANCE.—

(1) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than $175,000,000 shall be made available for the National Solidarity Program.

(2) The Secretary of State, in consultation with the Administrator of the United States Agency for International Development and the Secretary of Defense, should enhance United States reconstruction efforts in Afghanistan by—

(A) emphasizing capacity building and support of Afghan entities and institutions at the provincial and sub-provincial levels; and

(B) requiring civilian Provincial Reconstruction Team (PRT) leaders to consult regularly with appropriate local Afghan leaders in their respective provinces and ensuring that PRT reconstruction and development activities support local needs in a sustainable manner and strengthen the authority and control of the Government of Afghanistan at the provincial and sub-provincial levels.

(f) RULE OF LAW PROGRAMS.—The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs and activities in Afghanistan.

(g) BASE RIGHTS.—None of the funds made available by this Act may be used by the United States Government to enter into

a permanent basing rights agreement between the United States and Afghanistan.

ENTERPRISE FUNDS

SEC. 7077. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund. President. Notifications. Distribution plan.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7078. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2010, $55,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the "Global Health and Child Survival" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations. Notification.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions. Abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

OPIC

(INCLUDING TRANSFER OF FUNDS)

President. Determination.

SEC. 7079. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided,* That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further,* That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further,* That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

Notification.

Deadline. Guidelines. Requirements. 22 USC 2191b.

(b) The President of the Overseas Private Investment Corporation is hereby authorized and directed to issue, not later than 9 months after the date of enactment of this Act, a comprehensive set of environmental, transparency and internationally recognized worker rights and human rights guidelines with requirements binding on the Corporation and its investors that shall be consistently applied to all projects, funds and sub-projects supported by the Corporation: *Provided*, That these regulations shall be no less rigorous than the environmental and social guidelines that the Corporation has made publicly available as of June 3, 2009, and the environmental and social policies of the World Bank Group, and hereafter may be issued and further revised only following public notice and opportunity for comment: *Provided further*, That the Overseas Private Investment Corporation shall issue a report, not later than 180 days after enactment of this Act, highlighting its substantial commitment to invest in renewable and other clean energy technologies and plans to significantly reduce greenhouse gas emissions from its portfolio: *Provided further*, That such commitment shall include implementing a revised climate change mitigation plan to reduce greenhouse gas emissions associated with projects and sub-projects in the agency's portfolio as of June 30, 2008 by at least 30 percent over a 10-year period and by at least 50 percent over a 15-year period.

Notice. Public comment.

Reports.

Termination date. 22 USC 2194 note.

(c) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2010.

EXTRADITION

SEC. 7080. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Emergency Migration and Refugee Assistance", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty. Applicability.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States. Waiver authority. Certification.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7081. (a) IN GENERAL.—Of the funds appropriated by this Act, up to $1,257,200,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation;

(3) protect forests and other critical landscapes; and

(4) protect biodiversity.

(b) CLEAN ENERGY PROGRAMS.—Funds appropriated by this Act under the headings "Development Assistance", "Economic Support Fund", and "Assistance for Europe, Eurasia and Central Asia" for clean energy programs and activities, may be made available only to promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting: *Provided*, That of the funds made available for the United States Agency for International Development (USAID) for clean energy programs, not less than $10,000,000 shall be made available for microfinance renewable energy programs, including solar energy programs.

(c) ADAPTATION PROGRAMS.—Funds appropriated by this Act shall be made available for United States contributions to the Least Developed Countries Fund and the Special Climate Change Fund to support adaptation programs and activities, if the Global Environment Facility makes publicly available on its website the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved. Public information. Web posting.

(d) BIODIVERSITY.—Of the funds appropriated by title III of this Act, not less than $205,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than $25,000,000 shall be made available for USAID's conservation programs in the Amazon Basin: *Provided*, That of the funds made available under this paragraph, not less than $20,500,000 shall be made available for the Congo Basin Forest Partnership only for programs which directly promote the conservation and sustainable management of natural resources in landscapes in the Congo Basin area, with a priority on protected area and landscape resource management to enable local communities to conserve the natural resource base, including programs to substantially reduce the impacts of industrial-scale resource extraction on local communities and the natural resource base: *Provided further*, That none of the funds appropriated by this Act may be

made available, directly or indirectly, to support industrial-scale logging or other industrial-scale resource extraction or sector reform that would promote these activities: *Provided further*, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law and subject to the regular notification procedures of the Committees on Appropriations, for the purpose of supporting tropical forestry and biodiversity conservation activities, clean energy and climate change programs aimed at reducing greenhouse gas emissions, and programs to mitigate mercury pollution: *Provided further*, That funds appropriated under the heading "Development Assistance" may be made available as a contribution to the Galapagos Invasive Species Fund.

Notification.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That prior to the obligation of funds for a contribution to the Forest Carbon Partnership Facility, the Secretary of State and the Secretary of the Treasury, as appropriate, shall determine and report to the Committees on Appropriations that there have been thorough consultations by the World Bank with interested civil society and indigenous organizations.

Determination. Reports.

(f) EXTRACTION OF NATURAL RESOURCES.—

Public information.

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for:

(A) accurately accounting for payments for companies involved in the extraction and export of natural resources;

(B) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and

(C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

Deadline. Reports.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

22 USC 7909.

(g) AUTHORIZATION FOR THE CLEAN TECHNOLOGY FUND.—

(1) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010, up to $300,000,000 is authorized to be

appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) The Fund does not provide more than 15 percent of Fund resources to any one country;

(B) Prior to the obligation of funds, recipient countries submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) The investment plan for a recipient country, whose borrowing status is classified by the World Bank as "International Development Association (IDA) blend", shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as "International Bank for Reconstruction and Development (IBRD) Only" status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) Assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) REPORTING REQUIREMENT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Appropriations in the House and Senate, the Senate Foreign Relations Committee and the House Financial Services Committee, a report describing—

(A) the operations and governance of the Fund, and the purpose and progress of each project supported by the Fund, including the extent to which assistance made available by the Fund has reduced or will reduce greenhouse gas emissions in recipient countries; and

(B) how each project furthers the Fund's investment plan of the country or countries in which the project is implemented.

(4) DEFINITIONS.—For purposes of this subsection—

(A) NET REDUCTIONS.—The term "net reductions" refers to the extent to which a project or program supported under this subsection results in lower greenhouse gas emissions than would be emitted by the same entity or sector in the same country in the absence of the Fund's project, taking into account, unless impracticable, effects beyond the physical boundaries of the project or program that result from project or program activities.

(B) PUBLIC SECTOR ACTIVITIES.—The term "public sector activities" may include sovereign loans assumed by the recipient country to contribute to the financing of the investment plan.

(C) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means a technology that, as compared with technologies being deployed at that time for widespread commercial use in the country involved—

(i) achieves substantial reductions in greenhouse gas emissions;

(ii) does not result in significant incremental adverse effects on public health or the environment; and

(iii) does one or more of the following:

(I) generates electricity or useful thermal energy from a renewable resource;

(II) substantially increases the energy efficiency of buildings, industrial, or agricultural processes, or of electricity transmission, distribution, or end-use consumption; or

(III) substantially increases the energy efficiency of the transportation system or increases utilization of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7082. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

Notification. President. Determination.

SEC. 7083. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

ANTI-KLEPTOCRACY

Records. 8 USC 1182 note.

SEC. 7084. (a) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(b) Any individual on the list compiled under subsection (a) shall be ineligible for admission to the United States.

(c) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

Waiver authority.
Determination.

(d) Not later than 90 days after enactment of this Act and 180 days thereafter, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations describing the evidence of corruption concerning each of the individuals listed pursuant to subsection (a).

Deadlines.
Reports.
Classified information.

INTERNATIONAL PRISON CONDITIONS

SEC. 7085. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's website, describing the conditions in prisons and other detention facilities in countries receiving United States assistance where the Assistant Secretary of State for Democracy, Human Rights and Labor has determined, based on the Department of State's most recent Human Rights Report and any other relevant information, arbitrary detention and/or cruel, inhumane or degrading treatment of prisoners or detainees, or inhumane prison conditions, is common, and identifying those countries, if any, whose governments the Assistant Secretary determines are making significant efforts to eliminate inhumane conditions and those countries whose governments the Assistant Secretary determines are not making such efforts.

Deadline.
Reports.
Public information.
Web posting.
Determination.

(b) For purposes of each determination made pursuant to subsection (a), the Assistant Secretary shall consider whether:

(1) the number of prisoners or detainees does not so exceed prison capacity such that per capita floor space is sufficient to allow for humane sleeping conditions and reasonable physical movement;

(2) human waste facilities are available and are located separately from the prison population at large, and human waste is disposed of regularly and in a sanitary manner;

(3) the lighting, ventilation, temperature and physical construction of prisons and other detention facilities do not seriously endanger health and safety;

(4) prisoners and detainees have access to adequate food and potable drinking water;

(5) prisoners and detainees have access to basic and emergency medical care;

(6) to the maximum extent practicable, prisoners and detainees are allowed reasonable contact with visitors and permitted religious observance;

(7) the government permits prisoners and detainees to submit complaints to judicial authorities without censorship, investigates credible allegations of inhumane conditions, and documents the results of such investigations in a manner that is publicly accessible;

(8) the government is investigating and monitoring the conditions of prisons and other detention facilities under its

authority, including cooperation with international experts on eliminating inhumane conditions, and such information is available to the Secretary of State;

(9) the government is appointing ombudsmen to serve on behalf of prisoners and detainees, considering alternatives to incarceration for nonviolent offenders to alleviate inhumane overcrowding, making efforts to address the status and circumstances of confinement of juvenile offenders, making efforts to improve pre-trial detention, bail and recordkeeping procedures to reduce pre-trial detention periods and to ensure that prisoners do not serve beyond the maximum sentence for the charged offense; and

(10) the government is increasing the amount of government resources to eliminate inhumane conditions.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to help eliminate inhumane conditions in prisons and other detention facilities administered by foreign governments that the Assistant Secretary of State determines are making significant efforts to eliminate such conditions.

Designation.

(d) The Secretary of State shall designate a Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights and Labor to have primary responsibility for diplomatic efforts related to international prison conditions.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 7086. (a) UNITED NATIONS.—Funds appropriated by this Act shall be available to continue to support efforts to promote transparency and accountability at the United Nations, including access to audits and program information, as appropriate: *Provided,* That the Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading "International Organizations and Programs" for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not adequately implementing reforms to increase transparency and accountability.

(b) INTERNATIONAL MONETARY FUND.—

Deadline.

(1) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to promote standard public disclosure of documents of the Fund presented to the Executive Board of the Fund and summaries of the minutes of meetings of the Board, as recommended by the Independent Evaluation Office of the Fund, not later than 2 years after the date of the meeting at which the document was presented or the minutes were taken (as the case may be), unless the Executive Board—

Determination.

(A) determines that it is appropriate to delay disclosure; and

Web posting.

(B) posts the reason for the delay on the website of the Fund.

(2) TRANSPARENCY AND ACCOUNTABILITY OF LOANS, AGREEMENTS, AND OTHER PROGRAMS OF THE INTERNATIONAL MONETARY

FUND.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote—

(A) transparency and accountability in the policy-making and budgetary procedures of governments of members of the Fund;

(B) the participation of citizens and nongovernmental organizations in the economic policy choices of those governments; and

(C) the adoption by those governments of loans, agreements, or other programs of the Fund through a parliamentary process or another participatory and transparent process, as appropriate.

(3) EFFORTS TO REDUCE THE WORST FORMS OF CHILD LABOR.—

(A) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to promote policies and practices to reduce the worst forms of child labor (as defined in section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6))) through education and other means, such as promoting the need for members of the Fund to develop and implement national action plans to combat the worst forms of child labor.

(B) Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Financial Services of the House of Representatives a report describing efforts of the Fund to reduce the worst forms of child labor. Deadline. Reports.

(c) NATIONAL BUDGET TRANSPARENCY.—

(1) None of the funds appropriated under titles III and IV of this Act may be made available for assistance for the central government of any country that fails to publicly disclose on an annual basis its national budget, to include income and expenditures. Public information. Deadline.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States. Waiver authority. Reports.

(3) Of the funds appropriated by this Act under the heading "Economic Support Fund", up to $1,500,000 may be made available for programs and activities to assist the central government of any country named in the reports required by paragraph (2) to improve national budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) ASIAN DEVELOPMENT BANK.—Ten percent of the funds appropriated by this Act under the heading "Contribution to the Asian Development Fund" shall be withheld from obligation until the Secretary of the Treasury reports to the Committees on Appropriations that the Asian Developement Bank (the Bank) is taking steps to— Reports.

(1) implement an independent review, to include external specialists, of the operations and internal controls of the Office of Information Systems and Technology and any other offices considered vulnerable to fraud and corruption;

(2) strengthen internal controls to improve accountability by management and prevent cases of fraud and corruption; and

(3) ensure that restitution, including criminal prosecution if appropriate, is sought if the Bank experiences losses from fraud and corruption.

DISABILITY PROGRAMS

SEC. 7087. (a) Of the funds appropriated by this Act under the heading "Economic Support Fund", not less than $5,000,000 shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, and for programs to disseminate information (including best practices and strategies) on independent living, advocacy, education, and transportation to people with disabilities and disability advocacy organizations in developing countries, including for the cost of translation.

(b) Funds appropriated under the heading "Operating Expenses" in title II of this Act shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where appropriate, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

ORPHANS, DISPLACED, AND ABANDONED CHILDREN

SEC. 7088. Of the funds appropriated under title III of this Act, $3,000,000 should be made available for activities to improve the capacity of foreign government agencies and nongovernmental organizations to prevent child abandonment, address the needs of orphans, displaced and abandoned children and provide permanent homes through family reunification, guardianship and adoptions, consistent with the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption.

SRI LANKA

Notification.

SEC. 7089. (a) IN GENERAL.—Funds appropriated in title III of this Act that are available for assistance for Sri Lanka shall be made available for programs that promote reconciliation between ethnic Sinhalese and Tamil populations, support post-conflict reconstruction, and advance the participation of Tamils and other minorities in the political and economic life of the country, and shall be subject to the regular notification procedures of the Committees on Appropriations.

Certification.

(b) RESTRICTION ON MILITARY ASSISTANCE.—None of the funds appropriated by this Act under the heading "Foreign Military Financing Program" may be made available for assistance for Sri

Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, until the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka—

(1) is suspending and bringing to justice members of the military who have been credibly alleged to have violated internationally recognized human rights or international humanitarian law; and

(2) is respecting internationally recognized human rights, including the right of due process and freedoms of the press, association and assembly;

(3) is treating internally displaced persons in accordance with international standards, including by guaranteeing their freedom of movement, providing access to conflict-affected areas and populations by humanitarian organizations and journalists, and accounting for persons detained in the conflict; and

(4) is implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(c) EXCEPTION.—Subsection (b) shall not apply to assistance for humanitarian demining.

(d) USE OF FUNDS.—If the Secretary makes the certification required in subsection (b), funds appropriated under the heading "Foreign Military Financing Program" that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(e) RESTRICTION ON MULTILATERAL ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in subsection (b)(3). Certification.

INTERNATIONAL MONETARY FUND PROVISIONS

SEC. 7090. (a) OPPOSITION TO HARD CURRENCY FOR SDRS RECEIVED BY TERRORIST COUNTRIES.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose the provision by the Fund of United States dollars, euros, or Japanese yen to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism, in exchange for any Special Drawing Rights received by the country pursuant to the amendments to the Articles of Agreement of the Fund as described in section 64 of the Bretton Woods Agreements Act. Determination.

(b) CONDITIONAL SUNSET ON AUTHORITY TO MAKE LOANS TO FUND THE NEW ARRANGEMENTS TO BORROW.—Section 17(a) of the Bretton Woods Agreements Act (22 U.S.C. 286e–2(a)) is amended by adding at the end the following:

Expiration date. Deadlines. Certification.

"(3) The authority to make loans under this section shall expire on the date that is 5 years after the date of the enactment of this paragraph unless the Secretary of the Treasury, not later than 60 days before such expiration date or 60 days prior to the renewal of the decision governing the New Arrangements to Borrow (NAB), whichever occurs first, certifies to the appropriate congressional committees, that—

"(A) no amendments made, or anticipated to be made, to the NAB to achieve an expanded and more flexible NAB, as described in paragraph 17 of the G20 Leaders' Statement at the 2009 London Summit, will impair the ability of the Secretary of the Treasury to consider a renewal of the NAB decision at intervals no greater than 5 years and to withdraw the adherence of the United States to the NAB decision as is currently provided under paragraph 19 of the New Arrangement to Borrow, adopted by the Executive Board of the International Monetary Fund (IMF) on January 27, 1997; and

"(B)(i) the IMF will borrow resources from members under the NAB only when quota resources need to be supplemented in order to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system;

"(ii) the IMF has, prior to any activation of the NAB, fully explored other means of funding to supplement any potential shortfall in quota resources necessary to forestall or cope with an impairment of the international monetary system or to deal with an exceptional situation that poses a threat to the stability of that system; or

"(iii) it is in the United States' strategic economic interest to maintain the relative size or lower of the United States contribution to the NAB as in effect on the date of the certification.

Deadline. Certification. Consultation.

"(4) Not later than 15 days before submitting the certification under paragraph (3), the Secretary of the Treasury shall consult with the appropriate congressional committees regarding such certification.".

(c) LIMITATION ON PERCENTAGE OF NEW ARRANGEMENTS TO BORROW TO BE FUNDED BY THE UNITED STATES.—Section 17(a)(2) of the Bretton Woods Agreements Act (22 U.S.C. 286e–2(a)(2)) is amended by striking "is representative of its share as of the date of the enactment of this Act" and inserting "remains not greater than 20 percent, which approximates the United States share as of the date of the enactment of the Supplemental Appropriations Act, 2009 Public Law 111–32".

(d) REPORTING REQUIREMENTS.—Not later than 60 days after the enactment of this Act and annually thereafter until September 30, 2014, the Secretary of the Treasury, in consultation with other appropriate Federal agencies, shall submit to the Committees on Appropriations a report on the loans made and programs carried out using financing provided by or through the New Arrangements

to Borrow: *Provided*, That each such report shall include the following:

(1) A description of the economies of countries requiring the assistance from the New Arrangements to Borrow, including the monetary, fiscal, and exchange rate policies of the countries.

(2) A description of the degree to which the countries requiring the assistance have implemented domestic reforms including—

(A) the enactment and implementation of appropriate financial reform legislation;

(B) strengthening the domestic financial system and improving transparency and supervision;

(C) opening domestic capital markets; and

(D) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(3) A detailed summary of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

(4) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund pursuant to the New Arrangements to Borrow.

INTELLECTUAL PROPERTY RIGHTS PROTECTIONS

SEC. 7091. Not later than 60 days after enactment of this Act and every 120 days thereafter until September 30, 2010, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by the Secretary during negotiations on the United Nations Framework Convention on Climate Change, and subsequent international climate change negotiations, to promote compliance with and enforcement of existing international legal requirements concerning intellectual property rights and effective intellectual property rights protection and enforcement for energy and environmental technologies.

Deadlines.
Reports.

PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 7092. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF CERTAIN LAWS

SEC. 7093. None of the funds made available in this Act or prior Acts may be used in contravention of any provision of, or amendment made by, this Act or sections 1110, 1112, 1403, or 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111–32), unless such authority is expressly provided in statute: *Provided*, That if a determination is made on constitutional grounds by the Executive Branch that any provision of law covered by the preceding sentence shall not apply, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

Determination.
Notification.
Deadline.

This division may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010"

Approved December 16, 2009.

LEGISLATIVE HISTORY—H.R. 3288:

HOUSE REPORTS: Nos. 111–218 (Comm. on Appropriations) and 111–366 (Comm. of Conference).
SENATE REPORTS: No. 111–69 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 155 (2009):
July 23, considered and passed House.
Sept. 10, 11, 14–17, considered and passed Senate, amended.
Dec. 10, House agreed to conference report. Senate considered conference report.
Dec. 11–13, Senate considered and agreed to conference report.

Public Law 111–118
111th Congress

An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes.

Dec. 19, 2009
[H.R. 3326]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Department of Defense Appropriations Act, 2010.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Defense Appropriations Act, 2010".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS

Title I—Military Personnel
Title II—Operation and Maintenance
Title III—Procurement
Title IV—Research, Development, Test and Evaluation
Title V—Revolving and Management Funds
Title VI—Other Department of Defense Programs
Title VII—Related Agencies
Title VIII—General Provisions
Title IX—Overseas Contingency Operations

DIVISION B—OTHER MATTERS

SEC. 3. REFERENCES.

1 USC 1 note.

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

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS

Department of Defense Appropriations Act, 2010.

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $41,005,612,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,289,049,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $12,799,990,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,174,136,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,304,713,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,909,301,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $613,500,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,589,412,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard

while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,546,905,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,938,229,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $30,934,550,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,657,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $34,714,396,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,539,117,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law;

and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $33,477,116,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $28,115,793,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $29,732,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $6,667,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,617,496,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and

administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,273,701,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $223,175,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $3,131,200,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,189,713,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,882,251,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, $13,932,000, of which not to exceed $5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $423,364,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act. Determination.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $285,869,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act. Determinations.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $494,276,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made Determinations.

available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

Determination.

For the Department of Defense, $11,100,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

Determinations.

For the Department of the Army, $292,700,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557,

and 2561 of title 10, United States Code), $109,869,000, to remain available until September 30, 2011.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $424,093,000, to remain available until September 30, 2012: *Provided*, That of the amounts provided under this heading, not less than $15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,093,822,000, to remain available for obligation until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and

procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,251,053,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,335,807,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,056,115,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of eight vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,582,660,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $18,643,221,000, to remain available for obligation until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,357,572,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $800,651,000, to remain available for obligation until September 30, 2012.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program, $739,269,000;

Carrier Replacement Program (AP), $484,432,000;

NSSN, $1,964,317,000;

NSSN (AP), $1,959,725,000;
CVN Refueling, $1,563,602,000;
CVN Refuelings (AP), $211,820,000;
DDG–1000 Program, $1,382,797,000;
DDG–51 Destroyer, $1,912,267,000;
DDG–51 Destroyer (AP), $578,996,000;
Littoral Combat Ship, $1,080,000,000;
LPD–17, $872,392,000;
LPD–17 (AP), $184,555,000;
LHA–R (AP), $170,000,000;
Intratheater Connector, $177,956,000;
LCAC Service Life Extension Program, $63,857,000;
Prior year shipbuilding costs, $144,950,000;
Service Craft, $3,694,000; and
For outfitting, post delivery, conversions, and first destination transportation, $386,903,000.

In all: $13,881,532,000, to remain available for obligation until September 30, 2014: *Provided*, That additional obligations may be incurred after September 30, 2014, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,441,234,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title,

$1,521,505,000, to remain available for obligation until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $13,295,474,000, to remain available for obligation until September 30, 2012; *Provided*, That none of the funds provided in this Act for modification of C–17 aircraft may be obligated until all C–17 contracts funded with prior year "Aircraft Procurement, Air Force" appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule. Certification.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,995,544,000, to remain available for obligation until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $801,550,000, to remain available for obligation until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,138,239,000, to remain available for obligation until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,050,537,000, to remain available for obligation until September 30, 2012.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $150,746,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $11,474,180,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment,

$20,003,463,000, to remain available for obligation until September 30, 2011: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $28,121,985,000, to remain available for obligation until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,747,081,000, to remain available for obligation until September 30, 2011, of which $2,500,000 shall be available only for the Missile Defense Agency to construct a replacement Patriot launcher pad for the Japanese Ministry of Defense.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $190,770,000, to remain available for obligation until September 30, 2011.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,455,004,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,672,758,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major

Contracts.

components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

Contracts.

Waiver authority.
Certification.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $29,243,428,000; of which $27,596,689,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2011, and of which up to $15,093,539,000 may be available for contracts entered into under the TRICARE program; of which $366,692,000, to remain available for obligation until September 30, 2012, shall be for procurement; and of which $1,280,047,000, to remain available for obligation until September 30, 2011, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,560,760,000, of which $1,146,802,000 shall be for operation and maintenance, of which no less than $84,839,000, shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of $34,905,000 for activities on military installations and $49,934,000, to remain available until September 30, 2011, to assist State and local governments; $12,689,000 shall be for procurement, to remain available until September 30, 2012, of which no less than $12,689,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and $401,269,000, to remain

available until September 30, 2011, shall be for research, development, test and evaluation, of which $398,669,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,158,226,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

Determination.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $121,550,000 for Staff and Infrastructure: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to

Deadline.
Management plan.

Reports.
Deadlines.

Deadline.
Notification.

making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $288,100,000, of which $287,100,000 shall be for operation and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 2012, shall be for procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $290,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account, $707,912,000.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

Pay rates. Foreign nationals.

Turkey.

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

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2010: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section: *Provided further*, That no obligation of funds may be made pursuant to section 1206 of Public Law 109–163 (or any successor provision) unless the Secretary of Defense has notified the congressional defense committees prior to any such obligation.

Notification.

Reprogramming request.

Deadline.

Notification.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations

Applicability.

for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

Deadline.
Reports.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

Certification.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

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

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*,

Notification.

That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense

Notification.

has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Notification.
Deadline.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

Contracts.
Notifications.
Deadlines.
10 USC 2306b note.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one

year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

Reports.

(1) the Secretary of Defense has submitted to Congress a report within 30 days of enactment of this Act that certifies full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are identified in that report for production beyond advance procurement activities in the fiscal year 2010 budget, full funding of procurement of such unit in that fiscal year;

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

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

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

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

F–18 aircraft variants.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized

Reports.

Humanitarian assistance.
Territories.

by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2010, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

Budget request.
Effective date.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2011.

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

Lobbying.

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

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

Applicability.

Contracts.
Outsourcing.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

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

Determination.

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

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

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

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

Vessels.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments

and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

Waiver authority. Certification.

Arms and munitions. Certification.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

Waiver authority. Certification.

Contracts.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and

Applicability.

controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

Study.

SEC. 8023. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds the period permitted by section 322 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

Kuwait.

SEC. 8024. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8025. (a) Of the funds made available in this Act, not less than $33,756,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $26,433,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $6,426,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) $897,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

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

SEC. 8026. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2010 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants,

for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2010, not more than 5,600 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,100 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

Reports.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2011 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $125,200,000.

Contracts.

SEC. 8027. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

Applicability.

Waiver authority.
Certification.

Definition.
10 USC 101 note.

SEC. 8028. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8029. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

Certification.

SEC. 8030. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country. Determination. Contracts. Rescission. 41 USC 10b–2 note.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country. Memorandum.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2010. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party. Reports.

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

SEC. 8031. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act. Housing. Native Americans. State listing.

SEC. 8032. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, and Minnesota. Land conveyance.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8033. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8034. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

Budget request.

(b) The fiscal year 2011 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2011 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2011 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8035. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2011: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2011.

50 USC 403u note.

SEC. 8036. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8037. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8038. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American

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

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense. Determination. Labeling. Fraud. Debarment.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8039. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines— Contracts. Determination.

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense. Determination.

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

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department. Waiver authority. Determination. Certification.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

Grants.

SEC. 8041. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8042. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Research, Development, Test and Evaluation, Navy, 2009/2010", $20,000,000;

"Research, Development, Test and Evaluation, Air Force, 2009/2010", $98,430,000;

"Research, Development, Test and Evaluation, Defense-Wide, 2009/2010", $154,457,000;

"Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011", $41,087,000;

"Other Procurement, Army, 2009/2011", $138,239,000;

"Other Procurement, Navy, 2009/2011", $84,844,000;

"Aircraft Procurement, Air Force, 2009/2011", $628,900,000;

"Missile Procurement, Air Force, 2009/2011", $60,000,000;

"Other Procurement, Air Force, 2009/2011", $10,900,000;

"Procurement, Defense-Wide, 2009/2011", $5,200,000; and

"Procurement, Defense-Wide, 2008/2010", $2,000,000.

SEC. 8043. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

North Korea.

SEC. 8044. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8045. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8046. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

Waiver authority. Certification.

SEC. 8047. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

Drugs and drug abuse. 10 USC 374 note.

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

50 USC 403f note.

SEC. 8048. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

Ball and roller bearings.

Waiver authority. Certification.

Applicability.

SEC. 8049. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

Certification.

SEC. 8050. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Salaries.

SEC. 8051. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities

Notification. Deadline.

described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

Applicability.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

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

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

Contracts.

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

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

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8054. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

10 USC 1401 note.

SEC. 8055. (a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

Reimbursement.

SEC. 8056. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

Germany.

Anthracite.

SEC. 8057. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished

heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8058. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

Waiver authority.
Certification.

SEC. 8059. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

Waiver authority.
Determination.

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

Applicability.

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

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

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

Human rights.

SEC. 8061. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given

to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances. Waiver authority. Determination.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver. Deadline. Reports.

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

SEC. 8063. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8064. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so. Reports.

SEC. 8065. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act. Classified information. Reports. Deadlines. Effective date.

SEC. 8066. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing

Waiver authority. Certification.

the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

Arms and munitions.

SEC. 8068. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API–T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Waiver authority. Time period.

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

Alcohol and alcoholic beverages.

SEC. 8070. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Applicability.

SEC. 8071. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite

and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", $106,754,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

Contracts.
Real property.

SEC. 8073. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2010.

Applicability.
10 USC 113 note.

SEC. 8074. In addition to amounts provided elsewhere in this Act, $3,750,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

Grants.
Fisher House Foundation, Inc.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", $202,434,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $80,092,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $50,036,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $72,306,000 shall be for the Arrow Missile Defense Program, of which $25,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8076. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", $144,950,000 shall be available until September 30, 2010, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 2004/2010":

New SSN, $26,906,000; and

LPD–17 Amphibious Transport Dock Program, $16,844,000.

Under the heading "Shipbuilding and Conversion, Navy, 2005/2010":

New SSN, $18,702,000; and

LPD–17 Amphibious Transport Dock Program, $16,498,000.

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

LPD–17 Amphibious Transport Dock Program, $66,000,000.

SEC. 8077. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8078. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

Applicability.

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

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

SEC. 8079. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

Notification.

SEC. 8080. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity

unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

Grants.

SEC. 8081. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: *Provided*, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: *Provided further*, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: *Provided further*, That $1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: *Provided further*, That $500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: *Provided further*, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

Grants.
Center for Military Recruitment, Assessment and Veterans Employment.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, $3,000,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

Federal budget.
10 USC 221 note.

SEC. 8083. The budget of the President for fiscal year 2011 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall

include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

Nuclear arms.

SEC. 8084. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

Grants.

SEC. 8085. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $110,640,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $15,000,000 to the United Service Organizations; $22,500,000 to the Red Cross; $6,000,000 to the SOAR Virtual School District; $5,000,000 to The Presidio Heritage Center; $5,000,000 to the Paralympics Military Program; $3,840,000 to the Arrest Deterioration of Ford Island Aviation Control Tower, Pearl Harbor, Hawaii; $1,500,000 to the Go For Broke program; $800,000 to Our Military Kids; $3,000,000 to the New Jersey Technology Center; $1,600,000 to the Women in Military Service for America Memorial; $500,000 to the Marshall Legacy Institute; $1,000,000 to the Vietnam Veterans Memorial Fund for Demining Activities; $18,900,000 to the Edward M. Kennedy Institute for the Senate; $5,000,000 to the U.S.S. Missouri Memorial Association; $20,000,000 to the National World War II Museum; and $1,000,000 for the Riverside General Hospital in Houston, Texas, for the treatment of psychological health issues.

53rd Weather Reconnaissance Squadron.

SEC. 8086. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

Foreign intelligence.

SEC. 8087. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

Notification. Deployment.

SEC. 8088. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

Waiver authority. Determination.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8089. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

Notification. Deadline.

SEC. 8090. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8091. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ–1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8092. Of the funds provided in this Act, $10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8093. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8094. Up to $16,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that

is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8095. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2011.

Applicability.

SEC. 8096. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8097. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by $194,000,000, the total amount appropriated in title III of this Act is hereby reduced by $322,000,000, the total amount appropriated in title IV of this Act is hereby reduced by $336,000,000, and the total amount appropriated in title V of this Act is hereby reduced by $9,000,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

Allocation.

SEC. 8098. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

10 USC 221 note.

SEC. 8099. The Secretary of Defense shall create a major force program category for space for the Future Years Defense Program of the Department of Defense. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

Designation.

50 USC 415a–2 note.

SEC. 8100. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than $20,000,000 in any fiscal year, the P–1, Procurement Program; P–5, Cost Analysis; P–5a, Procurement History and Planning; P–21, Production Schedule; and P–40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than $10,000,000 in any fiscal year, the R–1, RDT&E Program; R–2, RDT&E Budget Item Justification; R–3, RDT&E Project Cost Analysis; and R–4, RDT&E Program Schedule Profile.

Contracts.
Grants.

SEC. 8101. Notwithstanding any other provision of law, none of the funds made available in this Act may be used to pay negotiated indirect cost rates on a contract, grant, or cooperative agreement (or similar arrangement) entered into by the Department of Defense and an entity in excess of 35 percent of the total cost of the contract, grant, or agreement (or similar arrangement):

Provided, That this limitation shall apply only to contracts, grants, or cooperative agreements entered into after the date of enactment of this Act using funds made available in this Act for basic research. Applicability.

SEC. 8102. The Secretary of Defense shall maintain on the homepage of the Internet website of the Department of Defense a direct link to the Internet website of the Office of Inspector General of the Department of Defense. Web link.

SEC. 8103. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2010: *Provided*, That the report shall include— Deadline. Reports.

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement. Certification.

SEC. 8104. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. Submission. 50 USC 415a–3.

SEC. 8105. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate. Definition.

SEC. 8106. The Department of Defense shall continue to report incremental contingency operations costs for Operation Iraqi Freedom and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005. Reports. Deadline.

SEC. 8107. The amounts appropriated in title II of this Act are hereby reduced by $400,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", $150,000,000; and

(2) From "Operation and Maintenance, Air Force", $250,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8108. (a) CONTINUATION OF STOP-LOSS SPECIAL PAY.—Funds appropriated by this Act, or made available by the transfer of funds in this Act, shall be made available to the Secretaries of the military departments only to provide special pay during fiscal year 2010 to members of the Army, Navy, Air Force, and Marine Corps, including members of their reserve components, who, at any time during fiscal year 2010, serve on active duty while the members' enlistment or period of obligated service is extended, or whose eligibility for retirement is suspended, pursuant to section 123 or 12305 of title 10, United States Code, or any other provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend an eligibility for retirement, of a member of the uniformed services in time of war or of national emergency declared by Congress or the President.

(b) SPECIAL PAY AMOUNT.—The amount of the special pay paid under subsection (a) to or on behalf of an eligible member shall be $500 per month for each month or portion of a month during fiscal year 2010 that the member is retained on active duty as a result of application of the stop-loss authority.

(c) TREATMENT OF DECEASED MEMBERS.—If an eligible member described in subsection (a) dies before the payment required by this section is made, the Secretary of the military department concerned shall make the payment in accordance with section 2771 of title 10, United States Code.

(d) CLARIFICATION OF RETROACTIVE STOP-LOSS SPECIAL PAY AUTHORITY.—Section 310 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1870) is amended by adding at the end the following new subsection:

"(i) EFFECT OF SUBSEQUENT REENLISTMENT OF VOLUNTARY EXTENSION OF SERVICE.—Members of the Armed Forces, retired members, and former members otherwise described in subsection (a) are not eligible for a payment under this section if the members—

"(1) voluntarily reenlisted or extended their service after their enlistment or period of obligated service was extended, or after their eligibility for retirement was suspended, pursuant to a stop-loss authority; and

"(2) received a bonus for such reenlistment or extension of service.".

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for

transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8111. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8112. (a) HIGH PRIORITY NATIONAL GUARD COUNTERDRUG PROGRAMS.—Of the amount appropriated or otherwise made available by title VI under the heading "Drug Interdiction and Counter-Drug Activities, Defense", up to $15,000,000 shall be available for the purpose of High Priority National Guard Counterdrug Programs.

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the purpose specified in that subsection is in addition to any other amounts made available by this Act for that purpose.

APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

SEC. 8113. (a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this section—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

Web posting. Reports.

SEC. 8114. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

Time period.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8115. (a) It is the sense of Congress that—

(1) All of the National Nuclear Security Administration sites, including the Nevada Test Site can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

Deadline. Infrastructure plan.

(b) Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees and the Subcommittees on Energy and Water Development of the Committees on Appropriations a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration and, if the Administrator deems appropriate, all other sites under the jurisdiction of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

Contracts. Time period.

SEC. 8116. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 that is awarded more than 60 days after the effective date of this Act, unless the contractor agrees not to:

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising

out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

Time period. Certification.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract awarded more than 180 days after the effective date of this Act unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

Waiver authority. Determination.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

Public information. Deadline.

SEC. 8117. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated or otherwise made available by this Act, or that remain available for obligation for the Department of Defense from the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), and the Supplemental Appropriations Act, 2009 (Public Law 111–32), may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion

of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.

SEC. 8118. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

Notice.

(2) During the current fiscal year no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than $3,000,000, within the Intelligence Community without the approval of the Business Transformation Investment Review Board.

Deadlines. Reports.

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities, and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

(2) An analysis of alternatives and an economic analysis that includes a calculation of the return on investment.

(3) Assurance the system is compatible with the enterprise-wide business architecture.

(4) Performance measures.

(5) An information assurance strategy consistent with the Chief Information Officer of the Intelligence Community.

(c) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8119. In addition to funds made available elsewhere in this Act, there is hereby appropriated $291,715,000, to remain available until transferred: *Provided*, That these funds are appropriated to the "Tanker Replacement Transfer Fund" (referred to as "the Fund" elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to "Operation and Maintenance, Air Force", "Aircraft Procurement, Air Force", and "Research, Development, Test and Evaluation, Air Force", only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That

Deadline. Notification.

Reports. Deadlines.

the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8120. (a) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFUGEES.—Section 1244(g) of the Refugee Crisis in Iraq Act of 2007 (subtitle C of title XII of division A of Public Law 110–181; 122 Stat. 398) is amended by striking "for a period not to exceed eight months" and inserting "to the same extent, and for the same periods of time, as such refugees". 8 USC 1157 note.

(b) RESETTLEMENT SUPPORT AND OTHER PUBLIC BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section 602(b)(8) of the Afghan Allies Protection Act of 2009 (title VI of division F of Public Law 111–8; 123 Stat. 809) is amended by striking "for a period not to exceed 8 months" and inserting "to the same extent, and for the same periods of time, as such refugees". 8 USC 1101 note.

SEC. 8121. (a) Each congressionally directed spending item specified in this Act or the explanatory statement regarding this Act that is also identified in Senate Report 111–74 and intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President. Earmarks.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) Any congressionally directed spending item specified in this Act or the explanatory statement regarding this Act that is intended for award to a for-profit entity and is not covered by the competition requirement specified in subsection (a), shall be awarded under full and open competition, except that any contract previously awarded under full and open competition that remains in effect during fiscal year 2010 shall be considered to have satisfied the conditions of full and open competition.

(d) In this section, the term "congressionally directed spending item" means the following: Definition.

(1) A congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(2) A congressional earmark for purposes of rule XXI of the House of Representatives.

SEC. 8122. None of the funds appropriated or otherwise made available by this Act may be used to award to a contractor or convert to performance by a contractor any functions pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76 or as part of a utility privatization authorized under section 2688 of title 10, United States Code or under any other provision of law, that are performed by Federal employees at the United States Military Academy, West Point, as of the date of enactment of this Act. Privatization.

ACORN.

SEC. 8123. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 8124. The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about December 16, 2010, by the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $9,958,840,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,388,601,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $778,722,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,667,376,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $293,137,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $37,040,000.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", $31,337,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $19,822,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $824,966,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $9,500,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $47,821,154,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $5,475,925,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $3,430,258,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $9,216,319,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $7,490,900,000, of which:

(1) Not to exceed $12,500,000 for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) Not to exceed $1,570,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation Iraqi Freedom and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan,

Deadlines.

Notification.

Notification.

Reports.

and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $204,326,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $68,059,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $86,667,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $125,925,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $321,646,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $289,862,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for expenses directly relating to overseas contingency operations by United States military forces, $5,000,000,000, to remain available for obligation until expended: *Provided*, That of the funds made available under this heading, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, the defense health program appropriation, the Mine Resistant Ambush Protected Vehicle Fund, and working capital funds accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense.

Notification.
Deadline.

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", $6,562,769,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation.

Notification.

Deadline.
Notification.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $1,238,219,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $475,954,000, to remain available until September 30, 2012.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,169,466,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $365,635,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $5,800,516,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $853,297,000, to remain available until September 30, 2012.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $50,700,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $675,957,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $241,018,000, to remain available until September 30, 2012.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $893,197,000, to remain available until September 30, 2012.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $736,501,000, to remain available until September 30, 2012.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $36,625,000, to remain available until September 30, 2012.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $256,819,000, to remain available until September 30, 2012.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $2,583,421,000, to remain available until September 30, 2012.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $480,780,000, to remain available until September 30, 2012.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $950,000,000, to remain available for obligation until September 30, 2012, of which $575,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component.

Deadline.
Assessment.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $6,281,000,000, to remain available until September 30, 2011: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

Deadline.
Notification.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $57,962,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $58,660,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $39,286,000, to remain available until September 30, 2011.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $112,196,000, to remain available until September 30, 2011.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $412,215,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $1,256,675,000, which shall be for operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities", $346,603,000, to remain available until September 30, 2011.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $1,762,010,000, to remain available until September 30, 2012.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", $8,876,000.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2010.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to $4,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2010: *Provided further*, That the amount in this section is designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Notification.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the "Afghanistan Security Forces Fund" provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the

purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in Iraq and Afghanistan: (a) passenger motor vehicles up to a limit of $75,000 per vehicle and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of $250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

Deadlines. Reports.

SEC. 9005. Not to exceed $1,200,000,000 of the amount appropriated in this title under the heading "Operation and Maintenance, Army" may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, of the funds provided, $500,000,000 shall not be available until 5 days after the Secretary of Defense has completed a thorough review of the Commander's Emergency Response Program and provided a report on his findings to the congressional defense committees.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

Deadline. Reports.

SEC. 9007. Each amount in this title is designated as being for overseas deployments and other activities pursuant to section 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

Iraq. Afghanistan.

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9009. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

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

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

Deadlines. Reports.

SEC. 9010. (a) The Director of the Office of Management and Budget, in consultation with the Secretary of Defense; the Commander of the United States Central Command; the Commander, Multi-National Security Transition Command—Iraq; and the Commander, Combined Security Transition Command—Afghanistan, shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings "Iraq Security Forces Fund", "Afghanistan Security Forces Fund", and "Pakistan Counterinsurgency Fund" on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates by the commanders referred to in this section of the costs required to complete each such project.

(b) The report required by this subsection shall include the following:

(1) The use of all funds on a project-by-project basis for which funds appropriated under the headings referred to in subsection (a) were obligated prior to the submission of the report, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(2) The use of all funds on a project-by-project basis for which funds were appropriated under the headings referred to in subsection (a) in prior appropriations Acts, or for which funds were made available by transfer, reprogramming, or allocation from other headings in prior appropriations Acts, including estimates by the commanders referred to in subsection (a) of the costs to complete each project.

(3) An estimated total cost to train and equip the Iraq, Afghanistan, and Pakistan security forces, disaggregated by major program and sub-elements by force, arrayed by fiscal year.

Notification.

(c) The Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups in excess of $20,000,000 using funds appropriated by this or any prior Act under the headings "Iraq Security Forces Fund", "Afghanistan Security Forces Fund", and "Pakistan Counterinsurgency Fund".

Detainees. Cuba.

SEC. 9011. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received. Deadline.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual: President. Classified information. Disposition plan.

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States. Notification. Certification. Deadline.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained President. Classified information. Deadline.

at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount of any financial assistance related to such agreement.

Definition.

(f) In this section, the term "freely associated States" means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

President. Reports. Classified information.

(g) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

SEC. 9012. (a) FUNDING FOR OUTREACH AND REINTEGRATION SERVICES UNDER YELLOW RIBBON REINTEGRATION PROGRAM.—Of the amounts appropriated or otherwise made available by title IX, up to $20,000,000 may be available for outreach and reintegration services under the Yellow Ribbon Reintegration Program under section 582(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 125; 10 U.S.C. 10101 note).

(b) SUPPLEMENT NOT SUPPLANT.—The amount made available by subsection (a) for the services described in that subsection is in addition to any other amounts available in this Act for such services.

This division may be cited as the "Department of Defense Appropriations Act, 2010".

DIVISION B—OTHER MATTERS

SEC. 1001. There are hereby appropriated such sums as may be necessary, for an additional amount for "Food and Nutrition Service—Supplemental Nutrition Assistance Program" for necessary current year expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.): *Provided*, That such amount shall be used only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That amounts so appropriated are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1002. (a) IN GENERAL.—For the costs of State administrative expenses associated with administering the supplemental nutrition assistance program established under the Food and Nutrition

Act of 2008 (7 U.S.C. 2011 et seq.), there are hereby appropriated $400,000,000, which shall remain available until September 30, 2011.

(b) ALLOCATION OF FUNDS.—Funds described in subsection (a) shall be made available as grants to State agencies as follows— Grants.

(1) 75 percent of the amounts available shall be allocated to States based on the share of each State of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture for the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h));

(2) 25 percent of the amounts available shall be allocated to States based on the increase in the number of households that participate in the supplemental nutrition assistance program as reported to the Department of Agriculture over the most recent 12-month period for which data are available, adjusted by the Secretary (as of the date of enactment) for participation in disaster programs under section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)); and

(3) Not later than 60 days after the date of enactment of this Act, the Secretary shall make available to States amounts based on paragraphs (1) and (2) of this subparagraph. Deadline.

(c) REALLOCATION OF FUNDS.—Funds unobligated at the State level in fiscal year 2010 may be recovered and reallocated to the States in fiscal year 2011.

(d) EMERGENCY DESIGNATION.—Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1003. (a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking "December 31, 2009" and inserting "February 28, 2010"; and

(B) in subsection (e), by striking "December 31, 2009" and inserting "February 28, 2010".

(2) TERMINATION OF LICENSE.— 17 USC 119 note.

(A) TERMINATION.—Section 119 of title 17, United States Code, as amended by paragraph (1), shall cease to be effective on February 28, 2010.

(B) CONFORMING AMENDMENT.—Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369) is repealed. Repeal.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking "December 31, 2009" and inserting "February 28, 2010"; and

(2) in paragraph (3)(C), by striking "January 1, 2010" each place it appears in clauses (ii) and (iii) and inserting "March 1, 2010".

(c) EMERGENCY DESIGNATION.—Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1004. (a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 195) is amended by striking "December 31, 2009" and inserting "February 28, 2010".

50 USC 1805 and note, 1861, 1862.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801 note) is amended by striking "December 31, 2009" and inserting "February 28, 2010".

SEC. 1005. Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68) is amended by striking "by substituting" and all that follows through the period at the end, and inserting "by substituting February 28, 2010 for the date specified in each such section.".

Ante, p. 2047.

SEC. 1006. (a) There is hereby appropriated $125,000,000, for an additional amount for "Small Business Administration—Business Loans Program Account" for fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and for the cost of guaranteed loans under section 502 of such division: *Provided*, That such cost shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 is amended by striking "the date 12 months after the date of enactment of this Act" and inserting "February 28, 2010".

Ante, p. 153.

(c) Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

North Carolina.

SEC. 1007. (a) PAYMENT.—The Secretary of the Interior may make a payment to Swain County, North Carolina, in an amount of $12,800,000, in connection with the non-construction of the North Shore Road: *Provided*, That $4,000,000 shall be available for obligation upon enactment of this Act: *Provided further*, That remaining amounts shall not be available for obligation until 120 days following signature of an agreement between the Secretary of the Interior, Swain County, the State of North Carolina, and the Tennessee Valley Authority that supersedes the agreement of July 30, 1943, related to the construction of North Shore Road between the Secretary, the County, the State, and the Authority. For this payment, there is hereby appropriated $6,800,000, to remain available until expended, and an amount of $6,000,000 from unobligated balances available to the Department of the Interior from prior appropriations to the "Construction" account for the National Park Service.

(b) RESCISSION.—Of the funds appropriated in the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106–346), in section 378 for construction of, and improvements to, North Shore Road in Swain County, North Carolina, $6,800,000 is hereby permanently rescinded.

SEC. 1008. (a) For purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010, the date specified in section 106(3) of such resolution shall be deemed to be February 28, 2010.

Ante, p. 2045.

(b) Section 158(c) is amended by striking the period at the end and inserting "except for the rescission made by section 123 of division I of the Omnibus Appropriations Act, 2009. The amount made available for each of the apportioned Federal-aid highway programs under subsection (a) shall be reduced by an amount equaling $33,401,492 multiplied by the amount calculated under subsection (a) and divided by $23,941,505,262".

Ante, p. 2051.

SEC. 1009. (a)(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking "December 31, 2009" each place it appears and inserting "February 28, 2010";

(B) in the heading for subsection (b)(2), by striking "DECEMBER 31, 2009" and inserting "FEBRUARY 28, 2010"; and

(C) in subsection (b)(3), by striking "May 31, 2010" and inserting "July 31, 2010".

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking "before January 1, 2010" and inserting "on or before February 28, 2010";

(B) in the heading for paragraph (2), by striking "JANUARY 1, 2010" and inserting "FEBRUARY 28, 2010"; and

(C) in paragraph (3), by striking "June 30, 2010" and inserting "August 31, 2010".

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking "January 1, 2010" each place it appears and inserting "February 28, 2010"; and

(B) in subsection (c), by striking "June 1, 2010" and inserting "July 31, 2010".

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking "May 30, 2010" and inserting "July 31, 2010".

(b) Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended by striking "by reason of" and all that follows and inserting the following: "by reason of—

"(A) the amendments made by section 2001(a) of the Assistance for Unemployed Workers and Struggling Families Act;

"(B) the amendments made by sections 2 through 4 of the Worker, Homeownership, and Business Assistance Act of 2009; and

"(C) the amendments made by section 1009 of the Department of Defense Appropriations Act, 2010; and".

(c) Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SEC. 1010. (a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking "December 31, 2009" and inserting "February 28, 2010".

26 USC 6432 note.

(b) EXTENSION OF MAXIMUM DURATION OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking "9 months" and inserting "15 months".

(c) RULES RELATED TO 2009 EXTENSION.—Subsection (a) of such section is further amended by adding at the end the following:

"(16) RULES RELATED TO 2009 EXTENSION.—

"(A) ELECTION TO PAY PREMIUMS RETROACTIVELY AND MAINTAIN COBRA COVERAGE.—In the case of any premium for a period of coverage during an assistance eligible individual's transition period, such individual shall be treated for purposes of any COBRA continuation provision as having timely paid the amount of such premium if—

"(i) such individual was covered under the COBRA continuation coverage to which such premium relates for the period of coverage immediately preceding such transition period, and

Deadlines.

"(ii) such individual pays, not later than 60 days after the date of the enactment of this paragraph (or, if later, 30 days after the date of provision of the notification required under subparagraph (D)(ii)), the amount of such premium, after the application of paragraph (1)(A).

Applicability.

"(B) REFUNDS AND CREDITS FOR RETROACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In the case of an assistance eligible individual who pays, with respect to any period of COBRA continuation coverage during such individual's transition period, the premium amount for such coverage without regard to paragraph (1)(A), rules similar to the rules of paragraph (12)(E) shall apply.

"(C) TRANSITION PERIOD.—

Definition.

"(i) IN GENERAL.—For purposes of this paragraph, the term 'transition period' means, with respect to any assistance eligible individual, any period of coverage if—

"(I) such period begins before the date of the enactment of this paragraph, and

"(II) paragraph (1)(A) applies to such period by reason of the amendment made by section 1010(b) of the Department of Defense Appropriations Act, 2010.

"(ii) CONSTRUCTION.—Any period during the period described in subclauses (I) and (II) of clause (i) for which the applicable premium has been paid pursuant to subparagraph (A) shall be treated as a period of coverage referred to in such paragraph, irrespective of any failure to timely pay the applicable premium (other than pursuant to subparagraph (A)) for such period.

"(D) NOTIFICATION.—

Deadlines.

"(i) IN GENERAL.—In the case of an individual who was an assistance eligible individual at any time on or after October 31, 2009, or experiences a qualifying event (consisting of termination of employment)

relating to COBRA continuation coverage on or after such date, the administrator of the group health plan (or other entity) involved shall provide an additional notification with information regarding the amendments made by section 1010 of the Department of Defense Appropriations Act, 2010, within 60 days after the date of the enactment of such Act or, in the case of a qualifying event occurring after such date of enactment, consistent with the timing of notifications under paragraph (7)(A).

"(ii) TO INDIVIDUALS WHO LOST ASSISTANCE.—In the case of an assistance eligible individual described in subparagraph (A)(i) who did not timely pay the premium for any period of coverage during such individual's transition period or paid the premium for such period without regard to paragraph (1)(A), the administrator of the group health plan (or other entity) involved shall provide to such individual, within the first 60 days of such individual's transition period, an additional notification with information regarding the amendments made by section 1010 of the Department of Defense Appropriations Act, 2010, including information on the ability under subparagraph (A) to make retroactive premium payments with respect to the transition period of the individual in order to maintain COBRA continuation coverage.

"(iii) APPLICATION OF RULES.—Rules similar to the rules of paragraph (7) shall apply with respect to notifications under this subparagraph.".

(d) CLARIFICATION THAT ELIGIBILITY AND NOTICE IS BASED ON TIMING OF QUALIFYING EVENT.—Subsection (a) of such section is amended—

(1) in paragraph (3)(A)—

(A) by striking "at any time" and inserting "such qualified beneficiary is eligible for COBRA continuation coverage related to a qualifying event occurring"; and

(B) by striking ", such qualified beneficiary is eligible for COBRA continuation coverage"; and

(2) in paragraph (7)(A), by striking "become entitled to elect COBRA continuation coverage" and inserting "have a qualifying event relating to COBRA continuation coverage".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate. 26 USC 6432 note.

(f) EMERGENCY DESIGNATIONS.—

(1) IN GENERAL.—Amounts in this section are designated as emergency requirements and necessary to meet emergency needs pursuant to sections 403 and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(2) PAYGO.—All applicable provisions in this section are designated as an emergency for purposes of pay-as-you-go principles.

SEC. 1011. (a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraph:

Time periods.

"(10) UPDATE FOR PORTION OF 2010.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010 for the period beginning on January 1, 2010, and ending on February 28, 2010, the update to the single conversion factor shall be 0 percent for 2010.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR REMAINING PORTION OF 2010 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on March 1, 2010, and ending on December 31, 2010, and for 2011 and subsequent years as if subparagraph (A) had never applied.".

(b) FUNDING FROM MEDICARE IMPROVEMENT FUND.—Section 1898(b)(1) of such Act (42 U.S.C. 1395iii(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "$22,290,000,000" and inserting "$20,740,000,000"; and

(B) by striking "and" at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) fiscal year 2015, $550,000,000; and".

Guidelines. Publication. Time period.

SEC. 1012. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not publish updated poverty guidelines for 2010 under section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)) before March 1, 2010, and the poverty guidelines published under such section on January 23, 2009, shall remain in effect until updated poverty guidelines are published.

Rescission.

SEC. 1013. From the "National Telecommunications and Information Administration—Digital-to-Analog Converter Box Program" in the Department of Commerce, $128,000,000 is hereby rescinded.

SEC. 1014. The explanatory statement regarding this Act printed in the House of Representatives section of the Congressional Record on or about December 16, 2010, by the Chairman of the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives shall have the same effect with respect

to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

Approved December 19, 2009.

LEGISLATIVE HISTORY—H.R. 3326:

HOUSE REPORTS: No. 111–230 (Comm. on Appropriations).
SENATE REPORTS: No. 111–74 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 155 (2009):
July 29, 30, considered and passed House.
Sept. 24, 25, 29, 30, Oct. 1, 6, considered and passed Senate, amended.
Dec. 16, House concurred in Senate amendment with an amendment. Senate considered House amendment.
Dec. 17–19, Senate considered and concurred in House amendment.

Public Law 111–119
111th Congress

An Act

Dec. 21, 2009
[S. 1422]

To amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Airline Flight Crew Technical Corrections Act.
29 USC 2601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Flight Crew Technical Corrections Act".

SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

"(D) AIRLINE FLIGHT CREWS.—

"(i) DETERMINATION.—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

"(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by the employer with respect to whom leave is requested under section 102; and

"(II) the employee has worked or been paid for not less than 504 hours (not counting personal commute time or time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

"(ii) FILE.—Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

"(iii) DEFINITION.—In this subparagraph, the term 'applicable monthly guarantee' means—

"(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer

has agreed to schedule such employee for any given month; and

"(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any given month,

as established in the applicable collective bargaining agreement or, if none exists, in the employer's policies.".

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D).".

Approved December 21, 2009.

LEGISLATIVE HISTORY—S. 1422:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 10, considered and passed Senate.
Dec. 2, considered and passed House.

Public Law 111–120
111th Congress

An Act

Dec. 22, 2009
[H.R. 4165]

To extend through December 31, 2010, the authority of the Secretary of the Army to accept and expend funds contributed by non-Federal public entities to expedite the processing of permits.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDING TO PROCESS PERMITS.

Section 214(c) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594; 119 Stat. 2169; 120 Stat. 318; 120 Stat. 3197; 121 Stat. 1067) is amended by striking "2009" and inserting "2010".

Approved December 22, 2009.

LEGISLATIVE HISTORY—H.R. 4165:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 8, considered and passed House.
Dec. 10, considered and passed Senate.

Public Law 111–121
111th Congress

Joint Resolution

Appointing the day for the convening of the second session of the One Hundred Eleventh Congress.

Dec. 22, 2009
[H.J. Res. 62]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the One Hundred Eleventh Congress shall begin at noon on Tuesday, January 5, 2010.

Approved December 22, 2009.

LEGISLATIVE HISTORY—H.J. Res. 62:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 11, considered and passed House.
Dec. 14, considered and passed Senate.

Public Law 111–122
111th Congress

An Act

To establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

Dec. 22, 2009
[S. 1472]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Human Rights Enforcement Act of 2009.
28 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Rights Enforcement Act of 2009".

SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.

(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.

(b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—Chapter 31 of title 28, United States Code, is amended by inserting after section 509A the following:

"§ 509B. Section to enforce human rights laws

Deadline.
Establishment.

"(a) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section within the Criminal Division of the Department of Justice with responsibility for the enforcement of laws against suspected participants in serious human rights offenses.

"(b) The section established under subsection (a) is authorized to—

"(1) take appropriate legal action against individuals suspected of participating in serious human rights offenses; and

"(2) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

Consultation.

"(c) The Attorney General shall, as appropriate, consult with the Secretary of Homeland Security and the Secretary of State.

"(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

"(e) The term 'serious human rights offenses' includes violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the title 28, United States Code, is amended by inserting after the item relating to section 509A the following:

"Sec. 509B. Section to enforce human rights laws.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENOCIDE.—Section 1091 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", in a circumstance described in subsection (d)"; and

(B) by striking "or attempts to do so,";

(2) in subsection (c), by striking "in a circumstance described in subsection (d)";

(3) by striking subsection (d) and (e); and

(4) by inserting after subsection (c) the following:

"(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense. Penalty.

"(e) JURISDICTION.—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

"(1) the offense is committed in whole or in part within the United States; or

"(2) regardless of where the offense is committed, the alleged offender is—

"(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(C) a stateless person whose habitual residence is in the United States; or

"(D) present in the United States.

"(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation.".

(b) IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking "conduct outside the United States that would, if committed in the United States or by a United States national, be".

(c) APPLICABILITY.—The amendments .made by subsections (b), (c), and (d) of the Child Soldiers Accountability Act of 2008 (Public Law 110–340) shall apply to offenses committed before, on, or after the date of the enactment of the Child Soldiers Accountability Act of 2008. 8 USC 1182 note.

(d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD SOLDIER RECRUITMENT.—Section 2339A(a) of title 18, United States Code, is amended by—

(1) inserting ", 1091" after "956"; and

(2) striking ", or 2340A" and inserting ", 2340A, or 2442".

Approved December 22, 2009.

LEGISLATIVE HISTORY—S. 1472:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 21, considered and passed Senate.
Dec. 15, considered and passed House.

Public Law 111–123
111th Congress

An Act

To permit continued financing of Government operations.

Dec. 28, 2009
[H.R. 4314]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONTINUED FINANCING OF GOVERNMENT OPERATIONS.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking the dollar amount contained therein and inserting "$12,394,000,000,000".

Approved December 28, 2009.

LEGISLATIVE HISTORY—H.R. 4314:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 16, considered and passed House.
Dec. 24, considered and passed Senate.

Public Law 111–124
111th Congress

An Act

Dec. 28, 2009
[H.R. 4284]

To extend the Generalized System of Preferences and the Andean Trade Preference Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES.

Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "December 31, 2009" and inserting "December 31, 2010".

SEC. 2. EXTENSION OF ANDEAN TRADE PREFERENCE ACT.

(a) EXTENSION.—Section 208(a) of the Andean Trade Preference Act (19 U.S.C. 3206(a)) is amended in paragraphs (1) and (2) by striking "December 31, 2009" each place it appears and inserting "December 31, 2010".

(b) TREATMENT OF CERTAIN APPAREL ARTICLES.—Section 204(b)(3) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) in subclause (II), by striking "7 succeeding 1-year periods" and inserting "8 succeeding 1-year periods"; and

(ii) in subclause (III)(bb), by striking "and for the succeeding 2-year period" and inserting "and for the succeeding 3-year period"; and

(B) in clause (v)(II), by striking "6 succeeding 1-year periods" and inserting "7 succeeding 1-year periods"; and

(2) in subparagraph (E)(ii)(II), by striking "December 31, 2009" and inserting "December 31, 2010".

(c) REPORT.—Section 203(f)(1) of the Andean Trade Preference Act (19 U.S.C. 3202(f)(1)) is amended by striking "April 30, 2003" and inserting "June 30, 2010".

SEC. 3. CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) in subparagraph (A), by striking "February 14, 2018" and inserting "May 14, 2018"; and

(2) in subparagraph (B)(i), by striking "February 7, 2018" and inserting "June 7, 2018".

SEC. 4. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

26 USC 6655 note.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 1.5 percentage points.

Approved December 28, 2009.

LEGISLATIVE HISTORY—H.R. 4284:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 14, considered and passed House.
Dec. 22, considered and passed Senate.

Public Law 111–125
111th Congress

An Act

Dec. 28, 2009
[H.R. 3819]

To extend the commercial space transportation liability regime.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMERCIAL SPACE TRANSPORTATION LIABILITY REGIME EXTENSION.

Section 70113(f) of title 49, United States Code, is amended by striking "December 31, 2009." and inserting "December 31, 2012.".

Approved December 28, 2009.

LEGISLATIVE HISTORY—H.R. 3819:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 20, considered and passed House.
Dec. 23, considered and passed Senate.

Public Law 111–128
111th Congress

An Act

To designate the facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, as the "John S. Wilder Post Office Building".

Jan. 29, 2010
[H.R. 1817]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN S. WILDER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 116 North West Street in Somerville, Tennessee, shall be known and designated as the "John S. Wilder Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John S. Wilder Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 1817:

CONGRESSIONAL RECORD, Vol. 155 (2009):
June 3, 4, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–129
111th Congress

An Act

Jan. 29, 2010
[H.R. 2877]

To designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 1ST LIEUTENANT LOUIS ALLEN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, shall be known and designated as the "1st Lieutenant Louis Allen Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "1st Lieutenant Louis Allen Post Office".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 2877:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 13, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–130
111th Congress

An Act

To designate the facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, as the "Coach Jodie Bailey Post Office Building".

Jan. 29, 2010
[H.R. 3072]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COACH JODIE BAILEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 9810 Halls Ferry Road in St. Louis, Missouri, shall be known and designated as the "Coach Jodie Bailey Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Coach Jodie Bailey Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 3072:

CONGRESSIONAL RECORD, Vol. 155 (2009):
July 27, 29, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–131
111th Congress

An Act

Jan. 29, 2010
[H.R. 3319]

To designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, shall be known and designated as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army Specialist Jeremiah Paul McCleery Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 3319:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Oct. 20, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–132
111th Congress

An Act

To designate the facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, as the "Patricia D. McGinty-Juhl Post Office Building".

Jan. 29, 2010
[H.R. 3539]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATRICIA D. MCGINTY-JUHL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 427 Harrison Avenue in Harrison, New Jersey, shall be known and designated as the "Patricia D. McGinty-Juhl Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Patricia D. McGinty-Juhl Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 3539:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 16, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–133
111th Congress

An Act

Jan. 29, 2010
[H.R. 3667]

To designate the facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, as the "Clyde L. Hillhouse Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLYDE L. HILLHOUSE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 16555 Springs Street in White Springs, Florida, shall be known and designated as the "Clyde L. Hillhouse Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Clyde L. Hillhouse Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 3667:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Dec. 1, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–134
111th Congress

An Act

To designate the facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, as the "W. Hazen Hillyard Post Office Building".

Jan. 29, 2010
[H.R. 3767]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. W. HAZEN HILLYARD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 170 North Main Street in Smithfield, Utah, shall be known and designated as the "W. Hazen Hillyard Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "W. Hazen Hillyard Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 3767:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 16, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–135
111th Congress

An Act

Jan. 29, 2010
[H.R. 3788]

To designate the facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, as the "Corporal Joseph A. Tomci Post Office Building".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL JOSEPH A. TOMCI POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 3900 Darrow Road in Stow, Ohio, shall be known and designated as the "Corporal Joseph A. Tomci Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Corporal Joseph A. Tomci Post Office Building".

Approved January 29, 2010.

LEGISLATIVE HISTORY—H.R. 3788:

CONGRESSIONAL RECORD, Vol. 155 (2009):
Nov. 5, 6, considered and passed House.
Dec. 21, considered and passed Senate.

Public Law 111–137
111th Congress

An Act

To amend title 38, United States Code, to expand veteran eligibility for reimbursement by the Secretary of Veterans Affairs for emergency treatment furnished in a non-Department facility, and for other purposes.

Feb. 1, 2010
[H.R. 1377]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF VETERAN ELIGIBILITY FOR REIMBURSEMENT BY SECRETARY OF VETERANS AFFAIRS FOR EMERGENCY TREATMENT FURNISHED IN A NON-DEPARTMENT FACILITY.

(a) EXPANSION OF ELIGIBILITY.—Section 1725 of title 38, United States Code, is amended—

(1) in subsection (b)(3)(C), by striking "or in part"; and

(2) in subsection (f)(2), by striking subparagraph (E).

(b) LIMITATIONS ON REIMBURSEMENT.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(4)(A) If the veteran has contractual or legal recourse against a third party that would only, in part, extinguish the veteran's liability to the provider of the emergency treatment, and payment for the treatment may be made both under subsection (a) and by the third party, the amount payable for such treatment under such subsection shall be the amount by which the costs for the emergency treatment exceed the amount payable or paid by the third party, except that the amount payable may not exceed the maximum amount payable established under paragraph (1)(A).

"(B) In any case in which a third party is financially responsible for part of the veteran's emergency treatment expenses, the Secretary shall be the secondary payer.

"(C) A payment in the amount payable under subparagraph (A) shall be considered payment in full and shall extinguish the veteran's liability to the provider.

"(D) The Secretary may not reimburse a veteran under this section for any copayment or similar payment that the veteran owes the third party or for which the veteran is responsible under a health-plan contract.".

(c) EFFECTIVE DATE.—

38 USC 1725 note. Applicability.

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act, and shall apply with respect to emergency treatment furnished on or after the date of the enactment of this Act.

(2) REIMBURSEMENT FOR TREATMENT PROVIDED BEFORE EFFECTIVE DATE.—The Secretary may provide reimbursement under section 1725 of title 38, United States Code, as amended

by subsections (a) and (b), for emergency treatment furnished to a veteran before the date of the enactment of this Act, if the Secretary determines that, under the circumstances applicable with respect to the veteran, it is appropriate to do so.

Approved February 1, 2010.

LEGISLATIVE HISTORY—H.R. 1377:

HOUSE REPORTS: No. 111–55 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 155 (2009):
Mar. 30, considered and passed House.
Dec. 18, considered and passed Senate.

CONCURRENT RESOLUTIONS

FIRST SESSION, ONE HUNDRED ELEVENTH CONGRESS

JOINT SESSION—ELECTORAL VOTE COUNT

Jan. 7, 2009
[S. Con. Res. 1]

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 8th day of January 2009, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter 'A'; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Agreed to January 7, 2009.

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES—CONTINUATION

Jan. 7, 2009
[S. Con. Res. 2]

Resolved by the Senate (the House of Representatives concurring), That effective from January 6, 2009, the joint committee created by Senate Concurrent Resolution 67 (110th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.SEC. 2. Effective from January 6, 2009, the provisions of Senate Concurrent Resolution 68 (110th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

Agreed to January 7, 2009.

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Jan. 28, 2009
[H. Con. Res. 26]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 28, 2009, on a motion offered pursuant to

this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 2, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, February 4, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 9, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.SEC. 2. The Speaker or her designee, after consultation with the Minority Leader, shall notify the Members of the House to reassemble at such place and time as she may designate if, in her opinion, the public interest shall warrant it.

Agreed to January 28, 2009.

BIRTH OF ABRAHAM LINCOLN BICENTENNIAL CEREMONY—CAPITOL ROTUNDA AUTHORIZATION

Feb. 3, 2009
[H. Con. Res. 27]

Resolved by the House of Representatives (the Senate concurring), That rotunda of the United States Capitol is authorized to be used on February 12, 2009, for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to February 3, 2009.

JOINT SESSION

Feb. 11, 2009
[H. Con. Res. 41]

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, February 24, 2009, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to February 11, 2009.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE—100TH ANNIVERSARY

Feb. 13, 2009
[H. Con. Res. 35]

Whereas the National Association for the Advancement of Colored People (referred to in this resolution as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of Abraham Lincoln's birth, by a multiracial group of activists who met in

a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance upon the press, the petition, the ballot, and the courts, and has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minority Americans;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the Supreme Court's decision in Brown v. Board of Education, 374 U.S. 483 (1954);

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama—an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of the Civil Rights Acts of 1957, 1960, and 1964, the Voting Rights Act of 1965, the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. Garcia Voting Rights Act Reauthorization and Amendments Act of 2006, and the Fair Housing Act, laws that ensured Government protection for legal victories achieved;

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help survivors in Louisiana, Mississippi, Texas, Florida, and Alabama to rebuild their lives;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, whose resolved clause expresses that: (1) the hanging of nooses is a horrible act when used for the purpose of intimidation and which under certain circumstances can be criminal; (2) this conduct should be investigated thoroughly by Federal authorities; and (3) any criminal violations should be vigorously prosecuted; and

Whereas in 2008 the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred in the early days of the civil rights struggle that remain unsolved and bringing

those who perpetrated such crimes to justice: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the 100th anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) honors and praises the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all persons.

Agreed to February 13, 2009.

Feb. 13, 2009
[H. Con. Res. 47]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, February 12, 2009, through Monday, February 16, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, February 23, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, February 13, 2009, through Friday, February 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 2 p.m. on Monday, February 23, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to February 13, 2009.

Mar. 12, 2009
[H. Con. Res. 37]

SOAP BOX DERBY RACES—CAPITOL GROUNDS AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF SOAP BOX DERBY RACES ON CAPITOL GROUNDS.

The Greater Washington Soap Box Derby Association (in this resolution referred to as the "Association") shall be permitted to

sponsor a public event, soap box derby races, on the Capitol Grounds on June 20, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board; except that the Association shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Association is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

SEC. 5. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United Stats Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event to be carried out under this resolution.

Agreed to March 12, 2009.

2009 DISTRICT OF COLUMBIA SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN—CAPITOL GROUNDS AUTHORIZATION

Mar. 17, 2009
[H. Con. Res. 39]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF USE OF CAPITOL GROUNDS FOR DC SPECIAL OLYMPICS LAW ENFORCEMENT TORCH RUN.

On June 5, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate, the 2009 District of Columbia Special Olympics Law Enforcement Torch Run (in this resolution referred to as the "event") may be run through the Capitol Grounds as part of the journey of the Special Olympics torch to the District of Columbia Special Olympics summer games.

SEC. 2. RESPONSIBILITY OF CAPITOL POLICE BOARD.

The Capitol Police Board shall take such actions as may be necessary to carry out the event.

SEC. 3. CONDITIONS RELATING TO PHYSICAL PREPARATIONS.

The Architect of the Capitol may prescribe conditions for physical preparations for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to March 17, 2009.

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST COMMEMORATION CEREMONY—CAPITOL ROTUNDA AUTHORIZATION

Apr. 1, 2009
[H. Con. Res. 54]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF ROTUNDA FOR HOLOCAUST DAYS OF REMEMBRANCE CEREMONY.

The Rotunda of the Capitol is authorized to be used on April 23, 2009, for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Agreed to April 1, 2009.

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Apr. 3, 2009
[H. Con. Res. 93]

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, April 2, 2009, through Saturday, April 4, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 21, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 2, 2009, through Sunday, April 5, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 20, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble

at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to April 3, 2009.

SOJOURNER TRUTH BUST—EMANCIPATION HALL AUTHORIZATION

Apr. 23, 2009
[H. Con. Res. 86]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR UNVEILING OF SOJOURNER TRUTH BUST.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on April 28, 2009, to unveil a bust of Sojourner Truth.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to April 23, 2009.

RONALD WILSON REAGAN STATUE CEREMONY—CAPITOL ROTUNDA AUTHORIZATION

Apr. 23, 2009
[H. Con. Res. 101]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ACCEPTANCE OF STATUE OF RONALD WILSON REAGAN FROM THE PEOPLE OF CALIFORNIA FOR PLACEMENT IN UNITED STATES CAPITOL.

(a) IN GENERAL.—The statue of Ronald Wilson Reagan furnished by the people of California for placement in the United States Capitol in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of California for providing this commemoration of one of California's most eminent persons.

(b) PRESENTATION CEREMONY.—The State of California is authorized to use the rotunda of the Capitol on June 3, 2009, for a presentation ceremony for the statue accepted under this section. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the rotunda of the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

Agreed to April 23, 2009.

Apr. 29, 2009
[S. Con. Res. 13]

FEDERAL BUDGET—FISCAL YEAR 2010

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2014.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Postal Service discretionary administrative expenses.
Sec. 104. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the Senate.
Sec. 202. Reconciliation in the House.

TITLE III—RESERVE FUNDS

Subtitle A—Senate Reserve Funds

Sec. 301. Deficit-neutral reserve fund to transform and modernize America's health care system.
Sec. 302. Deficit-neutral reserve fund to invest in clean energy and preserve the environment.
Sec. 303. Deficit-neutral reserve fund for higher education.
Sec. 304. Deficit-neutral reserve fund for child nutrition and WIC.
Sec. 305. Deficit-neutral reserve fund for investments in America's infrastructure.
Sec. 306. Deficit-neutral reserve fund to promote economic stabilization and growth.
Sec. 307. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.
Sec. 308. Deficit-neutral reserve fund for judicial pay and judgeships, postal retiree assistance, and certain pension obligations.
Sec. 309. Deficit-neutral reserve fund for defense acquisition and Federal contracting reform.
Sec. 310. Deficit-neutral reserve fund for investments in our Nation's counties and schools.
Sec. 311. Deficit-neutral reserve fund for the Food and Drug Administration.
Sec. 312. Deficit-neutral reserve fund for a comprehensive investigation into the current financial crisis.
Sec. 313. Deficit-neutral reserve fund for increased transparency at the Federal Reserve.
Sec. 314. Deficit-neutral reserve fund for 21st century community learning centers.
Sec. 315. Deficit-neutral reserve fund for provision of critical resources to firefighters and fire departments.
Sec. 316. Deficit-neutral reserve fund to promote tax equity for States without personal income taxes, and other selected tax relief policies.
Sec. 317. Deficit-neutral reserve fund to promote individual savings and financial security.
Sec. 318. Deficit-neutral reserve fund to increase FDIC and NCUA borrowing authority.
Sec. 319. Deficit-neutral reserve fund for improving the well-being of children.
Sec. 320. Deficit-neutral reserve fund for a 9/11 health program.

Subtitle B—House Reserve Funds

Sec. 321. Deficit-neutral reserve fund for health care reform.
Sec. 322. Deficit-neutral reserve fund for college access, affordability, and completion.

Sec. 323. Deficit-neutral reserve fund for increasing energy independence.
Sec. 324. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.
Sec. 325. Deficit-neutral reserve fund for certain tax relief.
Sec. 326. Deficit-neutral reserve fund for a 9/11 health program.
Sec. 327. Deficit-neutral reserve fund for child nutrition.
Sec. 328. Deficit-neutral reserve fund for structural unemployment insurance reforms.
Sec. 329. Deficit-neutral reserve fund for child support.
Sec. 330. Deficit-neutral reserve fund for the Affordable Housing Trust Fund.
Sec. 331. Deficit-neutral reserve fund for home visiting.
Sec. 332. Deficit-neutral reserve fund for low-income home energy assistance program trigger.
Sec. 333. Deficit-neutral reserve fund for county payments legislation.
Sec. 334. Reserve fund for the surface transportation reauthorization.

TITLE IV—BUDGET PROCESS

Subtitle A—Senate Provisions

PART I—BUDGET ENFORCEMENT

Sec. 401. Discretionary spending limits, program integrity initiatives, and other adjustments.
Sec. 402. Point of order against advance appropriations.
Sec. 403. Emergency legislation.
Sec. 404. Point of order against legislation increasing short-term deficit.
Sec. 405. Point of order against certain legislation related to surface transportation funding.

PART II—OTHER PROVISIONS

Sec. 411. Oversight of Government performance.
Sec. 412. Budgetary treatment of certain discretionary administrative expenses.
Sec. 413. Application and effect of changes in allocations and aggregates.
Sec. 414. Adjustments to reflect changes in concepts and definitions.
Sec. 415. Exercise of rulemaking powers.

Subtitle B—House Enforcement Provisions

Sec. 421. Adjustments for direct spending and revenues.
Sec. 422. Adjustments to discretionary spending limits.
Sec. 423. Costs of overseas deployments and emergency needs.
Sec. 424. Point of order against advance appropriations.
Sec. 425. Oversight of government performance.
Sec. 426. Budgetary treatment of certain discretionary administrative expenses.
Sec. 427. Application and effect of changes in allocations and aggregates.
Sec. 428. Adjustments to reflect changes in concepts and definitions.
Sec. 429. Exercise of rulemaking powers.

TITLE V—POLICY

Sec. 501. Policy on middle-class tax relief and revenues.
Sec. 502. Policy on defense priorities.

TITLE VI—SENSE OF THE CONGRESS

Sec. 601. Sense of the Congress on veterans' and servicemembers' health care.
Sec. 602. Sense of the Congress on homeland security.
Sec. 603. Sense of the Congress on promoting American innovation and economic competitiveness.
Sec. 604. Sense of the Congress regarding pay parity.
Sec. 605. Sense of the Congress on college affordability and student loan reform.
Sec. 606. Sense of the Congress on Great Lakes restoration.
Sec. 607. Sense of the Congress regarding the importance of child support enforcement.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: $1,532,571,000,000.
Fiscal year 2010: $1,653,682,000,000.
Fiscal year 2011: $1,929,625,000,000.
Fiscal year 2012: $2,129,601,000,000.
Fiscal year 2013: $2,291,120,000,000.
Fiscal year 2014: $2,495,781,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: $0.
Fiscal year 2010: –$12,304,000,000.
Fiscal year 2011: –$159,006,000,000.
Fiscal year 2012: –$230,792,000,000.
Fiscal year 2013: –$224,217,000,000.
Fiscal year 2014: –$137,877,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: $3,675,927,000,000.
Fiscal year 2010: $2,888,691,000,000.
Fiscal year 2011: $2,844,910,000,000.
Fiscal year 2012: $2,848,117,000,000.
Fiscal year 2013: $3,012,193,000,000.
Fiscal year 2014: $3,188,847,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: $3,356,270,000,000.
Fiscal year 2010: $3,001,311,000,000.
Fiscal year 2011: $2,967,908,000,000.
Fiscal year 2012: $2,881,842,000,000.
Fiscal year 2013: $3,019,375,000,000.
Fiscal year 2014: $3,174,814,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: $1,823,699,000,000.
Fiscal year 2010: $1,347,629,000,000.
Fiscal year 2011: $1,038,283,000,000.
Fiscal year 2012: $752,241,000,000.
Fiscal year 2013: $728,255,000,000.
Fiscal year 2014: $679,033,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: $12,016,335,000,000.
Fiscal year 2010: $13,233,246,000,000.
Fiscal year 2011: $14,349,372,000,000.
Fiscal year 2012: $15,277,119,000,000.
Fiscal year 2013: $16,159,829,000,000.
Fiscal year 2014: $17,022,631,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: $7,728,718,000,000.

Fiscal year 2010: $8,778,081,000,000.
Fiscal year 2011: $9,683,425,000,000.
Fiscal year 2012: $10,345,343,000,000.
Fiscal year 2013: $10,930,977,000,000.
Fiscal year 2014: $11,499,230,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: $653,117,000,000.
Fiscal year 2010: $668,208,000,000.
Fiscal year 2011: $694,864,000,000.
Fiscal year 2012: $726,045,000,000.
Fiscal year 2013: $766,065,000,000.
Fiscal year 2014: $802,166,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: $513,029,000,000.
Fiscal year 2010: $544,140,000,000.
Fiscal year 2011: $564,523,000,000.
Fiscal year 2012: $586,897,000,000.
Fiscal year 2013: $612,017,000,000.
Fiscal year 2014: $639,054,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2009:
(A) New budget authority, $5,296,000,000.
(B) Outlays, $4,945,000,000.
Fiscal year 2010:
(A) New budget authority, $6,072,000,000.
(B) Outlays, $5,934,000,000.
Fiscal year 2011:
(A) New budget authority, $6,568,000,000.
(B) Outlays, $6,433,000,000.
Fiscal year 2012:
(A) New budget authority, $6,895,000,000.
(B) Outlays, $6,809,000,000.
Fiscal year 2013:
(A) New budget authority, $7,223,000,000.
(B) Outlays, $7,148,000,000.
Fiscal year 2014:
(A) New budget authority, $7,599,000,000.
(B) Outlays, $7,517,000,000.

SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2009:
(A) New budget authority, $253,000,000.
(B) Outlays, $253,000,000.
Fiscal year 2010:
(A) New budget authority, $262,000,000.
(B) Outlays, $262,000,000.
Fiscal year 2011:
(A) New budget authority, $267,000,000.
(B) Outlays, $267,000,000.
Fiscal year 2012:
(A) New budget authority, $272,000,000.
(B) Outlays, $272,000,000.
Fiscal year 2013:
(A) New budget authority, $277,000,000.
(B) Outlays, $277,000,000.
Fiscal year 2014:
(A) New budget authority, $283,000,000.
(B) Outlays, $283,000,000.

SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2014 for each major functional category are:

(1) National Defense (050):
Fiscal year 2009:
(A) New budget authority, $618,057,000,000.
(B) Outlays, $646,810,000,000.
Fiscal year 2010:
(A) New budget authority, $562,033,000,000.
(B) Outlays, $606,043,000,000.
Fiscal year 2011:
(A) New budget authority, $570,107,000,000.
(B) Outlays, $587,945,000,000.
Fiscal year 2012:
(A) New budget authority, $579,135,000,000.
(B) Outlays, $576,023,000,000.
Fiscal year 2013:
(A) New budget authority, $589,895,000,000.
(B) Outlays, $584,670,000,000.
Fiscal year 2014:
(A) New budget authority, $603,828,000,000.
(B) Outlays, $595,476,000,000.
(2) International Affairs (150):
Fiscal year 2009:
(A) New budget authority, $40,885,000,000.
(B) Outlays, $37,797,000,000.
Fiscal year 2010:
(A) New budget authority, $47,866,000,000.
(B) Outlays, $44,668,000,000.
Fiscal year 2011:
(A) New budget authority, $51,505,000,000.
(B) Outlays, $50,423,000,000.
Fiscal year 2012:
(A) New budget authority, $52,205,000,000.
(B) Outlays, $52,078,000,000.
Fiscal year 2013:
(A) New budget authority, $53,553,000,000.

(B) Outlays, $52,899,000,000.
Fiscal year 2014:
(A) New budget authority, $54,928,000,000.
(B) Outlays, $52,777,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2009:
(A) New budget authority, $35,389,000,000.
(B) Outlays, $30,973,000,000.
Fiscal year 2010:
(A) New budget authority, $31,139,000,000.
(B) Outlays, $32,467,000,000.
Fiscal year 2011:
(A) New budget authority, $33,993,000,000.
(B) Outlays, $34,532,000,000.
Fiscal year 2012:
(A) New budget authority, $34,246,000,000.
(B) Outlays, $33,532,000,000.
Fiscal year 2013:
(A) New budget authority, $34,473,000,000.
(B) Outlays, $33,823,000,000.
Fiscal year 2014:
(A) New budget authority, $34,841,000,000.
(B) Outlays, $34,141,000,000.
(4) Energy (270):
Fiscal year 2009:
(A) New budget authority, $43,919,000,000.
(B) Outlays, $2,952,000,000.
Fiscal year 2010:
(A) New budget authority, $4,989,000,000.
(B) Outlays, $6,275,000,000.
Fiscal year 2011:
(A) New budget authority, $5,037,000,000.
(B) Outlays, $9,089,000,000.
Fiscal year 2012:
(A) New budget authority, $4,995,000,000.
(B) Outlays, $11,760,000,000.
Fiscal year 2013:
(A) New budget authority, $5,272,000,000.
(B) Outlays, $11,758,000,000.
Fiscal year 2014:
(A) New budget authority, $5,280,000,000.
(B) Outlays, $11,121,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2009:
(A) New budget authority, $56,009,000,000.
(B) Outlays, $36,834,000,000.
Fiscal year 2010:
(A) New budget authority, $37,587,000,000.
(B) Outlays, $40,557,000,000.
Fiscal year 2011:
(A) New budget authority, $37,859,000,000.
(B) Outlays, $39,889,000,000.
Fiscal year 2012:
(A) New budget authority, $38,579,000,000.
(B) Outlays, $39,535,000,000.
Fiscal year 2013:
(A) New budget authority, $38,718,000,000.

(B) Outlays, $39,191,000,000.
Fiscal year 2014:
(A) New budget authority, $39,338,000,000.
(B) Outlays, $39,322,000,000.
(6) Agriculture (350):
Fiscal year 2009:
(A) New budget authority, $24,974,000,000.
(B) Outlays, $23,070,000,000.
Fiscal year 2010:
(A) New budget authority, $23,690,000,000.
(B) Outlays, $23,951,000,000.
Fiscal year 2011:
(A) New budget authority, $24,726,000,000.
(B) Outlays, $24,025,000,000.
Fiscal year 2012:
(A) New budget authority, $21,640,000,000.
(B) Outlays, $17,545,000,000.
Fiscal year 2013:
(A) New budget authority, $22,449,000,000.
(B) Outlays, $22,026,000,000.
Fiscal year 2014:
(A) New budget authority, $23,116,000,000.
(B) Outlays, $22,090,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2009:
(A) New budget authority, $694,439,000,000.
(B) Outlays, $665,437,000,000.
Fiscal year 2010:
(A) New budget authority, $61,113,000,000.
(B) Outlays, $85,750,000,000.
Fiscal year 2011:
(A) New budget authority, $26,181,000,000.
(B) Outlays, $38,016,000,000.
Fiscal year 2012:
(A) New budget authority, $9,561,000,000.
(B) Outlays, $8,649,000,000.
Fiscal year 2013:
(A) New budget authority, $17,247,000,000.
(B) Outlays, $5,585,000,000.
Fiscal year 2014:
(A) New budget authority, $11,226,000,000.
(B) Outlays, –$2,500,000,000.
(8) Transportation (400):
Fiscal year 2009:
(A) New budget authority, $122,457,000,000.
(B) Outlays, $87,784,000,000.
Fiscal year 2010:
(A) New budget authority, $88,151,000,000.
(B) Outlays, $95,695,000,000.
Fiscal year 2011:
(A) New budget authority, $89,071,000,000.
(B) Outlays, $96,474,000,000.
Fiscal year 2012:
(A) New budget authority, $90,047,000,000.
(B) Outlays, $95,851,000,000.
Fiscal year 2013:
(A) New budget authority, $90,866,000,000.

(B) Outlays, $96,150,000,000.
Fiscal year 2014:
(A) New budget authority, $91,809,000,000.
(B) Outlays, $96,793,000,000.
(9) Community and Regional Development (450):
Fiscal year 2009:
(A) New budget authority, $23,811,000,000.
(B) Outlays, $29,983,000,000.
Fiscal year 2010:
(A) New budget authority, $18,308,000,000.
(B) Outlays, $29,303,000,000.
Fiscal year 2011:
(A) New budget authority, $21,232,000,000.
(B) Outlays, $27,530,000,000.
Fiscal year 2012:
(A) New budget authority, $16,311,000,000.
(B) Outlays, $24,767,000,000.
Fiscal year 2013:
(A) New budget authority, $16,202,000,000.
(B) Outlays, $21,945,000,000.
Fiscal year 2014:
(A) New budget authority, $16,270,000,000.
(B) Outlays, $19,147,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2009:
(A) New budget authority, $164,276,000,000.
(B) Outlays, $73,219,000,000.
Fiscal year 2010:
(A) New budget authority, $94,430,000,000.
(B) Outlays, $140,624,000,000.
Fiscal year 2011:
(A) New budget authority, $107,858,000,000.
(B) Outlays, $141,412,000,000.
Fiscal year 2012:
(A) New budget authority, $117,121,000,000.
(B) Outlays, $118,480,000,000.
Fiscal year 2013:
(A) New budget authority, $115,931,000,000.
(B) Outlays, $118,911,000,000.
Fiscal year 2014:
(A) New budget authority, $125,788,000,000.
(B) Outlays, $120,959,000,000.
(11) Health (550):
Fiscal year 2009:
(A) New budget authority, $380,158,000,000.
(B) Outlays, $354,397,000,000.
Fiscal year 2010:
(A) New budget authority, $384,309,000,000.
(B) Outlays, $388,885,000,000.
Fiscal year 2011:
(A) New budget authority, $363,778,000,000.
(B) Outlays, $367,412,000,000.
Fiscal year 2012:
(A) New budget authority, $367,840,000,000.
(B) Outlays, $367,391,000,000.
Fiscal year 2013:

(A) New budget authority, $386,483,000,000.
(B) Outlays, $382,172,000,000.
Fiscal year 2014:
(A) New budget authority, $395,248,000,000.
(B) Outlays, $396,541,000,000.
(12) Medicare (570):
Fiscal year 2009:
(A) New budget authority, $427,076,000,000.
(B) Outlays, $426,736,000,000.
Fiscal year 2010:
(A) New budget authority, $449,668,000,000.
(B) Outlays, $449,798,000,000.
Fiscal year 2011:
(A) New budget authority, $504,895,000,000.
(B) Outlays, $504,721,000,000.
Fiscal year 2012:
(A) New budget authority, $505,686,000,000.
(B) Outlays, $505,436,000,000.
Fiscal year 2013:
(A) New budget authority, $540,017,000,000.
(B) Outlays, $540,146,000,000.
Fiscal year 2014:
(A) New budget authority, $593,421,000,000.
(B) Outlays, $593,233,000,000.
(13) Income Security (600):
Fiscal year 2009:
(A) New budget authority, $520,123,000,000.
(B) Outlays, $503,020,000,000.
Fiscal year 2010:
(A) New budget authority, $536,740,000,000.
(B) Outlays, $540,202,000,000.
Fiscal year 2011:
(A) New budget authority, $509,101,000,000.
(B) Outlays, $512,335,000,000.
Fiscal year 2012:
(A) New budget authority, $451,472,000,000.
(B) Outlays, $452,176,000,000.
Fiscal year 2013:
(A) New budget authority, $455,310,000,000.
(B) Outlays, $455,184,000,000.
Fiscal year 2014:
(A) New budget authority, $455,984,000,000.
(B) Outlays, $454,858,000,000.
(14) Social Security (650):
Fiscal year 2009:
(A) New budget authority, $31,820,000,000.
(B) Outlays, $31,264,000,000.
Fiscal year 2010:
(A) New budget authority, $20,255,000,000.
(B) Outlays, $20,378,000,000.
Fiscal year 2011:
(A) New budget authority, $23,380,000,000.
(B) Outlays, $23,513,000,000.
Fiscal year 2012:
(A) New budget authority, $26,478,000,000.
(B) Outlays, $26,628,000,000.
Fiscal year 2013:

(A) New budget authority, $29,529,000,000.
(B) Outlays, $29,679,000,000.
Fiscal year 2014:
(A) New budget authority, $32,728,000,000.
(B) Outlays, $32,728,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2009:
(A) New budget authority, $97,705,000,000.
(B) Outlays, $94,831,000,000.
Fiscal year 2010:
(A) New budget authority, $106,498,000,000.
(B) Outlays, $105,578,000,000.
Fiscal year 2011:
(A) New budget authority, $112,977,000,000.
(B) Outlays, $112,520,000,000.
Fiscal year 2012:
(A) New budget authority, $108,839,000,000.
(B) Outlays, $108,242,000,000.
Fiscal year 2013:
(A) New budget authority, $113,942,000,000.
(B) Outlays, $113,293,000,000.
Fiscal year 2014:
(A) New budget authority, $116,163,000,000.
(B) Outlays, $115,624,000,000.
(16) Administration of Justice (750):
Fiscal year 2009:
(A) New budget authority, $55,783,000,000.
(B) Outlays, $49,853,000,000.
Fiscal year 2010:
(A) New budget authority, $53,400,000,000.
(B) Outlays, $52,043,000,000.
Fiscal year 2011:
(A) New budget authority, $53,892,000,000.
(B) Outlays, $55,589,000,000.
Fiscal year 2012:
(A) New budget authority, $53,738,000,000.
(B) Outlays, $55,468,000,000.
Fiscal year 2013:
(A) New budget authority, $53,569,000,000.
(B) Outlays, $54,537,000,000.
Fiscal year 2014:
(A) New budget authority, $54,247,000,000.
(B) Outlays, $54,058,000,000.
(17) General Government (800):
Fiscal year 2009:
(A) New budget authority, $30,405,000,000.
(B) Outlays, $24,629,000,000.
Fiscal year 2010:
(A) New budget authority, $21,979,000,000.
(B) Outlays, $22,757,000,000.
Fiscal year 2011:
(A) New budget authority, $22,264,000,000.
(B) Outlays, $23,099,000,000.
Fiscal year 2012:
(A) New budget authority, $22,620,000,000.
(B) Outlays, $23,689,000,000.
Fiscal year 2013:

(A) New budget authority, $22,396,000,000.
(B) Outlays, $23,196,000,000.
Fiscal year 2014:
(A) New budget authority, $22,898,000,000.
(B) Outlays, $23,167,000,000.
(18) Net Interest (900):
Fiscal year 2009:
(A) New budget authority, $288,952,000,000.
(B) Outlays, $288,952,000,000.
Fiscal year 2010:
(A) New budget authority, $284,153,000,000.
(B) Outlays, $284,153,000,000.
Fiscal year 2011:
(A) New budget authority, $323,325,000,000.
(B) Outlays, $323,325,000,000.
Fiscal year 2012:
(A) New budget authority, $387,488,000,000.
(B) Outlays, $387,488,000,000.
Fiscal year 2013:
(A) New budget authority, $470,412,000,000.
(B) Outlays, $470,412,000,000.
Fiscal year 2014:
(A) New budget authority, $558,265,000,000.
(B) Outlays, $558,265,000,000.
(19) Allowances (920):
Fiscal year 2009:
(A) New budget authority, $7,150,000,000.
(B) Outlays, $1,788,000,000.
Fiscal year 2010:
(A) New budget authority, $1,157,000,000.
(B) Outlays, $2,548,000,000.
Fiscal year 2011:
(A) New budget authority, –$14,278,000,000.
(B) Outlays, –$8,066,000,000.
Fiscal year 2012:
(A) New budget authority, –$14,914,000,000.
(B) Outlays, –$13,147,000,000.
Fiscal year 2013:
(A) New budget authority, –$16,126,000,000.
(B) Outlays, –$14,979,000,000.
Fiscal year 2014:
(A) New budget authority, –$16,670,000,000.
(B) Outlays, –$15,235,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2009:
(A) New budget authority, –$78,206,000,000.
(B) Outlays, –$78,206,000,000.
Fiscal year 2010:
(A) New budget authority, –$68,774,000,000.
(B) Outlays, –$68,774,000,000.
Fiscal year 2011:
(A) New budget authority, –$71,993,000,000.
(B) Outlays, –$71,993,000,000.
Fiscal year 2012:
(A) New budget authority, –$74,970,000,000.
(B) Outlays, –$74,970,000,000.
Fiscal year 2013:

(A) New budget authority, –$77,945,000,000.
(B) Outlays, –$77,945,000,000.
Fiscal year 2014:
(A) New budget authority, –$79,861,000,000.
(B) Outlays, –$79,861,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2009:
(A) New budget authority, $90,745,000,000.
(B) Outlays, $24,147,000,000.
Fiscal year 2010:
(A) New budget authority, $130,000,000,000.
(B) Outlays, $98,410,000,000.
Fiscal year 2011:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $76,118,000,000.
Fiscal year 2012:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $65,221,000,000.
Fiscal year 2013:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $56,722,000,000.
Fiscal year 2014:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $52,110,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE SENATE.

(a) COMMITTEE ON FINANCE.—The Senate Committee on Finance shall report changes in laws within its jurisdiction to reduce the deficit by $1,000,000,000 for the period of fiscal years 2009 through 2014.

(b) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Senate Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction to reduce the deficit by $1,000,000,000 for the period of fiscal years 2009 through 2014.

(c) SUBMISSIONS.—In the Senate, not later than October 15, 2009, the Senate committees named in subsections (a) and (b) shall submit their recommendations to the Senate Committee on the Budget. Upon receiving all such recommendations, the Senate Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without any substantive revision.

SEC. 202. RECONCILIATION IN THE HOUSE.

(a) HEALTH CARE REFORM.—

(1) The House Committee on Energy and Commerce shall report changes in laws to reduce the deficit by $1,000,000,000 for the period of fiscal years 2009 through 2014.

(2) The House Committee on Ways and Means shall report changes in laws to reduce the deficit by $1,000,000,000 for the period of fiscal years 2009 through 2014.

(3) The House Committee on Education and Labor shall report changes in laws to reduce the deficit by $1,000,000,000 for the period of fiscal years 2009 through 2014.

(b) INVESTING IN EDUCATION.—The House Committee on Education and Labor shall report changes in laws to reduce the deficit by $1,000,000,000 for the period of fiscal years 2009 through 2014.

(c) SUBMISSIONS.—In the House, not later than October 15, 2009, the House committees named in subsections (a) and (b) shall submit their recommendations to the House Committee on the Budget. Upon receiving all such recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such changes without any substantive revision.

TITLE III—RESERVE FUNDS

Subtitle A—Senate Reserve Funds

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND TO TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.

(a) TRANSFORM AND MODERNIZE AMERICA'S HEALTH CARE SYSTEM.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution, and make adjustments to the pay-as-you-go ledger that are deficit-neutral over 11 years, for one or more bills, joint resolutions, amendments, motions, or conference reports that are deficit-neutral, reduce excess cost growth in health care spending and are fiscally sustainable over the long term, and—

(1) protect families' financial health including restraining the growth of health premiums and other health-related costs;

(2) make health coverage affordable to businesses (in particular to small business and individuals who are self-employed), households, and governments, including by reducing wasteful and inefficient spending in the health care system with periodic reports on savings achieved through these efforts, and by moving forward with improvements to the health care delivery system, including Medicare;

(3) aim for quality, affordable health care for all Americans;

(4) provide portability of coverage and assurance of coverage with appropriate consumer protections;

(5) guarantee choice of health plans and health care providers to Americans;

(6) invest in prevention and wellness and address issues of health disparities;

(7) improve patient safety and quality care, including the appropriate use of health information technology and health data, and promote transparency in cost and quality information to Americans; or

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over the period of the total of fiscal years 2009 through 2019.

(b) OTHER REVISIONS.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) increase the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that include financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures;

(2) include measures to encourage physicians to train in primary care residencies and ensure an adequate supply of residents and physicians;

(3) improve the Medicare program for beneficiaries and protect access to outpatient therapy services (including physical therapy, occupational therapy, and speech-language pathology services) through measures such as repealing the current outpatient therapy caps while protecting beneficiaries from associated premium increases; or

(4) promote payment policies that address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce or that reward quality and efficient care and address geographic variations in spending in the Medicare program;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND TO INVEST IN CLEAN ENERGY AND PRESERVE THE ENVIRONMENT.

(a) INVESTING IN CLEAN ENERGY AND PRESERVING THE ENVIRONMENT.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) reduce our Nation's dependence on imported energy;

(2) produce green jobs;

(3) promote renewable energy development (including expediting research on the viability of using higher ethanol blends at the service station pump);

(4) authorize long-term contracts for procurement of alternative fuels from domestic sources, provided that such procurement is consistent with section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140);

(5) accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner;

(6) strengthen and retool manufacturing supply chains;

(7) create a clean energy investment fund;

(8) improve electricity transmission;

(9) encourage conservation and efficiency;

(10) make improvements to the Low-Income Home Energy Assistance Program;

(11) set aside additional funding from the Oil Spill Liability Trust Fund for Arctic oil spill research;

(12) implement water settlements;

(13) provide additional resources for wildland fire management activities (including the removal of the requirement for State matching funds); or

(14) preserve or protect public lands, oceans or coastal areas;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

(b) CLIMATE CHANGE LEGISLATION.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) invest in clean energy technology initiatives;

(2) decrease greenhouse gas emissions;

(3) create new jobs in a clean technology economy;

(4) strengthen the manufacturing competitiveness of the United States;

(5) diversify the domestic clean energy supply to increase the energy security of the United States;

(6) protect consumers (including policies that address regional differences);

(7) provide incentives for cost-savings achieved through energy efficiencies;

(8) provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere; and

(9) help families, workers, communities, and businesses make the transition to a clean energy economy;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that make higher education more accessible and affordable while maintaining a competitive private sector role in the student loan program, which may include legislation to expand and strengthen student aid, such as Pell Grants, or increase college enrollment and completion rates for low-income students, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019. The legislation may include tax provisions.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION AND WIC.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports

that would reauthorize child nutrition programs or the Special Supplemental Nutrition Program for Women, Infants, and Children (the WIC program), by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN AMERICA'S INFRASTRUCTURE.

(a) INFRASTRUCTURE.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for a robust Federal investment in America's infrastructure, which may include projects for public housing, energy, water, transportation, freight and passenger rail, or other infrastructure projects, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) SURFACE TRANSPORTATION.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide new contract authority paid out of the Highway Trust Fund for surface transportation programs to the extent such new contract authority is offset by an increase in receipts to the Highway Trust Fund (excluding transfers from the general fund of the Treasury into the Highway Trust Fund not offset by a similar increase in receipts), provided further that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) MULTIMODAL TRANSPORTATION PROJECTS.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize multimodal transportation projects that—

(1) provide a set of performance measures;

(2) require a cost-benefit analysis be conducted to ensure accountability and overall project goals are met; and

(3) provide flexibility for States, cities, and localities to create strategies that meet the needs of their communities;

by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) FLOOD CONTROL PROJECTS AND INSURANCE REFORM.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for levee modernization, maintenance, repair, and

improvement, or provide for flood insurance reform and modernization, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE ECONOMIC STABILIZATION AND GROWTH.

(a) MANUFACTURING.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize and strengthen the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal Government, by increasing efforts to train and retrain manufacturing workers, by enhancing workers' technical skills in the use of the new advanced manufacturing technologies to produce competitive energy efficient products, by increasing support for sector workforce training, by increasing support for the redevelopment of closed manufacturing plants, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies such as advanced batteries, or by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) TAX RELIEF.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution by the amounts provided by one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including but not limited to extensions of expiring and expired tax relief, or refundable tax relief, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) TAX REFORM.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reform the Internal Revenue Code to ensure a sustainable revenue base that would lead to a fairer and more efficient tax system and to a more competitive business environment for United States enterprises, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(d) TRADE.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more

bills, joint resolutions, amendments, motions, or conference reports related to trade by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(e) HOUSING ASSISTANCE.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, or assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(f) UNEMPLOYMENT MITIGATION.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that reduce the unemployment rate or provide assistance to the unemployed, particularly in the states and localities with the highest rates of unemployment, or improve the implementation of the unemployment compensation program, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would—

(1) expand the number of disabled military retirees who receive both disability compensation and retired pay;

(2) accelerate the phase-in of concurrent receipt;

(3) reduce or eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(4) enhance or maintain the affordability of health care for military personnel, military retirees or veterans;

(5) improve disability benefits or evaluations for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(6) enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition; or

(7) expand veterans' benefits (including for veterans living in rural areas);

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over

either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR JUDICIAL PAY AND JUDGESHIPS, POSTAL RETIREE ASSISTANCE, AND CERTAIN PENSION OBLIGATIONS.

(a) JUDICIAL PAY AND JUDGESHIPS.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize salary adjustments for justices and judges of the United States, or increase the number of Federal judgeships, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) POSTAL RETIREES.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports relating to adjustments to funding for postal retiree health coverage, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) PENSION OBLIGATIONS.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND FEDERAL CONTRACTING REFORM.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) provide funding to the Department of Defense for additional activities to reduce waste, fraud, abuse and overpayments in defense contracting;

(2) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(3) reduce the use of no-bid and cost-plus contracts;

(4) reform Department of Defense processes for acquiring weapons systems or services in order to reduce costs, improve cost and schedule estimation, enhance developmental testing

of weapons, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(5) reduce the award of contracts to contractors with seriously delinquent tax debts;

(6) reduce the use of non-competitive contracts and the continuation of task orders for logistics support;

(7) reduce the use of contracts for acquisition, oversight, and management support services;

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

(9) reform the processes for payment of bonuses to contractors and government executives responsible for over-budget projects and programs that fail to meet basic performance requirements; or

(10) achieve savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of recovery audits;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR INVESTMENTS IN OUR NATION'S COUNTIES AND SCHOOLS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or make changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565), or both, by the amounts provided by that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR THE FOOD AND DRUG ADMINISTRATION.

(a) REGULATION.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that authorize the Food and Drug Administration to regulate products and assess user fees on manufacturers and importers of those products to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG IMPORTATION.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that permit the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation

for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(c) FOOD SAFETY.—The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR A COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide resources for a comprehensive investigation to determine the cause of the current financial crisis, hold those responsible accountable, and provide recommendations to prevent another financial crisis of this magnitude from occurring again by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASED TRANSPARENCY AT THE FEDERAL RESERVE.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase transparency at the Federal Reserve System, including audits of the Board of Governors of the Federal Reserve System and the Federal reserve banks, to include—

(1) an evaluation of the appropriate number and the associated costs of Federal reserve banks;

(2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of—

(A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis;

(B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered;

(C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and

(D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes; and

(3) including the identity of each entity to which the Board has provided all loans and other financial assistance since March 24, 2008, the value or amount of that financial assistance, and what that entity is doing with such financial assistance;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would increase funding for the 21st Century Community Learning Centers program by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES, AND OTHER SELECTED TAX RELIEF POLICIES.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would extend permanently the deduction for State and local sales taxes, extend incentives for enhanced charitable giving from individual retirement accounts, including life-income gifts, or enhance the employer-provided child care credit and the dependent care tax credit, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND TO INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVING THE WELL-BEING OF CHILDREN.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that—

(1) make improvements to child welfare programs, including strengthening the recruitment and retention of foster families, or make improvements to the child support enforcement program;

(2) improve the Federal foster care payment system to better support children, improve family support, family preservation, family reunification services, address the needs of children prior to removal, during removal, and post placement or address the needs of children who have been abused or neglected; or

(3) provide funds to states for a program of home visits to low-income mothers-to-be and low-income families that will produce sizeable, sustained improvements in the health, well-being, or school readiness of children or their parents;

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September

11, 2001 attacks, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Subtitle B—House Reserve Funds

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes improvements to health care in America, which may include making affordable health coverage available for all, improving the quality of health care, reducing rising health care costs, building on and strengthening existing public and private insurance coverage, including employer-sponsored coverage, and preserving choice of provider and plan by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR COLLEGE ACCESS, AFFORDABILITY, AND COMPLETION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes college more affordable or accessible or that increases college enrollment and completion through reforms to the Higher Education Act of 1965 or other legislation, including increasing the maximum Pell grant award annually by an amount equal to one percentage point more than the Consumer Price Index, or student loan reform, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives, and minimize disruption to schools, students, and the employees of the student loan originating and servicing industry.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASING ENERGY INDEPENDENCE.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that—

(1) provides tax incentives for or otherwise encourages the production of renewable energy or increased energy efficiency;

(2) encourages investment in emerging energy or vehicle technologies or carbon capture and sequestration;

(3) limits and provides for reductions in greenhouse gas emissions;

(4) assists businesses, industries, States, communities, the environment, workers, or households as the United States moves toward reducing and offsetting the impacts of greenhouse gas emissions; or

(5) facilitates the training of workers for these industries ("green collar jobs");

by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.

The chairman of the House Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would:

(1) expand the number of disabled military retirees who receive both disability compensation and retired pay (concurrent receipt);

(2) accelerate the phase-in of concurrent receipt;

(3) reduce or eliminate the offset between Survivor Benefit Plan annuities and Veterans' Dependency and Indemnity Compensation;

(4) enhance or maintain the affordability of health care for military personnel, military retirees or veterans;

(5) improve disability benefits or evaluations for wounded or disabled military personnel or veterans (including measures to expedite the claims process);

(6) enhance servicemember education benefits for members of the National Guard and Reserve by ensuring those benefits keep pace with the national average cost of tuition; or

(7) expand veterans' benefits (including for veterans living in rural areas);

by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 325. DEFICIT-NEUTRAL RESERVE FUND FOR CERTAIN TAX RELIEF.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for tax relief that supports working families (such as expanding the refundable child credit), businesses, States, or communities, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 326. DEFICIT-NEUTRAL RESERVE FUND FOR A 9/11 HEALTH PROGRAM.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that would establish a program, including medical monitoring and treatment, addressing the adverse health impacts linked to the September 11, 2001, attacks by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 327. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD NUTRITION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes, expands, or improves child nutrition programs by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 328. DEFICIT-NEUTRAL RESERVE FUND FOR STRUCTURAL UNEMPLOYMENT INSURANCE REFORMS.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes structural reforms to make the unemployment insurance system respond better to serious economic downturns by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 329. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD SUPPORT.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that increases parental support for children, particularly from non-custodial parents, including legislation that results in a greater share of collected child support reaching the child, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 330. DEFICIT-NEUTRAL RESERVE FUND FOR THE AFFORDABLE HOUSING TRUST FUND.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that capitalizes the existing Affordable Housing Trust Fund by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITING.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides funds to states for a program of home visits to low-income mothers-to-be and low-income families which will produce sizeable, sustained improvements in the health, well-being, or school readiness of children or their parents, by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM TRIGGER.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that makes the Low-Income Home Energy Assistance Program more responsive to energy price increases by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 333. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS LEGISLATION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000 (Public Law 106–393) or makes changes to the Payments in Lieu of Taxes Act of 1976 (Public Law 94–565) by the amounts provided in such measure if such measure would not increase the deficit or decrease the surplus for either time period provided in clause 10 of rule XXI of the Rules of the House of Representatives.

SEC. 334. RESERVE FUND FOR THE SURFACE TRANSPORTATION REAUTHORIZATION.

The chairman of the House Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for any bill, joint resolution, amendment, or conference report that reauthorizes surface transportation programs or that authorizes other transportation-related spending by providing new contract authority by the amounts provided in such measure if such measure establishes or maintains a solvent Highway Trust Fund over the period of fiscal years 2009 through 2015. "Solvency" is defined as a positive cash balance. Such measure may include a transfer into the Highway Trust Fund from other Federal funds, as long as the transfer of Federal funds is fully offset.

TITLE IV—BUDGET PROCESS

Subtitle A—Senate Provisions

PART I—BUDGET ENFORCEMENT

SEC. 401. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2009, $1,391,471,000,000 in new budget authority and $1,220,843,000,000 in outlays; and

(2) for fiscal year 2010, $1,082,250,000,000 in new budget authority and $1,269,471,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates $273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $485,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $485,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(ii) ASSET VERIFICATION.—The additional appropriation of $485,000,000 may also provide that a portion of that amount, not to exceed $34,000,000, instead may be used for asset verification for Supplemental Security Income recipients, but only if and to the extent

that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in subparagraph (i).

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates $7,100,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $890,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $890,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates up to $311,000,000 to the Health Care Fraud and Abuse Control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $311,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, and provides an additional appropriation of up to $50,000,000 for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $50,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(3) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2010 that appropriates $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional appropriation of up to $1,900,000,000 for that program, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $1,900,000,000 in budget authority and outlays flowing therefrom for fiscal year 2010.

(4) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—The chairman of the Senate Committee on the Budget may adjust the discretionary

spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports;

making appropriations for fiscal years 2009 and 2010 for overseas deployments and other activities by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to the amounts of budget authority specified in section 104(21) for fiscal years 2009 and 2010 and the new outlays flowing therefrom.

(5) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the President submits his budget pursuant to section 1105(a) of title 31, United States Code, and the Congressional Budget Office (CBO) re-estimates the budget, the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the aggregate difference for discretionary appropriations and related outlays between the CBO re-estimate and the President's Budget.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 402. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in

an aggregate amount not to exceed $28,852,000,000 in new budget authority in each year;

(2) for the Corporation for Public Broadcasting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

SEC. 403. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 401 and 404 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds

and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

SEC. 404. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of $10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) LIMITATION.—The provisions of this section shall not apply to any bills, joint resolutions, amendments, motions, or conference reports for which the chairman of the Senate Committee on the Budget has made adjustments to the allocations, levels or limits contained in this resolution pursuant to Section 301(a) of this resolution.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(e) SUNSET.—This section shall expire on September 30, 2018.

(f) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

SEC. 405. POINT OF ORDER AGAINST CERTAIN LEGISLATION RELATED TO SURFACE TRANSPORTATION FUNDING.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that extends the authority or reauthorizes surface transportation programs that appropriates budget authority from

sources other than the Highway Trust Fund, including the Mass Transit Account of such fund.

(b) SUPERMAJORITY WAIVER AND APPEALS IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) SUNSET.—This section shall expire on September 30, 2018.

PART II—OTHER PROVISIONS

SEC. 411. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Senate Committee on the Budget.

SEC. 412. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Senate Committee on Appropriation amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

SEC. 413. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—In the Senate, any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) ADJUSTMENTS.—The chairman of the Senate Committee on the Budget may adjust the aggregates, allocations, and other levels

and limits in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, but has yet to be presented to or signed by the President at the time of final consideration of this resolution.

SEC. 414. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 415. EXERCISE OF RULEMAKING POWERS.

The Senate adopts the provisions of this subtitle—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

Subtitle B—House Enforcement Provisions

SEC. 421. ADJUSTMENTS FOR DIRECT SPENDING AND REVENUES.

(a) ADJUSTMENTS FOR CURRENT POLICY.—

(1) IN GENERAL.—For the policies set forth in and not to exceed the amounts in paragraph (2), and subject to the condition specified in paragraph (3), when the chairman of the House Committee on the Budget evaluates the budgetary effects of any provision in a bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this concurrent resolution, or the Rules of the House of Representatives relative to baseline estimates consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, he may exclude from his evaluation the budgetary effects of such provisions if such effects would have been reflected in a baseline adjusted for current policy.

(2) POLICIES AND AMOUNTS.—Paragraph (1) shall apply only to the following provisions:

(A) MEDICARE IMPROVEMENTS.—An increase in the deficit of not to exceed $38,000,000,000 in fiscal years 2010 through 2014 and of not to exceed $38,000,000,000 in fiscal years 2010 through 2019 by reforming the Medicare payment system for physicians to—

(i) change incentives to encourage efficiency and higher quality care in a way that supports fiscal sustainability;

(ii) improve payment accuracy to encourage efficient use of resources and ensure that primary care receives appropriate compensation;

(iii) improve coordination of care among all providers serving a patient in all appropriate settings; or

(iv) hold providers accountable for their utilization patterns and quality of care.

(B) MIDDLE CLASS TAX RELIEF.—A decrease in revenues (or increase in outlays, as appropriate) of an amount not to exceed $512,165,000,000 in fiscal years 2010 through 2014 and of an amount not to exceed $1,294,476,000,000 in fiscal years 2010 through 2019, resulting from extending certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003 for middle class tax relief, including—

(i) the 10 percent individual income tax bracket;

(ii) marriage penalty relief;

(iii) the child credit at $1,000 and partial refundability of the credit;

(iv) education incentives;

(v) other incentives for middle class families and children;

(vi) other reductions to individual income tax brackets; and

(vii) small business tax relief.

(C) REFORM OF THE ALTERNATIVE MINIMUM TAX.—A decrease in revenues of an amount not to exceed $214,433,000,000 in fiscal years 2010 through 2014 and fiscal years 2010 through 2019 resulting from reform of the AMT so that tens of millions of working families will not become subject to it.

(D) REFORM OF THE ESTATE AND GIFT TAX.—A decrease in revenues of an amount not to exceed $72,033,000,000 in fiscal years 2010 through 2014 and of an amount not to exceed $256,244,000,000 in fiscal years 2010 through 2019 resulting from reform of the Estate and Gift Tax so that only a minute fraction of estates owe tax, by extending the law as in effect for 2009 for the Estate and Gift Tax.

(3) CONDITION.—Subsection (a) shall apply only if the House of Representatives has previously passed a bill to impose statutory pay-as-you-go requirements or the measure containing the provision being evaluated by the chairman of the House Committee on the Budget imposes such requirements and such bill is designated as providing statutory pay-as-you-go-requirements under this subsection.

(4) REVISIONS.—The chairman of the House Committee on the Budget may revise or adjust the allocations, aggregates, and other appropriate levels in this resolution to reflect current policy adjustments made pursuant to this section.

(b) DEPOSIT INSURANCE.—When the chairman of the House Committee on the Budget evaluates the budgetary effects of a provision of a bill, joint resolution, amendment, or conference report for the purposes of the Congressional Budget Act of 1974, this resolution, or the Rules of the House of Representatives, the chairman shall exclude the budgetary effects of any provision that affects the full funding of the deposit insurance guarantee commitment

in effect on the date of enactment of Public Law 110–343, the Emergency Economic Stabilization Act of 2008.

SEC. 422. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) PROGRAM INTEGRITY INITIATIVES.—

(1) SOCIAL SECURITY ADMINISTRATION PROGRAM INTEGRITY INITIATIVES.—

(A) IN GENERAL.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates $273,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration and (except as provided in subparagraph (B)) provides an additional appropriation of up to $485,000,000, and that amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(B) ASSET VERIFICATION.—The additional appropriation of $485,000,000 may also provide that a portion of that amount, not to exceed $34,000,000, instead may be used for asset verification for Supplemental Security Income recipients, but only if and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in subparagraph (A).

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates $4,904,000,000 to the Internal Revenue Service for Enforcement and provides an additional appropriation of up to $600,000,000 for Enforcement to address the Federal tax gap, and provides that such sums as may be necessary shall be available from the Operations Support account in the Internal Revenue Service to fully support these Enforcement activities, the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(3) HEALTH CARE FRAUD AND ABUSE CONTROL PROGRAM.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates up to $311,000,000, and the amount is designated to the health care fraud and abuse control program at the Department of Health and Human Services, the allocation to the House Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(4) UNEMPLOYMENT INSURANCE PROGRAM INTEGRITY ACTIVITIES.—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates $10,000,000 for in-person reemployment and eligibility assessments and

unemployment insurance improper payment reviews for the Department of Labor and provides an additional appropriation of up to $50,000,000, and the amount is designated for in-person reemployment and eligibility assessments and unemployment insurance improper payment reviews for the Department of Labor, the allocation to the House Committee on Appropriations shall be increased by the amount of additional budget authority and outlays resulting from that budget authority for fiscal year 2010.

(5) PROCEDURE FOR ADJUSTMENTS.—Prior to consideration of any bill, joint resolution, amendment, or conference report, the chairman of the House Committee on the Budget shall make the adjustments set forth in this subsection for the incremental new budget authority in that measure and the outlays resulting from that budget authority if that measure meets the requirements set forth in this subsection.

(b) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—In the House, prior to consideration of any bill, joint resolution, amendment, or conference report making appropriations for fiscal year 2010 that appropriates $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides additional appropriations of up to $1,900,000,000 for that program, if a mandatory trigger for LIHEAP is not enacted, the chairman of the House Committee on the Budget may allocate such additional budget authority and outlays resulting from that budget authority to the House Committee on Appropriations.

(c) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—If after adoption of this resolution by the Congress, the President submits his budget pursuant to section 1105(a) of title 31, United States Code, and the Congressional Budget Office (CBO) re-estimates the budget, the chairman of the House Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and the allocation to the House Committee on Appropriations by the aggregate difference for discretionary appropriations and related outlays between the CBO re-estimate and the President's Budget.

(2) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the House Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

SEC. 423. COSTS OF OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—

(1) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2009 or fiscal year 2010 for overseas deployments and other activities and such amounts are so designated pursuant to this paragraph, then the allocation to the House Committee on Appropriations may be adjusted by the amounts provided in such legislation for that purpose up to the amounts of budget authority specified in section 104(21) for fiscal year 2009 or fiscal year 2010 and the new outlays resulting therefrom.

(2) In the House, if any bill, joint resolution, amendment, or conference report makes appropriations for fiscal year 2009

or fiscal year 2010 for overseas deployments and other activities above the amounts of budget authority and new outlays specified in paragraph (1) and such amounts are so designated pursuant to this paragraph, then new budget authority, outlays, or receipts resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

(b) EMERGENCY NEEDS.—If any bill, joint resolution, amendment, or conference report makes appropriations for discretionary amounts and such amounts are designated as necessary to meet emergency needs pursuant to this subsection, then new budget authority and outlays resulting therefrom shall not count for the purposes of the Congressional Budget Act of 1974 or this resolution.

SEC. 424. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—In the House, except as provided in subsection (b), any bill, joint resolution, amendment, or conference report making a general appropriation or continuing appropriation may not provide for advance appropriations.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal year 2011 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers to accompany this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $28,852,000,000 in new budget authority, and for 2012, accounts separately identified under the same heading; and

(2) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) DEFINITION.—In this section, the term "advance appropriation" means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010.

SEC. 425. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the House, all committees are directed to conduct rigorous oversight hearings to root out waste, fraud, and abuse in all aspects of Federal spending and Government operations, giving particular scrutiny to issues raised by the Federal Office of the Inspector General or the Comptroller General of the United States. Based upon these oversight efforts, the committees are directed to make recommendations to reduce wasteful Federal spending to promote deficit reduction and long-term fiscal responsibility. Such recommendations should be submitted to the House Committee on the Budget in the views and estimates reports prepared by committees as required under 301(d) of the Congressional Budget Act of 1974.

SEC. 426. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a)

of the Congressional Budget Act of 1974 to the House Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(b) SPECIAL RULE.—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

SEC. 427. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—In the House, any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates included in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the House Committee on the Budget.

(d) ADJUSTMENTS.—The chairman of the House Committee on the Budget may adjust the aggregates, allocations, and other levels in this resolution for legislation which has received final Congressional approval in the same form by the House of Representatives and the Senate, but has yet to be presented to or signed by the President at the time of final consideration of this resolution.

SEC. 428. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of any bill or joint resolution providing for a change in budgetary concepts or definitions, the chairman of the House Committee on the Budget shall adjust any appropriate levels and allocations in this resolution accordingly.

SEC. 429. EXERCISE OF RULEMAKING POWERS.

The House adopts the provisions of this subtitle—

(1) as an exercise of the rulemaking power of the House of Representatives and as such they shall be considered as part of the rules of the House, and these rules shall supersede other rules only to the extent that they are inconsistent with other such rules; and

(2) with full recognition of the constitutional right of the House of Representatives to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

TITLE V—POLICY

SEC. 501. POLICY ON MIDDLE-CLASS TAX RELIEF AND REVENUES.

It is the policy of this resolution to minimize fiscal burdens on working families and their children and grandchildren. It is the policy of this resolution to extend the following tax relief consistent with current policy—

(1) relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax (AMT) under current law;

(2) middle-class tax relief; and

(3) elimination of estate taxes on all but a minute fraction of estates.

In total, this resolution supports the extension of over $1,750,000,000,000 in tax relief to individuals and families relative to current law. This resolution supports additional, deficit-neutral tax relief, including the extension of AMT relief, expanding the eligibility for the refundable child credit, the research and experimentation tax credit, the deduction for State and local sales taxes, the enactment of a tax credit for school construction bonds, and other tax relief for working families. The cost of enacting such policies may be offset by reforms within the Internal Revenue Code of 1986 that produce higher rates of tax compliance to close the "tax gap" and reduce taxpayer burdens through tax simplification. The President's budget proposes a variety of other revenue offsets. Unless expressly provided, this resolution does not assume any of the specific revenue offset proposals provided for in the President's budget. Decisions about specific revenue offsets are made by the House Committee on Ways and Means and the Senate Committee on Finance, which are the tax-writing committees.

SEC. 502. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) there is no higher priority than the defense of our Nation, and therefore the Administration and Congress will make the necessary investments and reforms to strengthen our military so that it can successfully meet the threats of the 21st century;

(2) acquisition reform is needed at the Department of Defense to end excessive cost growth in the development of new weapons systems and to ensure that weapons systems are delivered on time and in adequate quantities to equip our servicemen and servicewomen;

(3) the Department of Defense should review defense plans to ensure that weapons developed to counter Cold War-era threats are not redundant and are applicable to 21st century threats;

(4) sufficient resources should be provided for the Department of Defense to aggressively address the 758 unimplemented recommendations made by the Government Accountability Office (GAO) since 2001 to improve practices at the Department of Defense, which could save billions of dollars that could be applied to priorities identified in this section;

(5) the Department of Defense should review the role that contractors play in its operations, including the degree to which contractors are performing inherently governmental functions,

to ensure it has the most effective mix of government and contracted personnel;

(6) the Department of Defense report to Congress on its assessment of Cold War-era weaponry, its progress on implementing GAO recommendations, and its review of contractors at the Department as outlined in paragraphs (3), (4), and (5) by a date to be determined by the appropriate committees;

(7) the GAO provide a report to the appropriate congressional committees by December 31, 2009, on the Department of Defense's progress in implementing its audit recommendations;

(8) ballistic missile defense technologies that are not proven to work through adequate testing and that are not operationally viable should not be deployed, and that no funding should be provided for the research or development of space-based interceptors;

(9) cooperative threat reduction and other nonproliferation programs (securing "loose nukes" and other materials used in weapons of mass destruction), which were highlighted as high priorities by the 9/11 Commission, need to be funded at a level that is commensurate with the evolving threat;

(10) readiness of our troops, particularly the National Guard and Reserves, is a high priority, and that continued emphasis is needed to ensure adequate equipment and training;

(11) improving military health care services and ensuring quality health care for returning combat veterans is a high priority;

(12) military pay and benefits should be enhanced to improve the quality of life for military personnel and their families;

(13) the Department of Defense should make every effort to investigate the national security benefits of energy independence, including those that may be associated with alternative energy sources and energy efficiency conversions;

(14) the Administration's budget requests should continue to comply with section 1008, Public Law 109–364, the John Warner National Defense Authorization Act for Fiscal Year 2007, and that to the extent practicable overseas military operations should no longer be funded through emergency supplemental appropriations; and

(15) when assessing security threats and reviewing the programs and funding needed to counter these threats, the Administration should do so in a comprehensive manner that includes all agencies involved in our national security.

TITLE VI—SENSE OF THE CONGRESS

SEC. 601. SENSE OF THE CONGRESS ON VETERANS' AND SERVICEMEMBERS' HEALTH CARE.

It is the sense of the Congress that—

(1) the Congress supports excellent health care for current and former members of the United States Armed Services—they have served well and honorably and have made significant sacrifices for this Nation;

(2) the President's budget will improve health care for veterans by increasing appropriations for VA by 10 percent

more than the 2009 level, increasing VA's appropriated resources for every year after 2010, and restoring health care eligibility to additional nondisabled veterans with modest incomes;

(3) VA is not and should not be authorized to bill private insurance companies for treatment of health conditions that are related to veterans' military service;

(4) VA may find it difficult to realize the level of increase in medical care collections estimated in the President's budget for 2010 using existing authorities, and increases to veterans beneficiary travel reimbursement are important; therefore, this resolution provides $673,000,000 more for Function 700 (Veterans Benefits and Services) than the President's budget to safeguard the provision of health care to veterans;

(5) it is important to continue providing sufficient and timely funding for veterans' and servicemembers' health care; and

(6) this resolution provides additional funding above the 2009 levels for VA to research and treat mental health, post-traumatic stress disorder, and traumatic brain injury.

SEC. 602. SENSE OF THE CONGRESS ON HOMELAND SECURITY.

It is the sense of the Congress that because making the country safer and more secure is such a critical priority, the resolution therefore provides robust resources in the four budget functions—Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice)—that fund most nondefense homeland security activities that can be used to address our key security priorities, including—

(1) safeguarding the Nation's transportation systems, including rail, mass transit, ports, and airports;

(2) continuing with efforts to identify and to screen for threats bound for the United States;

(3) strengthening border security;

(4) enhancing emergency preparedness and training and equipping first responders;

(5) helping to make critical infrastructure more secure and resilient against the threat of terrorism and natural disasters;

(6) making the Nation's cyber infrastructure resistive to attack; and

(7) increasing the preparedness of the public health system.

SEC. 603. SENSE OF THE CONGRESS ON PROMOTING AMERICAN INNOVATION AND ECONOMIC COMPETITIVENESS.

It is the sense of the Congress that—

(1) the Congress should provide sufficient investments to enable our Nation to continue to be the world leader in education, innovation, and economic growth as envisioned in the goals of the America COMPETES Act;

(2) this resolution builds on significant funding provided in the American Recovery and Reinvestment Act for scientific research and education in Function 250 (General Science, Space and Technology), Function 270 (Energy), Function 300 (Natural Resources and Environment), Function 500 (Education, Training, Employment, and Social Services), and Function 550 (Health);

(3) the Congress also should pursue policies designed to ensure that American students, teachers, businesses, and workers are prepared to continue leading the world in innovation, research, and technology well into the future; and

(4) this resolution recognizes the importance of the extension of investments and tax policies that promote research and development and encourage innovation and future technologies that will ensure American economic competitiveness.

SEC. 604. SENSE OF THE CONGRESS REGARDING PAY PARITY.

It is the sense of the Congress that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 605. SENSE OF THE CONGRESS ON COLLEGE AFFORDABILITY AND STUDENT LOAN REFORM.

It is the Sense of the Congress that—

(1) nothing in the resolution should be construed to reduce any assistance that makes college more affordable and accessible for students, including but not limited to student aid programs and services provided by nonprofit State agencies and private lenders;

(2) private and non-profit lenders, originators, and loan servicers help students plan for, apply to, and pay for post-secondary education and training;

(3) any reform of the federal student loan programs to ensure that students have reliable and efficient access to federal loans should include some future role for the currently involved private and non-profit entities, including state non-profits with 100% FFEL lending in the State, and capitalize on the current infrastructure provided by private and non-profit entities, in order both to provide employment to many Americans during this time of economic distress and to maintain valuable services that make post-secondary education more accessible and attainable for many Americans; and

(4) therefore, pursuant to any changes to the student loan programs, loan processing, administration, and servicing should continue to be performed, as needed, by for-profit and non-profit entities.

SEC. 606. SENSE OF THE CONGRESS ON GREAT LAKES RESTORATION.

It is the sense of the Congress that this resolution recognizes the need to address significant and long-standing problems affecting the major large scale aquatic, estuarine, and coastal ecosystems nationwide. This resolution includes funding for a new interagency initiative to address such regional ecosystems. It also includes funding to work with Great Lakes States, tribes, local communities, and organizations to more effectively address issues prioritized in the Great Lakes Regional Collaborative. This initiative could address issues such as invasive species, habitat restoration and conservation, non-point source pollution, and contaminated sediment. The resolution also supports the President's proposal to use outcome-oriented performance goals and measures to target the most significant problems and track progress in addressing these ecosystems.

SEC. 607. SENSE OF THE CONGRESS REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the Congress that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

Agreed to April 29, 2009

Apr. 30, 2009
[H. Con. Res. 104]

NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH—SUPPORT

Whereas on average, a person is sexually assaulted in the United States every two-and-a-half minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas two-thirds of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as "National Sexual Assault Awareness and Prevention Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends national and community organizations, businesses in the private sector, colleges and universities, and the media to promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

Agreed to April 30, 2009.

NATIONAL PEACE OFFICERS' MEMORIAL SERVICE—CAPITOL GROUNDS AUTHORIZATION

May 12, 2009
[H. Con. Res. 38]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS' MEMORIAL SERVICE.

(a) IN GENERAL.—The Grand Lodge of the Fraternal Order of Police and its auxiliary (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event, the 28th annual National Peace Officers' Memorial Service (in this resolution referred to as the "event"), on the Capitol Grounds, in order to honor the law enforcement officers who died in the line of duty during 2008.

(b) DATE OF EVENT.—The event shall be held on May 15, 2009, or on such other date as the Speaker of the House of Representatives

and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to May 12, 2009.

May 13, 2009
[H. Con. Res. 80]

KING KAMEHAMEHA BIRTHDAY CELEBRATION—EMANCIPATION HALL AUTHORIZATION

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 7, 2009, to celebrate the birthday of King Kamehameha.

(b) PREPARATIONS.—Physical preparations for the conduct of the ceremony described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to May 13, 2009.

May 21, 2009
[H. Con. Res. 133]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 21, 2009, through Sunday, May 24, 2009, on a motion offered pursuant to this concurrent resolution by its Majority

Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 2, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 21, 2009, through Sunday, May 24, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 1, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to May 21, 2009.

SUSAN G. KOMEN GLOBAL RACE FOR THE CURE—RECOGNITION AND SUPPORT

June 8, 2009
[H. Con. Res. 109]

Whereas breast cancer is the most frequently diagnosed cancer in women worldwide, with more than 1,300,000 diagnosed each year;

Whereas breast cancer is the leading cause of death among women worldwide, more than 465,000 die from the disease each year, and a woman dies from breast cancer every 68 seconds;

Whereas there are more than 2,500,000 breast cancer survivors alive in the United States today, the largest group of all cancer survivors;

Whereas a woman has a one-in-eight lifetime risk of developing breast cancer, and only a small percentage of cases are due to heredity;

Whereas incidence rates for breast cancer are increasing by as much as five percent annually in low-resource countries;

Whereas, since its inception, Susan G. Komen for the Cure has invested more than $1,300,000,000 in breast cancer research, education, and community health services that have raised awareness and improved treatment, helping more people survive the disease and creating a strong support community of breast cancer survivors;

Whereas publicly and privately funded research has resulted in treatment that has raised the 5-year survival rate for women with localized breast cancer from 80 percent in the 1950s to 98 percent in 2008;

Whereas the Susan G. Komen Race for the Cure Series is the organization's signature program and is the world's largest and most successful education and fundraising event for breast cancer;

Whereas more than 120 Komen Race for the Cure events are held across the globe, raising significant funds and awareness for the fight against breast cancer;

Whereas a record $3,700,000 from the 2008 Komen Race for the Cure was granted to 18 organizations in the National Capital area for 2009, a 10 percent increase over last year's local funding;

Whereas these grants are awarded to projects dedicated to addressing gaps and unmet needs in breast health education and breast cancer screening and treatment in underserved populations throughout the National Capital area;

Whereas 2009 marks the 20th anniversary of the first Susan G. Komen National Race for the Cure in Washington, DC;

Whereas this year the Susan G. Komen National Race for the Cure becomes the first-ever Susan G. Komen Global Race for the Cure, reflecting Komen's global mission to end breast cancer wherever we find it, at home or abroad; and

Whereas more than 50,000 participants, including 4,000 breast cancer survivors and hundreds of congressional and Federal agency employees are expected for the 20th annual 5K run/walk on Saturday, June 6, 2009, on the National Mall: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) remembers the lives of the women and men who have lost their fight with breast cancer and expresses support and admiration for those who have survived;

(2) congratulates those survivors, family, friends, and other community members who participate in the Global Race for the Cure in order to raise money for research and education so that many more may survive and encourages Americans to walk this year and to support their family and friends who participate; and

(3) honors the Susan G. Komen Global Race for the Cure for its impact on the National Capital Area, the Nation, and the world.

Agreed to June 8, 2009.

June 26, 2009
[S. Con. Res. 31]

ADJOURNMENT—SENATE AND HOUSE OF REPRESENTATIVES

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, June 25, 2009 through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 6, 2009, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Thursday, June 25, 2009, through Sunday, June 28, 2009, on a motion offered pursuant to this concurrent resolution by its Majority

Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, July 7, 2009, or such other time on that day as may be specified in the motion to adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to June 26, 2009.

PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO ENGRAVINGS—CAPITOL VISITOR CENTER

July 10, 2009
[H. Con. Res. 131]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. ENGRAVING OF PLEDGE OF ALLEGIANCE TO THE FLAG AND NATIONAL MOTTO IN CAPITOL VISITOR CENTER.

(a) ENGRAVING REQUIRED.—The Architect of the Capitol shall engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center, in accordance with the engraving plan described in subsection (b).

(b) ENGRAVING PLAN.—The engraving plan described in this subsection is a plan setting forth the design and location of the engraving required under subsection (a) which is prepared by the Architect of the Capitol and approved by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

Agreed to July 10, 2009.

PLACEMENT OF SLAVE LABOR MARKER—CAPITOL VISITOR CENTER

July 10, 2009
[H. Con. Res. 135]

Whereas enslaved African-Americans provided labor essential to the construction of the United States Capitol;

Whereas the report of the Architect of the Capitol entitled "History of Slave Laborers in the Construction of the United States Capitol" documents the role of slave labor in the construction of the Capitol;

Whereas enslaved African-Americans performed the backbreaking work of quarrying the stone which comprised many of the floors, walls, and columns of the Capitol;

Whereas enslaved African-Americans also participated in other facets of construction of the Capitol, including carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing;

Whereas the marble columns in the Old Senate Chamber and the sandstone walls of the East Front corridor remain as the lasting legacies of the enslaved African-Americans who worked the quarries;

Whereas slave-quarried stones from the remnants of the original Capitol walls can be found in Rock Creek Park in the District of Columbia;

Whereas the Statue of Freedom now atop the Capitol dome could not have been cast without the pivotal intervention of Philip Reid, an enslaved African-American foundry worker who deciphered the puzzle of how to separate the 5-piece plaster model for casting when all others failed;

Whereas the great hall of the Capitol Visitor Center was named Emancipation Hall to help acknowledge the work of the slave laborers who built the Capitol;

Whereas no narrative on the construction of the Capitol that does not include the contribution of enslaved African-Americans can fully and accurately reflect its history;

Whereas recognition of the contributions of enslaved African-Americans brings to all Americans an understanding of the continuing evolution of our representative democracy; and

Whereas a marker dedicated to the enslaved African-Americans who helped to build the Capitol will reflect the charge of the Capitol Visitor Center to teach visitors about Congress and its development: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. PLACEMENT OF MARKER IN CAPITOL VISITOR CENTER TO ACKNOWLEDGE ROLE OF SLAVE LABOR IN CONSTRUCTION OF CAPITOL.

(a) PROCUREMENT AND PLACEMENT OF MARKER.—The Architect of the Capitol, subject to the approval of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, shall design, procure, and place in a prominent location in Emancipation Hall in the Capitol Visitor Center a marker which acknowledges the role that slave labor played in the construction of the United States Capitol.

(b) CRITERIA FOR DESIGN OF MARKER.—In developing the design for the marker required under subsection (a), the Architect of the Capitol—

(1) shall take into consideration the recommendations developed by the Slave Labor Task Force Working Group;

(2) shall, to the greatest extent practicable, ensure that the marker includes stone which was quarried by slaves in the construction of the Capitol; and

(3) shall ensure that the marker includes a plaque or inscription which describes the purpose of the marker.

Agreed to July 10, 2009.

FOOD AND NUTRITION SERVICE—RECOGNITION

July 21, 2009
[H. Con. Res. 164]

Whereas the Food and Nutrition Service of the Department of Agriculture has been promoting sound nutrition and fighting hunger in the United States since 1969;

Whereas the Food and Nutrition Service works with State and local governments, nonprofit organizations, and faith-based organizations to provide food and nutritional support to over 36,000,000 people in the United States who live in households that face food insecurity on a daily basis;

Whereas the Food and Nutrition Service supports schools in the United States by providing children with nutritious breakfasts and lunches and promotes wellness policies to ensure that children have a healthy start in life; and

Whereas the nutrition programs of the Food and Nutrition Service reach 1 in 5 citizens of the United States on a daily basis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the valuable historic and continued contribution of the Food and Nutrition Service and its employees to the citizens of the United States;

(2) commends the efforts of States, territories, local governments, and nonprofit charitable and faith-based organizations to end hunger and provide nutritious food to citizens of the United States;

(3) encourages the continued efforts to educate the citizens of the United States about the importance of eating nutritiously and living a healthy lifestyle; and

(4) recognizes and reaffirms the commitment of the United States to end hunger in the United States and continue to lead the world in ending global hunger.

Agreed to July 21, 2009.

BUREAU OF LABOR STATISTICS—125TH ANNIVERSARY

July 21, 2009
[S. Con. Res. 30]

Whereas the Act entitled "An Act to establish a Bureau of Labor", approved on June 27, 1884 (23 Stat. 60), established a bureau to "collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity";

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

Agreed to July 21, 2009.

July 29, 2009
[S. Con. Res. 29]

JOHN ARTHUR "JACK" JOHNSON, POSTHUMOUS PARDON—SUPPORT

Whereas John Arthur "Jack" Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White title-holder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the "great white hope";

Whereas in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the "Battle of the Century";

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas between 1901 and 1910, 754 African-Americans were lynched, some for simply for being "too familiar" with White women;

Whereas in 1910, Congress passed the Act of June 25, 1910 (commonly known as the "White Slave Traffic Act" or the "Mann Act") (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose";

Whereas in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an "immoral purpose" in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

Agreed to July 29, 2009.

July 29, 2009
[S. Con. Res. 35]

POCKET VERSION OF THE UNITED STATES CONSTITUTION—HOUSE PRINT

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. POCKET VERSION OF THE UNITED STATES CONSTITUTION.

(a) IN GENERAL.—The 24th edition of the pocket version of the United States Constitution shall be printed as a Senate document under the direction of the Joint Committee on Printing.

(b) ADDITIONAL COPIES.—In addition to the usual number, there shall be printed the lesser of—

(1) 551,000 copies of the document, of which 441,000 copies shall be for the use of the House of Representatives, 100,000 copies shall be for the use of the Senate, and 10,000 copies shall be for the use of the Joint Committee on Printing; or

(2) such number of copies of the document as does not exceed a total production and printing cost of $218,379, with distribution to be allocated in the same proportion as described in paragraph (1), except that in no case shall the number of copies be less than 1 per Member of Congress.

Agreed to July 29, 2009.

July 31, 2009
[H. Con. Res. 172]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the House adjourns on the legislative day of Friday, July 31, 2009, Saturday, August 1, 2009, or Sunday, August 2, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, September 8, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, August

6, 2009, through Tuesday, August 11, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 8, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to July 31, 2009.

NATIONAL WEEKEND OF REMEMBRANCE EVENT—CAPITOL GROUNDS AUTHORIZATION

Aug. 5, 2009
[H. Con. Res. 171]

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR NATIONAL WEEKEND OF REMEMBRANCE EVENT.

(a) IN GENERAL.—The White House Commission on Remembrance (in this resolution referred to as the "sponsor") shall be permitted to sponsor a public event (in this resolution referred to as the "event") on the Capitol Grounds to honor military personnel who have died in service to the United States and to acknowledge the sacrifice of the families of those individuals as part of the National Weekend of Remembrance.

(b) DATE OF EVENT.—The event shall be held on September 26, 2009, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, the event shall be—

(1) free of admission charge and open to the public; and

(2) arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. EVENT PREPARATIONS.

Subject to the approval of the Architect of the Capitol, the sponsor is authorized to erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment, as may be required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 5104(c) of title 40, United States

Code, concerning sales, advertisements, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, in connection with the event.

Agreed to August 5, 2009.

Sept. 8, 2009
[H. Con. Res. 179]

JOINT SESSION

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, September 9, 2009, at 8:00 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Agreed to September 8, 2009.

Sept. 23, 2009
[H. Con. Res. 59]

SENIOR CAREGIVING—RECOGNITION AND SUPPORT

Whereas 8,000 people in the United States turn 60 years old every day;

Whereas an estimated 35,900,000 people, 12.4 percent of the population, are 65 years of age and older;

Whereas the United States population age 65 and older is expected to more than double in the next 50 years to 86,700,000 in 2050;

Whereas the 85 and older population is projected to reach 9,600,000 in 2030 and double again to 20,900,000 in 2050;

Whereas it is estimated that 4,500,000 people in the United States have Alzheimer's disease today;

Whereas it is estimated that number will increase to between 11,300,000 and 16,000,000 by 2050;

Whereas 70 percent of people with Alzheimer's disease and other dementias live at home, and these individuals are examples of individuals who need assistance in their homes with their "activities of daily living";

Whereas currently over 25 percent of all seniors need some level of assistance with their "activities of daily living";

Whereas in order to address the surging population of seniors who have significant needs for in-home care, the field of senior caregiving will continue to grow;

Whereas there are an estimated 44,000,000 adults in the United States providing care to adult relatives or friends and an estimated 725,000 nonfamily private paid senior caregivers;

Whereas both unpaid family caregivers and paid caregivers work together to serve the daily living needs of seniors who live in their own homes;

Whereas the Department of Labor estimated that paid caregivers for the year 2006 worked a total of 835,000,000 hours, and the

projected hours of paid senior caregivers are estimated to increase to 4,350,000,000 hours by 2025; and

Whereas the longer a senior is able to provide for his or her own care, the less burden is placed on public payment systems in State and Federal governments: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes caregiving as a profession;

(2) supports the private home care industry and the efforts of family caregivers nationwide by encouraging individuals to provide care to family, friends, and neighbors;

(3) encourages accessible and affordable care for seniors;

(4) reviews Federal policies and supports current Federal programs which address the needs of seniors and their family caregivers; and

(5) encourages the Secretary of Health and Human Services to continue working to educate people in the United States on the impact of aging and the importance of knowing the options available to seniors when they need care to meet their personal needs.

Agreed to September 23, 2009.

SICKLE CELL DISEASE AWARENESS MONTH—SUPPORT

Sept. 30, 2009
[H. Con. Res. 186]

Whereas Sickle Cell Disease is an inherited blood disorder that is a major health problem in the United States and worldwide;

Whereas Sickle Cell Disease causes the rapid destruction of sickle cells, which results in multiple medical complications, including anemia, jaundice, gallstones, strokes, and restricted blood flow, damaging tissue in the liver, spleen, and kidneys, and death;

Whereas Sickle Cell Disease causes episodes of considerable pain in one's arms, legs, chest, and abdomen;

Whereas Sickle Cell Disease affects an estimated 70,000 to 100,000 Americans;

Whereas approximately 1,000 babies are born with Sickle Cell Disease each year in the United States, with the disease occurring in approximately 1 in 500 newborn African-American infants, 1 in 1,000 newborn Hispanic-Americans, and is found in persons of Greek, Italian, East Indian, Saudi Arabian, Asian, Syrian, Turkish, Cypriot, Sicilian, and Caucasian origin;

Whereas more than 2,000,000 Americans have the sickle cell trait, and 1 in 12 African-Americans carry the trait;

Whereas there is a 1 in 4 chance that a child born to parents who both have the sickle cell trait will have the disease;

Whereas the life expectancy of a person with Sickle Cell Disease is severely limited, with an average life span for an adult being 45 years;

Whereas, though researchers have yet to identify a cure for this painful disease, advances in treating the associated complications have occurred;

Whereas researchers are hopeful that in less than two decades, Sickle Cell Disease may join the ranks of chronic illnesses that, when properly treated, do not interfere with the activity, growth, or mental development of affected children;

Whereas Congress recognizes the importance of researching, preventing, and treating Sickle Cell Disease by authorizing treatment centers to provide medical intervention, education, and other services and by permitting the Medicaid program to cover some primary and secondary preventative medical strategies for children and adults with Sickle Cell Disease;

Whereas the Sickle Cell Disease Association of America, Inc. remains the preeminent advocacy organization that serves the sickle cell community by focusing its efforts on public policy, research funding, patient services, public awareness, and education related to developing effective treatments and a cure for Sickle Cell Disease; and

Whereas the Sickle Cell Disease Association of America, Inc. has requested that the Congress designate September as Sickle Cell Disease Awareness Month in order to educate communities across the Nation about sickle cell and the need for research funding, early detection methods, effective treatments, and prevention programs: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress supports the goals and ideals of Sickle Cell Disease Awareness Month.

Agreed to September 30, 2009.

Sept. 30, 2009
[H. Con. Res. 191]

ENROLLMENT CORRECTIONS—H.R. 2918

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill (H.R. 2918) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2010, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 158(a) of division B, strike "section 158" and insert "section 157".

(2) In section 158(b) of division B, strike "section 158" and insert "section 157".

(3) In section 162 of division B, strike "sections 158 through 162" and insert "sections 157 through 161".

Agreed to September 30, 2009.

Oct. 5, 2009
[H. Con. Res. 178]

HUDSON RIVER QUADRICENTENNIAL CELEBRATION—RECOGNITION

Whereas the Netherlands and the United States are two countries united by shared values and historic ties;

Whereas 2009 marks the Quadricentennial year that Henry Hudson captained the ship "Halve Maen" under the auspices of the Dutch East India Company and discovered the Hudson River;

Whereas the discovery of that river and its fertile lands gave rise to the establishment of the New Netherland settlement and the ensuing positive relations between the Netherlands and America;

Whereas the Netherlands was the first country to salute the U.S. flag in 1776 at St. Eustatius;

Whereas the drafters of the Declaration of Independence were influenced by the Dutch Constitution;

Whereas the Netherlands has remained a friend and staunch ally of the United States, from providing necessary loans during the Revolutionary War to standing shoulder-to-shoulder in Afghanistan in defense of democratic values, protection of human rights and promotion of the rule of law;

Whereas the New Netherland settlement left a legacy of values such as open-mindedness, entrepreneurship, democracy, tolerance and hard work, as well as freedom of religion and speech;

Whereas the bonds of free trade, open markets and commerce have continuously linked the Dutch and the Americans to such an extent that the Netherlands remains among the top four foreign investors in the U.S.;

Whereas the Netherlands provided immediate assistance in the aftermath of Hurricane Katrina and continues today by sharing expertise in water management that will help rebuild New Orleans and its levees; and

Whereas the heritage of 400 years of friendship between the Netherlands and the United States is a laudable example and should be properly extolled: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that we reaffirm the historic ties and friendship between the United States and the Netherlands by recognizing the Quadricentennial celebration of the discovery of the Hudson River and honoring the enduring values of the settlers of New Netherland that continue to permeate American society.

Agreed to October 5, 2009.

HELEN KELLER STATUE—NATIONAL STATUARY HALL

Oct. 6, 2009
[S. Con. Res. 42]

Whereas Helen Keller was born in Tuscumbia, Alabama on June 27, 1880, and at the age of 19 months lost her sight and hearing as a result of meningitis;

Whereas Helen was liberated from the "double dungeon of darkness and silence" by her teacher, Anne Sullivan, when she discovered language and communication at the water pump when she was 7 years old;

Whereas Helen enrolled in Radcliffe College in 1900 and graduated cum laude in 1904 to become the first deaf and blind college graduate;

Whereas Helen's life served as a model for all people with disabilities in America and worldwide;

Whereas Helen became recognized as one of Alabama's and America's best known figures and became "America's Goodwill Ambassador to the World";

Whereas Helen pioneered the concept of "talking books" for the blind;

Whereas LIFE Magazine hailed Helen as "one of the 100 most important Americans of the 20th Century—a national treasure"; and

Whereas Helen's presence in the Capitol will become an even greater inspiration for people with disabilities worldwide: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

SECTION 1. ACCEPTANCE OF HELEN KELLER, FROM THE PEOPLE OF ALABAMA, FOR PLACEMENT IN THE CAPITOL.

(a) IN GENERAL.—The statue of Helen Keller, furnished by the people of Alabama for placement in the Capitol, in accordance with section 1814 of the Revised Statutes of the United States (2 U.S.C. 2131), is accepted in the name of the United States, and the thanks of Congress are tendered to the people of Alabama for providing this commemoration of one of Alabama's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Alabama is authorized to use the Rotunda of the Capitol on October 7, 2009, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The Architect of the Capitol shall provide for the display of the statue accepted under this section in the Rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be displayed in the Capitol, in accordance with the procedures described in section 311(e) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 2132(e)).

SEC. 2. TRANSMITTAL TO GOVERNOR OF ALABAMA.

The Secretary of the Senate shall transmit an enrolled copy of this concurrent resolution to the Governor of Alabama.

Agreed to October 6, 2009.

EDWARD W. BROOKE III, CONGRESSIONAL GOLD MEDAL AWARD CEREMONY—CAPITOL ROTUNDA AUTHORIZATION

Oct. 21, 2009
[S. Con. Res. 43]

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 co-sponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110–260: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Agreed to October 21, 2009.

U.S. CITIZENS HELD IN IRAN—ENCOURAGING COMMUNICATION AND REUNITING WITH THEIR FAMILIES

Oct. 29, 2009
[S. Con. Res. 45]

Whereas on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

Agreed to October 29, 2009.

Nov. 9, 2009
[H. Con. Res. 210]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Friday, November 6, 2009, through Tuesday, November 10, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 16, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 6, 2009, through Tuesday, November 10, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 16, 2009, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to November 9, 2009.

Nov. 20, 2009
[H. Con. Res. 214]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 19, 2009, or Friday, November 20, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, December 1, 2009, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Friday, November 20, 2009, through Wednesday, November 25, 2009, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 30, 2009, or such

other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to November 20, 2009.

MAGUINDANAO, PHILIPPINES MASSACRE—CONDOLENCES AND CONDEMNATION

Dec. 18, 2009
[H. Con. Res. 218]

Whereas, on November 23, 2009, 57 unarmed civilians were slain in Maguindanao in the worst politically motivated violence in recent Philippine history;

Whereas those killed were on their way to file nomination papers on behalf of Ismael Mangudadatu, vice mayor of Buluan, who intended to run against Andal Ampatuan, Jr. who is currently mayor of Datay Unsu, in next year's gubernatorial elections to succeed Andal Ampatuan, Sr., the father of Andal Ampatuan, Jr.;

Whereas many of those killed were women and children, including the wife of Vice Mayor Ismael Mangudadatu and his two sisters;

Whereas most of the women were reportedly raped and their bodies were mutilated after being shot;

Whereas as of December 2, 2009, initial charges have been filed in connection with the massacre, according to press reports;

Whereas the Freedom Fund for Filipino Journalists reports that at least 30 journalists and media workers were killed in the Maguindanao massacre;

Whereas, the Committee to Protect Journalists reports that prior to the Maguindanao massacre, 30 journalists had been killed in the Philippines since 2000, and suspects were prosecuted in no more than 4 cases, putting into question the safety of journalists and the integrity of independent journalism in the Philippines;

Whereas government prosecutors and judges with jurisdiction over the massacre have allegedly received threats and have been told to "go slow" on the investigation;

Whereas President Gloria Macapagal Arroyo declared a state of emergency in Maguindanao the day after the massacre, vowing that "no effort will be spared to bring justice to the victims";

Whereas extrajudicial killings and election-related violence are common in the Philippines, though never on this scale and rarely with this level of brutality; and

Whereas the United States and the Philippines share a strong friendship based on shared history and the commitment to democracy and freedom: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) regrets the senseless killing of unarmed civilians and expresses its deepest condolences to the families of the 57 victims;

(2) condemns the culture of impunity that continues to exist among clans, politicians, armed elements, and other persons of influence in the Philippines;

(3) calls for a thorough, transparent, and independent investigation and prosecution of those who are responsible for the massacre, including those who committed the killings and anyone who may have ordered them, and that the proceedings be conducted with the highest possible level of professionalism, impartiality, and regard for witness protection to assure the Filipino people that all the responsible persons are brought to justice;

(4) calls for an end to extrajudicial killings and election-related violence;

(5) calls for freedom of press and the safety of the reporters investigating the massacre;

(6) urges the Departments of State and Justice and other United States Government agencies to review their assistance programs to the Government of the Philippines, and to offer any technical assistance, such as forensics support, that Philippine authorities may request; and

(7) reaffirms the United States commitment to working alongside Philippine authorities to combat corruption, terrorism, and security threats.

Agreed to December 18, 2009.

Dec. 22, 2009
[H. Con. Res. 206]

ARMY SIGNAL CORPS TRAINING CENTER AT FORT GORDON, GEORGIA—60TH ANNIVERSARY

Whereas in 1940, in preparation for possible involvement in World War II, the United States Army identified a site near Augusta, Georgia, that was suitable for division-level training, and the War Department entered into a $22 million contract to construct the new installation;

Whereas, at the groundbreaking ceremony on October 18, 1941, the new installation was named Camp Gordon in memory of John B. Gordon, a general in the Civil War and former Georgia Governor;

Whereas during World War II, Camp Gordon was home to three Army divisions, namely the 4th Infantry Division, the 26th Infantry Division, and the 10th Armored Division until they were deployed to Europe, where all three served with distinction;

Whereas after the war, on November 1, 1948, Camp Gordon began its signal corps tradition by becoming the home of the Signal Corps Training Center;

Whereas by 1950, the need for signalmen for the Army during the Korean War led to a major expansion of the Signal Corps

Training Center, making it the largest single source of Army communications specialists;

Whereas, on March 21, 1956, Camp Gordon was made a permanent installation and renamed Fort Gordon;

Whereas the military conflicts in Southeast Asia in the 1960s and 1970s, together with advances in communications-electronics (C–E) technology, placed heavy training demands on Fort Gordon;

Whereas at the height of the Vietnam War, the Signal Corps Training Center was renamed the Southeastern Signal School and became the primary source of personnel for tactical C–E units in Vietnam;

Whereas in September 1965, the Southeastern Signal School activated the Signal Officer Candidate School, from which more than 2,000 officers graduated by February 1968;

Whereas in the post-Vietnam era, as the Army reorganized and modernized, signal training at Fort Gordon progressed to keep pace with rapid technological advances on the modern battlefield, and the Southeastern Signal School was renamed first as the United States Army Signal School and subsequently the United States Army Signal Center at Fort Gordon;

Whereas in June 1986, the United States Army Signal Corp Regiment was established, and Fort Gordon was designated as the regimental home base;

Whereas the Signal Center's efforts included the development of Mobile Subscriber Equipment, the Army's communications architecture and assuming the lead for the Army's Information Mission Area, which included the integration of automation, communications, visual information, records management, and publications and printing;

Whereas in 1990 and 1991, the Signal Center played a vital role in preparing soldiers for deployment during Operation Desert Shield and Operation Desert Storm;

Whereas in the 1990s, Fort Gordon became the home for training most of the personnel within the Department of Defense who operate and maintain satellites and continued to train signal troops of allied and foreign countries;

Whereas Fort Gordon continues to serve as a power projection base for several Signal units responsible for conducting operations overseas;

Whereas approximately 19,000 soldiers are stationed at Fort Gordon, and many of these soldiers have been deployed in Operation Iraqi Freedom or Operation Enduring Freedom multiple times; and

Whereas the strength and unwavering support of the soldiers and their families of Fort Gordon and the entire Augusta community have contributed to making the United States a safe and secure country: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes Fort Gordon as the home of the United States Army Signal Corps on the occasion of the 60th anniversary of Fort Gordon serving as the home of the Signal Corps Training Center;

(2) commends the soldiers, their families, and the civilian personnel at Fort Gordon for their service and dedication to the United States; and

(3) recognizes the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom.

Agreed to December 22, 2009.

Dec. 24, 2009
[H. Con. Res. 223]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Wednesday, December 16, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the Senate adjourns on any day from Friday, December 18, 2009, through Saturday, January 2, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.SEC. 2. When the House adjourns on any legislative day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned until noon on Tuesday, January 12, 2010, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day of the second session of the One Hundred Eleventh Congress from Tuesday, January 5, 2010, through Saturday, January 9, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 19, 2010, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.SEC. 3. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Agreed to December 24, 2009.

PROCLAMATIONS

Proclamation 8335—January 6, 2009

Establishment of the Marianas Trench Marine National Monument

By the President of the United States of America
A Proclamation

Over approximately 480 nautical miles, the Mariana Archipelago encompasses the 14 islands of the United States Commonwealth of the Northern Mariana Islands and the United States Territory of Guam that sit atop the Mariana Ridge in an area known as the Mariana Volcanic Arc. The Mariana Volcanic Arc is part of a subduction system in which the Pacific Plate plunges beneath the Philippine Sea Plate and into the Earth's mantle, creating the Mariana Trench. Six of the archipelago's islands have been volcanically active in historic times, and numerous seamounts along the Mariana Ridge are volcanically or hydrothermically active. The Mariana Trench is approximately 940 nautical miles long and 38 nautical miles wide within the United States Exclusive Economic Zone and contains the deepest known points in the global ocean.

The Mariana Volcanic Arc contains objects of scientific interest, including the largest active mud volcanoes on Earth. The Champagne vent, located at the Eifuku submarine volcano, produces almost pure liquid carbon dioxide. This phenomenon has only been observed at one other site in the world. The Sulfur Cauldron, a pool of liquid sulfur, is found at the Daikoku submarine volcano. The only other known location of molten sulfur is on Io, a moon of Jupiter. Unlike other reefs across the Pacific, the northernmost Mariana reefs provide unique volcanic habitats that support marine biological communities requiring basalt. Maug Crater represents one of only a handful of places on Earth where photosynthetic and chemosynthetic communities of life are known to come together.

The waters of the archipelago's northern islands are among the most biologically diverse in the Western Pacific and include the greatest diversity of seamount and hydrothermal vent life yet discovered. These volcanic islands are ringed by coral ecosystems with very high numbers of apex predators, including large numbers of sharks. They also contain one of the most diverse collections of stony corals in the Western Pacific. The northern islands and shoals in the archipelago have substantially higher large fish biomass, including apex predators, than the southern islands and Guam. The waters of Farallon de Pajaros (also known as Uracas), Maug, and Asuncion support some of the largest biomass of reef fishes in the Mariana Archipelago. These relatively pristine coral reef ecosystems are objects of scientific interest and essential to the long-term study of tropical marine ecosystems.

WHEREAS the submerged volcanic areas of the Mariana Ridge, the coral reef ecosystems of the waters surrounding the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench contain objects of scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS the islands, waters, and airspace of the Mariana Ridge are of particular importance to the national security of the United States;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the ''Antiquities Act'') authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the known volcanic areas of the Mariana Ridge, the marine environment around the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench for the care and management of the scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act do proclaim that there are hereby set apart and reserved as the Marianas Trench Marine National Monument (the ''monument'' or ''marine national monument'') for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying map entitled ''Marianas Trench Marine National Monument'' attached to and forming a part of this proclamation. The monument includes the waters and submerged lands of the three northernmost Mariana Islands (the ''Islands Unit'') and only the submerged lands of designated volcanic sites (the ''Volcanic Unit'') and the Mariana Trench (the ''Trench Unit'') to the extent described as follows: The seaward boundaries of the Islands Unit of the monument extend to the lines of latitude and longitude depicted on the accompanying map, which lie approximately 50 nautical miles from the mean low water line of Farallon de Pajaros (Uracas), Maug, and Asuncion. The inland boundary of the Islands Unit of the monument is the mean low water line. The boundary of the Trench Unit of the monument extends from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam approximately following the points of latitude and longitude identified on the accompanying map. The boundaries of the Volcanic Unit of the monument include a circle drawn with a 1 nautical mile radius centered on each of the volcanic features identified on the accompanying map and its legend. The Federal land and interests in land reserved consists of approximately 95,216 square miles of submerged lands and waters of the Mariana Archipelago, which is the smallest area compatible with the proper care and management of the objects to be protected.

Submerged lands that by legislation are subsequently granted by the United States to the Commonwealth of the Northern Mariana Islands

but remain controlled by the United States under the Antiquities Act may remain part of the monument, for coordination of management with the Government of the Commonwealth of the Northern Mariana Islands. Any submerged lands and interests in submerged lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

Management of the Marine National Monument

The Secretaries of Commerce, through the National Oceanic and Atmospheric Administration, and the Interior, shall manage the monument pursuant to applicable legal authorities and in consultation with the Secretary of Defense. The Secretary of the Interior shall have management responsibility for the monument, in consultation with the Secretary of Commerce, except that the Secretary of Commerce shall have the primary management responsibility, in consultation with the Secretary of the Interior, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and any other applicable authorities. The Secretaries of the Interior and Commerce shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

The Secretaries of the Interior and Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

Within the Islands Unit of the monument, the Secretary of Commerce shall prohibit commercial fishing. Subject to such terms and conditions as the Secretary of Commerce deems necessary for the care and management of the objects of the Islands Unit, the Secretary, consistent with Executive Order 12962 of June 7, 1995, as amended, shall ensure that sustenance, recreational, and traditional indigenous fishing shall be managed as a sustainable activity consistent with other applicable law and after due consideration with respect to traditional indigenous

fishing of any determination by the Government of the Commonwealth of the Northern Mariana Islands.

Monument Management Planning

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, the Department of State, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of the Commonwealth of the Northern Mariana Islands, consistent with these authorities. The monument management plans shall ensure that the monument will be administered in accordance with this proclamation, and shall, as appropriate to their respective authorities, provide for:

1. management of the Islands Unit of the monument, in consultation with the Government of the Commonwealth of the Northern Mariana Islands, including designation of specific roles and responsibilities and the means of consultation on management decisions as appropriate, without affecting the respective authorities or jurisdictions of the Commonwealth of the Northern Mariana Islands or the Secretaries of the Interior or of Commerce;

2. public education programs and public outreach regarding the coral reef ecosystem and related marine resources and species of the monument and efforts to conserve them;

3. traditional access by indigenous persons, as identified by the Secretaries in consultation with the Government of the Commonwealth of the Northern Mariana Islands, for culturally significant subsistence, cultural and religious uses within the monument;

4. a program to assess and promote monument-related scientific exploration and research, tourism, and recreational and economic activities and opportunities in the Commonwealth of the Northern Mariana Islands;

5. a process to consider requests for recreational fishing permits in certain areas of the Islands Unit, based on an analysis of the likely effects of such fishing on the marine ecosystems of these areas, sound professional judgment that such fishing will not materially interfere with or detract from the fulfillment of the purposes of this proclamation, and the extent to which such recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962, as amended, and other applicable law; and

6. programs for monitoring and enforcement necessary to ensure that scientific exploration and research, tourism, and recreational and commercial activities do not degrade the monument's coral reef ecosystem or related marine resources or species or diminish the monument's natural character.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation, overflight, and other internationally recognized lawful uses of the sea, and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Advisory Council

The Secretaries of the Interior and Commerce, within 3 months of the date of this proclamation and after considering recommendations from the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Defense, and the Secretary of Homeland Security, shall establish the Mariana Monument Advisory Council to provide advice and recommendations on the development of management plans and management of the monument. The Advisory Council shall consist of three officials of the Government of the Commonwealth of the Northern Mariana Islands and one representative each from the Department of Defense and the United States Coast Guard.

Members of the Advisory Council will be appointed for a term of 3 years by the Secretaries of the Interior and Commerce after nomination by the head of the pertinent executive branch agency or, with respect to the officials of the Government of the Commonwealth of the Northern Mariana Islands, by the Governor of the Commonwealth of the Northern Mariana Islands. The Advisory Council will adopt such procedures as it deems necessary to govern its activities. Each participating agency shall be responsible for the expenses of its representative and the Departments of the Interior and Commerce shall be equally responsible for the costs of the Advisory Council.

Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces' discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, to the extent that those laws apply.

The establishment of this monument is subject to valid existing rights.

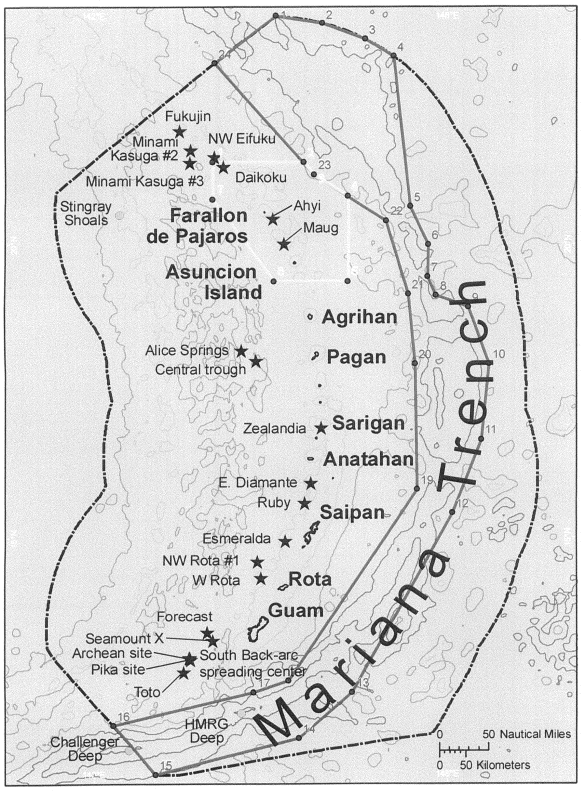
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Marianas Trench Marine National Monument



Trench Unit

Id	Longitude	Latitude
1	145° 5' 46" E	23° 53' 35" N
2	145° 52' 27.10" E	23° 45' 50.54" N
3	146° 36' 18.91" E	23° 29' 18.33" N
4	147° 5' 16.84" E	23° 11' 43.92" N
5	147° 22' 31.43" E	20° 38' 41.35" N
6	147° 40' 48.31" E	19° 59' 23.30" N
7	147° 39' 59.51" E	19° 27' 2.96" N
8	147° 48' 51.61" E	19° 8' 18.74" N
9	148° 21' 47.20" E	18° 56' 6.46" N
10	148° 42' 50.50" E	17° 58' 2.20" N
11	148° 34' 47.12" E	16° 40' 53.86" N
12	148° 5' 39.95" E	15° 25' 51.09" N
13	146° 23' 24.38" E	12° 21' 38.38" N
14	145° 28' 33.28" E	11° 34' 7.64" N
15	143° 3' 9" E	10° 57' 30" N
16	142° 19' 54.93" E	11° 47' 24.83" N
17	144° 42' 31.24" E	12° 21' 24.65" N
18	145° 17' 59.93" E	12° 33' 5.35" N
19	147° 29' 32.24" E	15° 49' 25.53" N
20	147° 27' 32.35" E	17° 57' 52.76" N
21	147° 20' 16.96" E	19° 9' 19.41" N
22	146° 57' 55.31" E	20° 23' 58.80" N
23	145° 44' 31.14" E	21° 11' 14.60" N
24	144° 5' 27.55" E	23° 2' 28.67" N

Islands Unit

Id	Longitude	Latitude
1	144° 1' 22.97" E	21° 23' 42.40" N
2	145° 33' 25.20" E	21° 23' 42.40" N
3	145° 44' 31.14" E	21° 11' 14.60" N
4	146° 18' 36.75" E	20° 49' 17.46" N
5	146° 18' 36.75" E	19° 22' 0.00" N
6	145° 3' 12.22" E	19° 22' 0.00" N
7	144° 1' 22.97" E	20° 45' 44.11" N

Vents Unit

Volcano	Longitude	Latitude
Fukujin	143° 27' 30" E	21° 56' 30" N
Minami Kasuga #2	143° 38' 30" E	21° 36' 36" N
NW Eifuku	144° 2' 36" E	21° 29' 15" N
Minami Kasuga #3	143° 38' 0" E	21° 24' 0" N
Daikoku	144° 11' 39" E	21° 19' 27" N
Ahyi	145° 1' 45" E	20° 26' 15" N
Maug	145° 1' 5" E	20° 1' 15" N
Alice Springs	144° 30' 0" E	18° 12' 0" N
Central trough	144° 45' 0" E	18° 1' 0" N
Zealandia	145° 51' 4" E	16° 52' 57" N
E. Diamante	145° 40' 47" E	15° 56' 31" N
Ruby	145° 34' 24" E	15° 36' 15" N
Esmeralda	145° 14' 45" E	14° 57' 30" N
NW Rota #1	144° 46' 30" E	14° 36' 0" N
W Rota	144° 50' 0" E	14° 19' 30" N
Forecast	143° 55' 12" E	13° 23' 30" N
Seamount X	144° 1' 0" E	13° 14' 48" N
South Backarc	143° 37' 8" E	12° 57' 12" N
Archaean site	143° 37' 55" E	12° 56' 23" N
Pika site	143° 38' 55" E	12° 55' 7" N
Toto	143° 31' 42" E	12° 42' 48" N

Sources:
NOAA Coral Reef Conservation Program
NMFS Coral Reef Ecosystem Division
NESDIS NGDC
NOS/CCMA Biogeography Branch
OAR Pacific Marine Environmental Lab

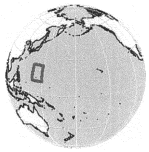
-10000 m
-8000 m
-6000 m
-4000 m
-2000 m

★ Active Hydrothermal Submarine Volcanoes

Trench Unit (59,732 nm²)

Islands Unit (12,388 nm²)

EEZ



Proclamation 8336 of January 6, 2009

Establishment—the Pacific Remote Islands Marine National Monument

By the President of the United States of America
A Proclamation

The Pacific Remote Islands area consists of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, which lie to the south and west of Hawaii. With the exception of Wake Island, these islands are administered as National Wildlife Refuges by the United States Fish and Wildlife Service of the Department of the Interior. These refuges are an important part of the most widespread collection of marine- and terrestrial-life protected areas on the planet under a single country's jurisdiction. They sustain many endemic species including corals, fish, shellfish, marine mammals, seabirds, water birds, land birds, insects, and vegetation not found elsewhere.

Wake Island, to the west of Honolulu, Hawaii, is the northernmost atoll in the Marshall Islands geological ridge and perhaps the oldest living atoll in the world. Though it was substantially modified by the United States to create a military base before and after World War II, its major habitats are the three low coral islands consisting of shells, coral skeletons, and sand, supporting atoll vegetation adapted to arid climate. Wake Island supports 12 species of resident nesting seabirds and 6 species of migratory shorebirds, including 2 species of tropicbirds, 3 species of boobies, Great Frigatebird, Sooty Tern, Brown Noddy, and Wedge-tailed Shearwater. Black-footed Albatross and Laysan Albatross recently recolonized Wake Island, making it one of the few northern albatross colonies outside the Hawaiian archipelago.

Shallow coral reefs thrive around the perimeter of Wake Island. Fish populations are abundant and support at least 323 species, including large populations of the Napoleon wrasse (*Chelinus*), sharks of several species, and large schools of the Bumphead parrotfish (*Bolbometapon*), all of which are globally depleted. Beyond the shallow reefs, the outer reef slope descends sharply to great depths.

Baker, Howland, and Jarvis Islands were first formed as fringing reefs around islands formed by Cretaceous-era volcanoes (approximately 120–75 million years ago). As the volcanoes subsided, the coral reefs grew upward, maintaining proximity to the sea surface. These low coral islands consist of coral rock, shells, and sand that support trees, shrubs, and grasses adapted to the arid climate at the equator. All three are surrounded by shallow coral reefs to depths of 100 meters, below which the reef slope descends steeply to great depths. Deep coral forests occur below photic zones of all three islands at depths below 200 meters, especially at Jarvis where surveys have revealed living colonies of precious and ancient gold coral up to 5,000 years old.

The waters surrounding Baker, Howland, and Jarvis Islands have fish biomass double that of the Papahanaumokuakea Marine National Monument, and 16 times that of the main Hawaiian Islands, due to the Equatorial Undercurrent that moves from west to east along the equator, creating localized nutrient-rich upwellings in shallows next to the islands. These are three of only six islands in the entire Pacific Ocean

where this phenomenon is possible. These islands are high in coral cover and biodiversity and are predator-dominated systems. Their biomass of top predators exceeds that of the Great Barrier Reef or Kenyan Marine Protected Areas. The islands now host about a dozen nesting bird species including several nesting and migratory bird species that are of conservation significance. Jarvis alone has nearly 3 million pairs of Sooty Terns. There are about 300 fish species found off the islands. Giant clams (*Tridacna*), Napoleon wrasses, and Bumphead parrotfish are common, and sharks of many species are especially abundant at Jarvis and commonly larger there than elsewhere. Endangered hawksbill turtle and threatened green turtles forage in nearshore waters. All three islands afford unique opportunities to conduct climate change research at the equator, far from population centers. The coral skeletons there have recorded the earth's climatic history for many millions of years.

Johnston Atoll, the northernmost island in the island chain, is an ancient atoll and probably one of the oldest in the Pacific Ocean. Unlike most atolls, it does not have a surrounding barrier reef but has a semicircular emergent reef around the north and western margins of the island. Four major habitats characterize Johnston: low-lying islets consisting of the remains of corals and shells, shallow coral reefs to depths of 150 meters, deeper reefs to depths of 1,000 meters or more, and the slope of the ancient volcano on which the island rests.

Johnston is a genetic and larval stepping stone from the Remote Islands to the Hawaiian Islands for invertebrates, other reef fauna, corals, and dolphins. Despite its isolation, Johnston supports thriving communities of Table corals (*Acropora*) and a total of 45 coral species, including a dozen species confined to the Hawaiian and northern Line Islands. Some 300 species of reef fish are at Johnston, including the endemic Nahacky's pygmy angelfish. Many threatened, endangered, and depleted species thrive there, including the green turtle, hawksbill turtle, pearl oyster, giant clams, reef sharks, groupers, humphead wrasse, bumphead parrotfish, whales, and dolphins. Endangered Hawaiian Monk Seals occasionally visit the atoll. Deep diving submersible surveys have revealed that Johnston supports the deepest reef building corals (*Leptoseris*) on record and large populations of hydrozoan corals (*Millepora, Distichopora*, *Staylaster*). Land areas support large populations of migratory shorebirds and resident seabird species, including populations of regional, national, or international significance: Wedge-tailed Shearwaters, Christmas Shearwaters, Red-tailed Tropicbirds, Brown Boobies, Great Frigatebirds, Gray-backed Terns, and White Terns. Approximately 200 threatened Green turtles forage at Johnston. The surrounding waters are used by six depleted or endangered listed cetacean species: Sperm, Blue, Sei, Humpback, and North Pacific Right whales. Spinner dolphins are abundant, and endangered Humpback whales may calve there.

Palmyra Atoll is a classic Darwinian atoll that formed atop a sinking Cretaceous-era volcano. Kingman Reef formed in the same manner but is considered an atoll reef because it lacks permanent fast land areas or islands. Kingman Reef contains a sheltered lagoon that served as a way station for flying boats on Hawaii-to-American Samoa flights during the late 1930s. There are no terrestrial plants on the reef, which is frequently awash, but it does support abundant and diverse marine fauna and flora. Palmyra Atoll is managed by the United States Fish

and Wildlife Service as a wildlife refuge. In 2001, the Secretary of the Interior established National Wildlife Refuges at Palmyra Atoll and Kingman Reef.

Palmyra Atoll and Kingman Reef are known to be among the most pristine coral reefs in the world, with a fully structured inverted food web. Kingman Reef is the most pristine of any reef under U.S. jurisdiction. They are ideal laboratories for assessing effects of climate change without the difficulty of filtering anthropogenic impacts. Both Palmyra Atoll and Kingman Reef support higher levels of coral and other cnidarian species diversity (180–190 species) than any other atoll or reef island in the central Pacific, twice as many as are found in Hawaii or Florida. Palmyra atoll has one of the best remaining examples of Pisonia grandis forest found in the Pacific region. This forest type has been lost or severely degraded over much of its range due to increased human population and development. Fish species diversity at Palmyra (418 species) is higher than, while that of Kingman (297 species) is comparable to, that of the other remote Pacific refuges. Many threatened, endangered, and depleted species thrive there, including the green and hawksbill turtle, pearl oyster, giant clams (the highest concentration in the Pacific Remote Island Area), reef sharks, Coconut crabs, groupers, humphead and Napoleon wrasse, bumphead parrotfish, and dolphins. Significant numbers of threatened green turtles forage at both atolls, especially at Palmyra; endangered Hawksbill sea turtles forage at both atolls. Large schools of rare Melon-headed whales reside off both atolls. A possibly new species of beaked whale was recently described from 2 specimens stranded at Palmyra and 1 at Christmas Island. Palmyra supports 11 nesting seabird species including the third-largest Red-footed Booby colony in the world. Large numbers of Bristle-thighed Curlews, a migratory shorebird of conservation significance, winter at Palmyra.

WHEREAS Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll and their surrounding waters contain objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the Department of Defense has historically maintained facilities, defensive areas, and airspace reservations at Wake Island and Johnston Atoll;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the ''Antiquities Act'') authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the marine environment around the islands of Wake, Baker, Howland, and Jarvis Islands,

Johnston Atoll, Kingman Reef, and Palmyra Atoll for the care and management of the historic and scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, do proclaim that there are hereby set apart and reserved as the Pacific Remote Islands Marine National Monument (the ''monument'' or ''marine national monument'') for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying maps entitled ''Pacific Remote Islands Marine National Monument'' attached to and forming a part of this proclamation. The monument includes the waters and submerged and emergent lands of the Pacific Remote Islands to the lines of latitude and longitude depicted on the accompanying maps, which lie approximately 50 nautical miles from the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll. The Federal land and interests in land reserved consists of approximately 86,888 square miles, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws to the extent that those laws apply. Lands and interests in lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

Management of the Marine National Monument

The Secretary of the Interior, in consultation with the Secretary of Commerce, shall have responsibility for management of the monument, including out to 12 nautical miles from the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, pursuant to applicable legal authorities. However, the Secretary of Defense shall continue to manage Wake Island, according to the terms and conditions of an Agreement between the Secretary of the Interior and Secretary of the Air Force, unless and until such Agreement is terminated. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and in consultation with the Secretary of the Interior, shall have primary responsibility for management of the monument seaward of the area 12 nautical miles of the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and any other applicable legal authorities. The Secretaries of Commerce and the Interior shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation and shall prohibit commercial fishing within boundaries of the monument.

The Secretaries of the Interior and of Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this

proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the respective Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

The respective Secretaries may permit noncommercial fishing upon request, at specific locations in accordance with this proclamation. Noncommercial fishing opportunities currently allowed by the U.S. Fish and Wildlife Service at Palmyra Atoll may continue unless the Secretary of the Interior determines such fishing would not be compatible with the purposes of the Palmyra Atoll National Wildlife Refuge. The Secretary shall provide a process to ensure that recreational fishing shall be managed as a sustainable activity in certain areas of the monument, consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

Monument Management Planning

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation at Baker, Howland, and Jarvis Islands, Kingman Reef, and Palmyra Atoll. The Secretaries shall revise and update the management plans as necessary. The Secretary of the Interior shall revise the management plan to incorporate measures for the management of Johnston Atoll within 2 years of the date that the Department of Defense terminates its use of Johnston Atoll. If the Secretary of the Air Force terminates the Agreement regarding its use of Wake Island, the Secretary of the Interior shall revise the management plan to incorporate Wake Island management within 2 years of the date that the Air Force terminates its use of Wake Island. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall consult and designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.,*) its implementing regulations, and with Executive Order 13352, of August 26, 2004, Facilitation of Cooperative Conservation.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation and overflight and other internationally recog-

nized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces' discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

The establishment of this monument is subject to valid existing rights.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

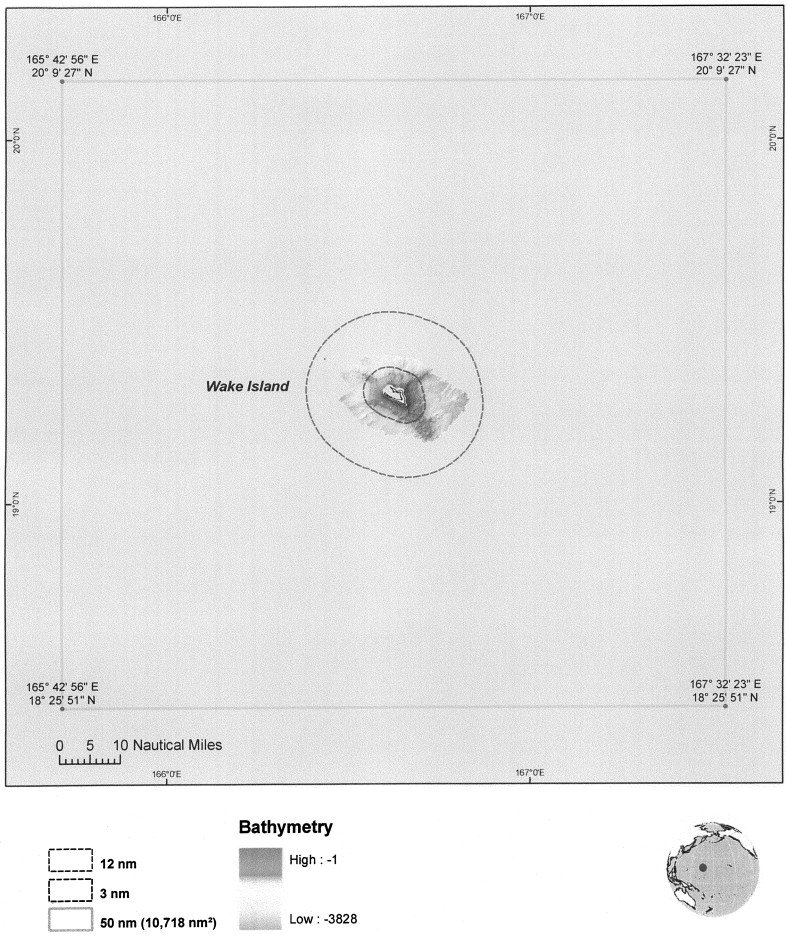
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

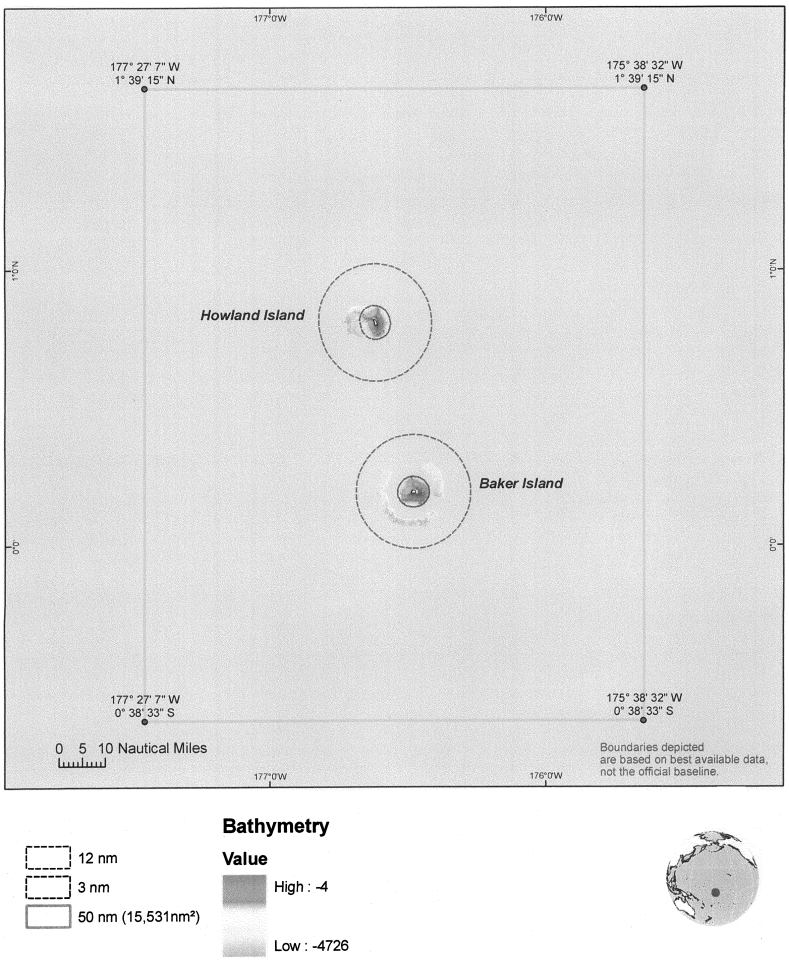
IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

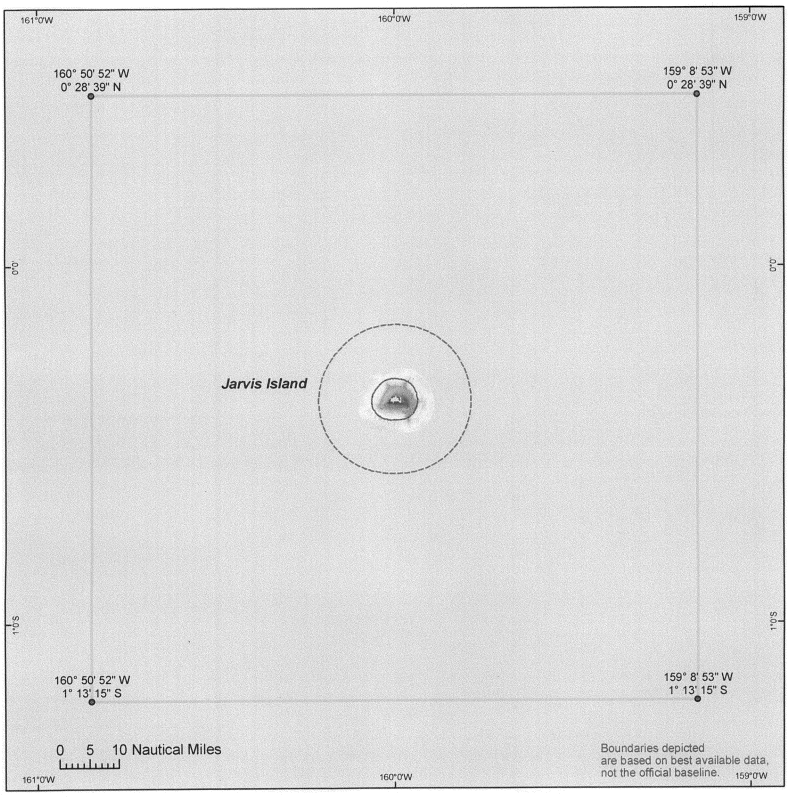
Pacific Remote Islands Marine National Monument



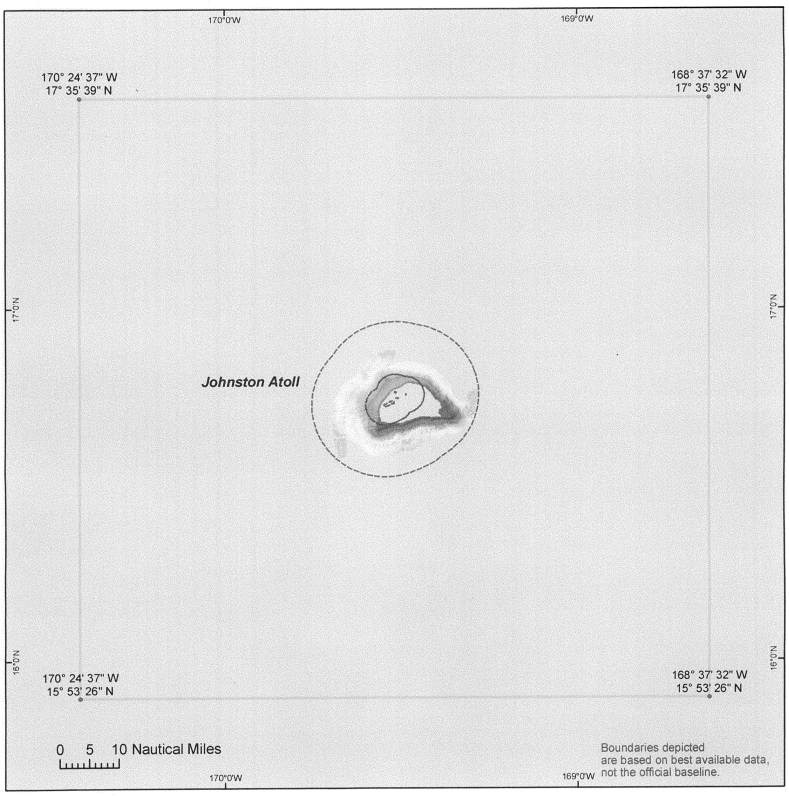
Pacific Remote Islands Marine National Monument



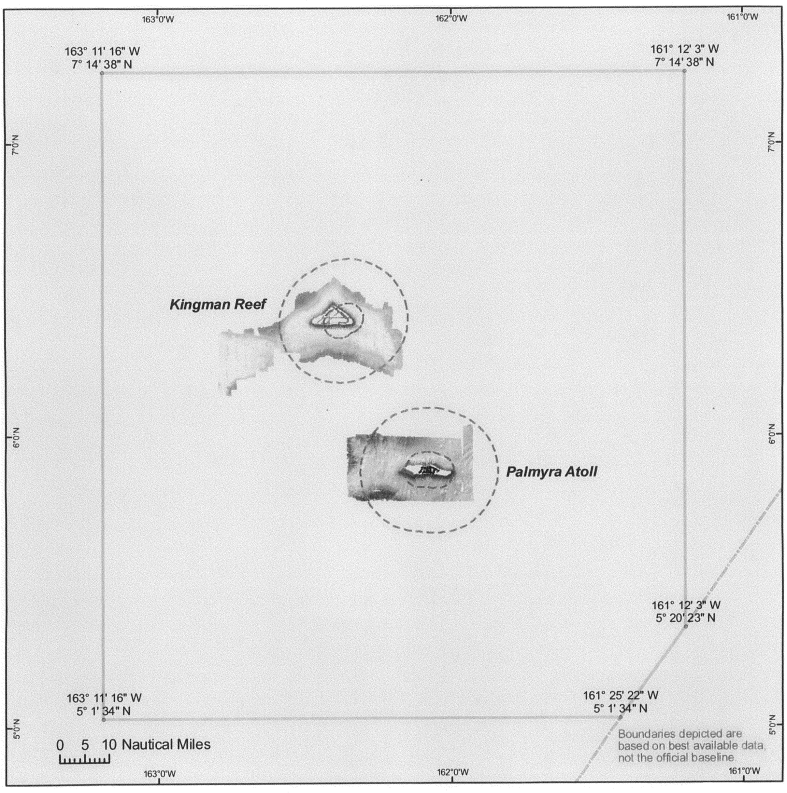
Pacific Remote Islands Marine National Monument



Pacific Remote Islands Marine National Monument



Pacific Remote Islands Marine National Monument



Proclamation 8337 of January 6, 2009

Establishment of the Rose Atoll Marine National Monument

By the President of the United States of America
A Proclamation

In the Pacific Ocean approximately 130 nautical miles east-southeast of Pago Pago Harbor, American Samoa, lies Rose Atoll—the easternmost Samoan island and the southernmost point of the United States. This small atoll, which includes the Rose Atoll National Wildlife Refuge with about 20 acres of land and 1,600 acres of lagoon, remains one of the most pristine atolls in the world. The lands, submerged lands, waters, and marine environment around Rose Atoll support a dynamic reef ecosystem that is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered.

One of the most striking features of Rose Atoll is the pink hue of fringing reef caused by the dominance of coralline algae, which is the primary reef-building species. Though there are roughly 100 species of stony corals, the shallow reefs are dominated by crustose coralline algae, making them distinctive and quite different from those found at other Samoan islands. The marine area provides isolated, unmolested nesting grounds for green and hawksbill turtles and has the largest number of nesting turtles in American Samoa. Its waters are frequented by numerous large predators: whitetip reef sharks, blacktip reef sharks, gray reef sharks, snappers, jacks, groupers, and barracudas. Species that have faced depletion elsewhere, some of which have declined worldwide by as much as 98 percent, are found in abundance at Rose Atoll, including giant clams, Maori wrasse, large parrotfishes, and blacktip, whitetip, and gray reef sharks. Humpback whales, pilot whales, and the porpoise genus Stenella have all been spotted at Rose Atoll. There are 272 species of reef fish, with seven species first described by scientists at Rose and dozens more new species discovered on the first deep water dive to 200 meters. Recent submersible dives around Rose Atoll have revealed abundant marine life, deep sea coral forests, and several new fish and invertebrate species.

Rose Atoll supports most of the seabird population of American Samoa, including 12 federally protected migratory seabirds, five species of federally protected shorebirds, and a migrant forest bird, the long-tailed cuckoo. Rare species of nesting petrels, shearwaters, and terns are thriving at Rose Atoll and increasing in number. The atoll is known to Samoans, who have periodically visited over the past millennium, as ''Nu'u O Manu'' (''Village of seabirds''). It is believed that Polynesians have harvested at Rose Atoll for millennia and several species, such as the giant clam, were used for cultural celebrations and events. Few relatively undisturbed islands remain in the world and Rose Atoll is one of the last remaining refuges for the seabird and turtle species of the Central Pacific. Threatened Pisonia atoll forest trees are also found at Rose Atoll.

WHEREAS the lands, submerged lands, and waters of and marine environment around Rose Atoll contain objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the ''Antiquities Act'') authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the lands, submerged lands and waters of, and marine environment around Rose Atoll as necessary for the care and management of the historic and scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, do proclaim that there are hereby set apart and reserved as the Rose Atoll Marine National Monument (the ''monument'' or ''marine national monument'') for the purpose of protecting the objects described in the above preceding paragraphs, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries that lie approximately 50 nautical miles from the mean low water line of Rose Atoll as depicted on the accompanying map entitled ''Rose Atoll Marine National Monument'' attached to and forming a part of this proclamation. The Federal land and interests in land reserved consists of approximately 13,451 square miles of emergent and submerged lands and waters of and around Rose Atoll in American Samoa, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws to the extent that those laws apply.

Management of the Marine National Monument

The Secretary of the Interior shall have management responsibility for the monument, including Rose Atoll National Wildlife Refuge, in consultation with the Secretary of Commerce, except that the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall have the primary management responsibility regarding the management of the marine areas of the monument seaward of mean low water, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and any other applicable authorities. The Secretary of Commerce shall initiate the process to add the marine areas of the monument to the Fagatele Bay National Marine Sanctuary in accordance with the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), including its provision for consultation with an advisory council, to further the protection of the objects identified in this proclamation. In developing and implementing any management plans and any management rules and regulations, the Secretary of Commerce shall consult

with the Secretary of the Interior and shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of State, the Department of Defense, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of American Samoa, consistent with these authorities.

The Secretary of the Interior shall continue to manage the Rose Atoll National Wildlife Refuge consistent with the protection of the objects identified in this proclamation. The Secretary of the Interior shall, in developing any management plans and any management rules and regulations governing the Rose Atoll National Wildlife Refuge, comply with the National Environmental Policy Act and consult with the Secretary of Commerce.

For the purposes of protecting the objects identified above, the Secretaries of the Interior and Commerce, respectively, shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

The Secretaries shall prohibit commercial fishing within the monument. Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretaries may permit noncommercial and sustenance fishing or, after consultation with the Government of American Samoa, traditional indigenous fishing within the monument. The Secretaries of the Interior and Commerce, respectively, in consultation with the Government of American Samoa, shall provide for a process to ensure that recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. The management plan and implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise re-

strict navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Government of American Samoa. The Secretaries of the Interior and Commerce shall, in developing any management plans and any management rules and regulations governing the marine areas of the monument, as described above, consult with the Government of American Samoa.

Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces'; discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

The establishment of this monument is subject to valid existing rights.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

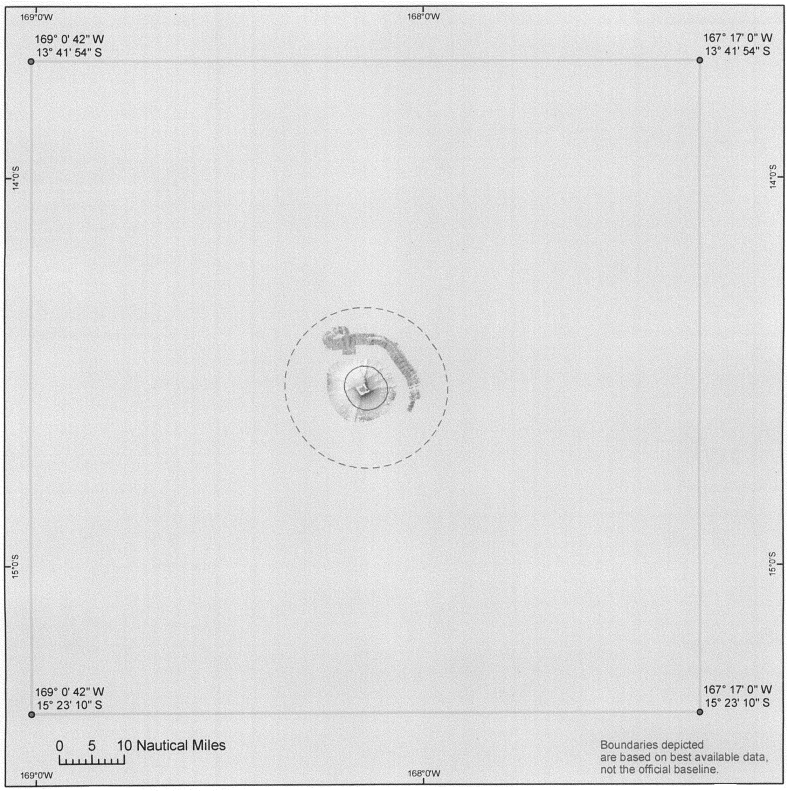
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Rose Atoll
Marine National Monument



Proclamation 8338 of January 13, 2009

Religious Freedom Day, 2009

By the President of the United States of America
A Proclamation

Religious freedom is the foundation of a healthy and hopeful society. On Religious Freedom Day, we recognize the importance of the 1786 passage of the Virginia Statute for Religious Freedom. We also celebrate the first liberties enshrined in our Constitution's Bill of Rights, which guarantee the free exercise of religion for all Americans and prohibit an establishment of religion.

Our Nation was founded by people seeking haven from religious persecution, and the religious liberty they found here remains one of this land's greatest blessings. As Americans, we believe that all people have inherent dignity and worth. Though we may profess different creeds and worship in different manners and places, we respect each other's humanity and expression of faith. People with diverse views can practice their faiths here while living together in peace and harmony, carrying on our Nation's noble tradition of religious freedom.

The United States also stands with religious dissidents and believers from around the globe who practice their faith peacefully. Freedom is not a grant of government or a right for Americans alone; it is the birthright of every man, woman, and child throughout the world. No human freedom is more fundamental than the right to worship in accordance with one's conscience.

Religious Freedom Day is an opportunity to celebrate our legacy of religious liberty, foster a culture of tolerance and peace, and renew commitments to ensure that every person on Earth can enjoy these basic human rights.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 16, 2009, as Religious Freedom Day. I call on all Americans to reflect on the great blessing of religious liberty, endeavor to preserve this freedom for future generations, and commemorate this day with appropriate events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Proclamation 8339 of January 15, 2009

National Sanctity of Human Life Day, 2009

By the President of the United States of America
A Proclamation

All human life is a gift from our Creator that is sacred, unique, and worthy of protection. On National Sanctity of Human Life Day, our country recognizes that each person, including every person waiting to be born, has a special place and purpose in this world. We also underscore our dedication to heeding this message of conscience by speaking up for the weak and voiceless among us.

The most basic duty of government is to protect the life of the innocent. My Administration has been committed to building a culture of life by vigorously promoting adoption and parental notification laws, opposing Federal funding for abortions overseas, encouraging teen abstinence, and funding crisis pregnancy programs. In 2002, I was honored to sign into law the Born-Alive Infants Protection Act, which extends legal protection to children who survive an abortion attempt. I signed legislation in 2003 to ban the cruel practice of partial-birth abortion, and that law represents our commitment to building a culture of life in America. Also, I was proud to sign the Unborn Victims of Violence Act of 2004, which allows authorities to charge a person who causes death or injury to a child in the womb with a separate offense in addition to any charges relating to the mother.

America is a caring Nation, and our values should guide us as we harness the gifts of science. In our zeal for new treatments and cures, we must never abandon our fundamental morals. We can achieve the great breakthroughs we all seek with reverence for the gift of life.

The sanctity of life is written in the hearts of all men and women. On this day and throughout the year, we aspire to build a society in which every child is welcome in life and protected in law. We also encourage more of our fellow Americans to join our just and noble cause. History tells us that with a cause rooted in our deepest principles and appealing to the best instincts of our citizens, we will prevail.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 18, 2009, as National Sanctity of Human Life Day. I call upon all Americans to recognize this day with appropriate ceremonies and to underscore our commitment to respecting and protecting the life and dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Proclamation 8340 of January 15, 2009

Martin Luther King, Jr., Federal Holiday, 2009

By the President of the United States of America
A Proclamation

On the Martin Luther King, Jr., Federal Holiday, we recognize one of history's most consequential advocates for equality and civil rights, and we celebrate his powerful message of justice and hope. Our Nation is better because Dr. King was a man of courage and vision who understood that love and compassion will always triumph over bitterness and hatred.

As Americans, we believe it is self-evident that all men are created equal and that freedom is not a grant of government but a gift from the Author of Life. Dr. King trusted in these beliefs articulated in our founding documents even when our country's practices did not live up to its promises. He roused the conscience of a complacent Nation by drawing attention to the ugliness of discrimination and segregation and by calling on Americans to live up to our guarantee of equality.

Our Nation has seen tremendous progress in redeeming the ideals of America and protecting every person's God-given rights. The historic election of Barack Obama as President of the United States reflects the real advances our Nation has made in the fight against the bigotry that Dr. King opposed. More work remains, though, and we must heed Dr. King's words that ''injustice anywhere is a threat to justice everywhere.'' By continuing to spread his message and demanding that the equal rights he fought for are extended to all people, we can ensure that the dignity of every person is respected and that the hope for a better tomorrow reaches every community throughout the world.

As we observe Dr. King's birthday, we commemorate his leadership and strength of character. We go forward with confidence that if we remain true to our founding principles, our Nation will continue to advance the cause of justice and remain a beacon of hope to people everywhere.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 19, 2009, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service programs and activities in honor of Dr. King's life and legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Proclamation 8341 of January 16, 2009

To Implement the United States-Peru Trade Promotion Agreement and for Other Purposes

By the President of the United States of America
A Proclamation

1. On April 12, 2006, the United States entered into the United States-Peru Trade Promotion Agreement (the ''Agreement''), and on June 24 and June 25, 2007, the Parties to the Agreement signed a protocol amending the Agreement. Congress approved the Agreement as amended in section 101(a) of the United States-Peru Trade Promotion Agreement Implementation Act (the''Implementation Act'') (Public Law 110–138, 121 Stat. 1455) (19 U.S.C. 3805 note).

2. Section 105(a) of the Implementation Act authorizes the President to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement.

3. Section 201 of the Implementation Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Articles 2.3, 2.5, 2.6, 3.3.13 and Annex 2.3 of the Agreement.

4. Section 201(d) of the Implementation Act authorizes the President to take such action as may be necessary in implementing the tariff-rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

5. Consistent with section 201(a)(2) of the Implementation Act, Peru is to be removed from the enumeration of designated beneficiary developing countries eligible for the benefits of the Generalized System of Preferences (GSP) on the date the Agreement enters into force. Further, consistent with section 604 of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2483), I have determined that other technical and conforming changes to the Harmonized Tariff Schedule of the United States (HTS) are necessary to reflect that Peru is no longer eligible to receive the benefits of the GSP.

6. Section 203 of the Implementation Act sets forth certain rules for determining whether a good is an originating good for the purpose of implementing preferential tariff treatment provided for under the Agreement. I have decided that it is necessary to include these rules of origin, together with particular rules applicable to certain other goods, in the HTS.

7. Section 203(o) of the Implementation Act authorizes the President to determine that a fabric, yarn, or fiber is or is not available in commercial quantities in a timely manner in the United States and Peru; to establish procedures governing the request for any such determination and ensuring appropriate public participation in any such determination; to add any fabric, yarn, or fiber determined to be not available in commercial quantities in a timely manner in the United States

and Peru to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity; to eliminate a restriction on the quantity of a fabric, yarn, or fiber within 6 months after adding the fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted quantity; and to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, certain fabrics, yarns, or fibers.

8. Section 208 of the Implementation Act authorizes the President to take certain enforcement actions relating to trade with Peru in textile and apparel goods.

9. Subtitle B of title III of the Implementation Act authorizes the President to take certain actions in response to a request by an interested party for relief from serious damage or actual threat thereof to a domestic industry producing certain textile or apparel articles.

10. Executive Order 11651 of March 3, 1972, as amended, established the Committee for the Implementation of Textile Agreements (CITA), consisting of representatives of the Departments of State, the Treasury, Commerce, and Labor, and the Office of the United States Trade Representative, with the representative of the Department of Commerce as Chairman, to supervise the implementation of textile trade agreements. Consistent with section 301 of title 3, United States Code, when carrying out functions vested in the President by statute and assigned by the President to CITA, the officials collectively exercising those functions are all to be officers required to be appointed by the President with the advice and consent of the Senate.

11. Presidential Proclamation 7971 of December 22, 2005, implemented the United States-Morocco Free Trade Agreement (USMFTA). The proclamation implemented, pursuant to section 201 of the United States-Morocco Free Trade Agreement Implementation Act (the ''USMFTA Act'') (Public Law 108–302, 118 Stat. 1103) (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply certain provisions of the USMFTA, including Articles 2.5 and 2.6. The proclamation inadvertently omitted two modifications to the HTS necessary to carry out the provisions of Articles 2.5 and 2.6 of the USMFTA. I have determined that technical corrections to the HTS are necessary to provide the intended tariff treatment under Articles 2.5 and 2.6 of the USMFTA.

12. Presidential Proclamation 8039 of July 27, 2006, implemented the United States-Bahrain Free Trade Agreement (USBFTA). The proclamation implemented, pursuant to section 201 of the United State-Bahrain Free Trade Agreement Implementation Act (the ''USBFTA Act'') (Public Law 109–169, 119 Stat. 3581), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply certain provisions of the USBFTA, including Articles 2.5 and 2.6. The proclamation inadvertently omitted two modifications to the HTS necessary to carry out the provisions of Articles 2.5 and 2.6 of the USBFTA. I have determined that technical corrections to the HTS are necessary to provide the intended tariff treatment under Articles 2.5 and 2.6 of the USBFTA.

13. Presidential Proclamation 8331 of December 23, 2008, implemented the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) for trade with Costa Rica. The proclamation implemented, pursuant to section 201 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act

(the ''CAFTA-DR Act'') (Public Law 109–53, 119 Stat. 467) (19 U.S.C. 4031), the duty treatment necessary to carry out or apply Articles 3.3 and 3.27, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods) and 3.27, of the CAFTA-DR. I have determined that technical corrections to the HTS are necessary to provide the intended duty treatment under the CAFTA-DR.

14. Section 604 of the 1974 Act, as amended, authorizes the President to embody in the HTS the substance of relevant provisions of that Act, or other Acts affecting import treatment, and of actions taken thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 604 of the 1974 Act; sections 105(a), 201, 203, 208, and subtitle B of title III of the Implementation Act; and section 301 of title 3, United States Code, and having made the determination under section 101(b) of the Implementation Act necessary for the exchange of notes, do hereby proclaim: (1) In order to provide generally for the preferential tariff treatment being accorded under the Agreement, to set forth rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the Agreement, to provide certain other treatment to originating goods of Peru for the purposes of the Agreement, to provide tariff-rate quotas with respect to certain originating goods of Peru, to reflect Peru's removal from the enumeration of designated beneficiary developing countries for purposes of the GSP, and to make technical and conforming changes in the general notes to the HTS, the HTS is modified as set forth in Annex I of Publication 4058 of the United States International Trade Commission, entitled, ''Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Peru Trade Promotion Agreement'', which is incorporated by reference into this proclamation.

(2) In order to implement the initial stage of duty elimination provided for in the Agreement and to provide for future staged reductions in duties for originating goods of Peru for purposes of the Agreement, the HTS is modified as provided in Annex II of Publication 4058, effective on the dates specified in the relevant sections of such publication and on any subsequent dates set forth for such duty reductions in that publication.

(3) The amendments to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the relevant dates indicated in Annex II to Publication 4058.

(4) The Secretary of Commerce is authorized to exercise my authority under section 105(a) of the Implementation Act to establish or designate an office within the Department of Commerce to carry out the functions set forth in that section.

(5) The United States Trade Representative (USTR) is authorized to exercise my authority under section 201(d) of the Implementation Act to take such action as may be necessary in implementing the tariff-rate quotas set forth in Appendix I to the Schedule of the United States to

Annex 2.3 of the Agreement to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States. This action is set forth in Annex I of Publication 4058.

(6) The CITA is authorized to exercise my authority under section 203(o) of the Implementation Act to determine that a fabric, yarn, or fiber is or is not available in commercial quantities in a timely manner in the United States and Peru; to establish procedures governing the request for any such determination and ensuring appropriate public participation in any such determination; to add any fabric, yarn, or fiber determined to be not available in commercial quantities in a timely manner in the United States and Peru to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity; to eliminate a restriction on the quantity of a fabric, yarn, or fiber within 6 months after adding the fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted quantity; and to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, certain fabrics, yarns, or fibers.

(7) The CITA is authorized to exercise my authority under section 208 of the Implementation Act to exclude certain textile and apparel goods from the customs territory of the United States; to determine whether an enterprise's production of, and capability to produce, goods are consistent with statements by the enterprise; to find that an enterprise has knowingly or willfully engaged in circumvention; and to deny preferential tariff treatment to textile and apparel goods.

(8) The CITA is authorized to exercise the functions of the President under subtitle B of title III of the Implementation Act to review requests, and to determine whether to commence consideration of such requests; to cause to be published in the Federal Register a notice of commencement of consideration of a request and notice seeking public comment; to determine whether imports of a Peruvian textile or apparel article are causing serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article; and to provide relief from imports of an article that is the subject of such a determination.

(9) The CITA, after consultation with the Commissioner of Customs (the ''Commissioner''), is authorized to consult with representatives of Peru for the purpose of identifying particular textile or apparel goods of Peru that are mutually agreed to be handloomed fabrics, handmade goods made of such handloomed fabrics, folklore goods, or handmade goods that substantially incorporate a historical or traditional regional design or motif, as provided in Article 3.3.12 of the Agreement. The Commissioner shall take actions as directed by the CITA to carry out any such determination.

(10) The USTR is authorized to fulfill my obligations under section 104 of the Implementation Act to obtain advice from the appropriate advisory committees and the United States International Trade Commission on the proposed implementation of an action by presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

(11) The USTR is authorized to modify U.S. note 29 to subchapter XXII of chapter 98 of the HTS in a notice published in the Federal Register to reflect modifications pursuant to paragraph (6) of this proclamation

by the CITA to the list of fabrics, yarns, or fibers in Annex 3-B of the Agreement.

(12) In order to make technical corrections necessary to provide the intended duty treatment under Articles 2.5 and 2.6 of the USMFTA, Articles 2.5 and 2.6 of the USBFTA, and the CAFTA-DR, the HTS is modified as set forth in Annex III of Publication 4058.

(13) All provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Proclamation 8342 of January 16, 2009

To Suspend Entry as Immigrants and Nonimmigrants of Foreign Government Officials Responsible for Failing To Combat Trafficking in Persons

By the President of the United States of America
A Proclamation

In order to foster greater resolve to address trafficking in persons (TIP), specifically in punishing acts of trafficking and providing protections to the victims of these crimes, consistent with the Trafficking Victims Protection Act of 2000, as amended (the ''Act'') (22 U.S.C. 7101 *et seq.*), it is in the interests of the United States to restrict the international travel and to suspend entry into the United States, as immigrants or nonimmigrants, of certain senior government officials responsible for domestic law enforcement, justice, or labor affairs who have impeded their governments' antitrafficking efforts, have failed to implement their governments' antitrafficking laws and policies, or who otherwise bear responsibility for their governments' failures to take steps recognized internationally as appropriate to combat trafficking in persons, and whose governments have been ranked more than once as Tier 3 countries, which represent the worst anti-TIP performers, in the Department of State's annual Trafficking in Persons Report, and for which I have made a determination pursuant to section 110(d)(1)-(2) or (4) of the Act. The Act reflects international antitrafficking standards that guide efforts to eradicate this modern-day form of slavery around the world.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including section 212(f) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1182(f), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided

for in sections 2 and 3 of this proclamation, be detrimental to the interests of the United States.

I therefore hereby proclaim that:

Section 1. The entry into the United States, as immigrants or nonimmigrants, of the following aliens is hereby suspended:

(a) Senior government officials—defined as the heads of ministries or agencies and officials occupying positions within the two bureaucratic levels below those top positions—responsible for domestic law enforcement, justice, or labor affairs who have impeded their governments' antitrafficking efforts, have failed to implement their governments' antitrafficking laws and policies, or who otherwise bear responsibility for their governments' failures to take steps recognized internationally as appropriate to combat trafficking in persons, and who are members of governments for which I have made a determination pursuant to section 110(d)(1)-(2) or (4) of the Act, in the current year and at least once in the preceding 3 years;

(b) The spouses of persons described in subsection (a) of this section.

Sec. 2. Section 1 of this proclamation shall not apply with respect to any person otherwise covered by section 1 where entry of such person would not be contrary to the interest of the United States.

Sec. 3. Persons covered by sections 1 or 2 of this proclamation shall be identified by the Secretary of State or the Secretary's designee, in his or her sole discretion, pursuant to such procedures as the Secretary may establish under section 5 of this proclamation.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 5. The Secretary of State shall implement this proclamation pursuant to such procedures as the Secretary, in consultation with the Secretary of Homeland Security, may establish.

Sec. 6. This proclamation is effective immediately. It shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated, either in whole or in part. Any such determination by the Secretary of State shall be published in the *Federal Register*.

Sec. 7. This proclamation is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Proclamation 8343 of January 20, 2009

National Day of Renewal and Reconciliation, 2009

By the President of the United States of America
A Proclamation

As I take the sacred oath of the highest office in the land, I am humbled by the responsibility placed upon my shoulders, renewed by the courage and decency of the American people, and fortified by my faith in an awesome God.

We are in the midst of a season of trial. Our Nation is being tested, and our people know great uncertainty. Yet the story of America is one of renewal in the face of adversity, reconciliation in a time of discord, and we know that there is a purpose for everything under heaven.

On this Inauguration Day, we are reminded that we are heirs to over two centuries of American democracy, and that this legacy is not simply a birthright—it is a glorious burden. Now it falls to us to come together as a people to carry it forward once more.

So in the words of President Abraham Lincoln, let us remember that: ''The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 20, 2009, a National Day of Renewal and Reconciliation, and call upon all of our citizens to serve one another and the common purpose of remaking this Nation for our new century.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8344 of February 2, 2009

American Heart Month, 2009

By the President of the United States of America
A Proclamation

Together, we can turn the tide on the number one killer of American women and men. Heart disease claims more lives each year than all forms of cancer combined. During American Heart Month, we renew our commitment to promoting heart disease awareness. It is never too late to start protecting heart health.

Certain risk factors can lead to heart disease. These include: high blood pressure, high cholesterol, obesity, physical inactivity, smoking, and

diabetes. Practicing the following ''Big Four'' habits can help mitigate these risks: eating a heart healthy diet, getting regular physical activity, maintaining a healthy weight, and avoiding tobacco. Unfortunately, only 3 percent of U.S. adults practice all of these habits. As a Nation, we must work to increase that number.

Forming these healthy habits does not have to be difficult: Setting realistic goals, making gradual improvements, and inviting family and friends to join in this pursuit can lead to a healthier lifestyle. Above all, we must remember that taking action can mean a longer, healthier, and more enjoyable life.

Michelle and I especially encourage women to take heart health seriously. More women than men die of heart disease each year, and many women fail to make the connection between risk factors and their personal risk of developing heart disease. The Federal Government's *The Heart Truth* campaign gives women a personal and urgent wake-up call about their risk for heart disease. On the first Friday in February, *The Heart Truth* will lead the Nation in celebrating National Wear Red Day to promote heart disease awareness. All Americans are encouraged to wear red or the Red Dress Pin—the national symbol for women and heart disease awareness—to show support for adopting the Big Four heart health lifestyle habits. This year on National Wear Red Day, we urge all Americans to practice the ''Big Four'' healthy habits for reducing heart disease risk.

During American Heart Month, we also honor the health professionals, researchers, and other heart health ambassadors whose efforts help all Americans lead longer and healthier lives.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as ''American Heart Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim February 2009 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 6, 2009. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8345 of February 2, 2009

National African American History Month, 2009

By the President of the United States of America
A Proclamation

The history of African Americans is unique and rich, and one that has helped to define what it means to be an American. Arriving on ships on the shores of North America more than 300 years ago, recognized more as possessions than people, African Americans have come to know the freedoms fought for in establishing the United States and gained through the use of our founding principles of freedom of speech, freedom of the press, the right to assembly, and due process of law. The ideals of the Founders became more real and more true for every citizen as African Americans pressed us to realize our full potential as a Nation and to uphold those ideals for all who enter into our borders and embrace the notion that we are all endowed with certain unalienable rights.

Since Carter G. Woodson first sought to illuminate the African American experience, each February we pause to reflect on the contributions of this community to our national identity. The history is one of struggle for the recognition of each person's humanity as well as an influence on the broader American culture. African Americans designed our beautiful Capital City, gave us the melodic rhythms of New Orleans Jazz, issued new discoveries in science and medicine, and forced us to examine ourselves in the pages of classic literature. This legacy has only added luster to the brand of the United States, which has drawn immigrants to our shores for centuries.

This year's theme, ''The Quest for Black Citizenship in the Americas,'' is a chance to examine the evolution of our country and how African Americans helped draw us ever closer to becoming a more perfect union.

The narrative of the African American pursuit of full citizenship with all of the rights and privileges afforded others in this country is also the story of a maturing young Nation. The voices and examples of the African American people worked collectively to remove the boulders of systemic racism and discrimination that pervaded our laws and our public consciousness for decades. Through the work of Frederick Douglass and Harriet Tubman, Booker T. Washington and George Washington Carver, Martin Luther King and Thurgood Marshall, the African American community has steadily made progress toward the dreams within its grasp and the promise of our Nation. Meanwhile, the belief that those dreams might one day be realized by all of our citizens gave African American men and women the same sense of duty and love of country that led them to shed blood in every war we have ever fought, to invest hard-earned resources in their communities with the hope of self empowerment, and to pass the ideals of this great land down to their children and grandchildren.

As we mark National African American History Month, we should take note of this special moment in our Nation's history and the actors who worked so diligently to deliver us to this place. One such organization is the National Association for the Advancement of Colored People—

the NAACP—which this year will witness 100 years of service to the Nation on February 12. Because of their work, including the contributions of those luminaries on the front lines and great advocates behind the scenes, we as a Nation were able to take the dramatic steps we have in recent history.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2009 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate ceremonies, activities, and programs that raise awareness and appreciation of African American history.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8346 of February 27, 2009

American Red Cross Month, 2009

By the President of the United States of America
A Proclamation

Sixty-two years after its founding, the Red Cross was instrumental in what President Franklin D. Roosevelt called the ''greatest single crusade of mercy in all of history.'' In 1943, at the height of World War II, President Roosevelt called on the American people to support the troops by supporting the Red Cross, which provided food, blood, and supplies to American troops, allies, and civilians across the world. President Roosevelt asked Americans to donate funds to the Red Cross, setting a goal of $125 million for 6 weeks of fundraising. The American people responded with characteristic generosity, opening their hearts and wallets. The Red Cross met this goal in less than 6 weeks. During that season of generosity and unity, President Roosevelt proclaimed March 1943 as the first Red Cross Month.

The Red Cross has continued to serve those suffering from large- and small-scale disasters. The organization is best known for its work helping communities deal with major disasters such as hurricanes, floods, and wildfires. These large-scale disasters represent a major part of the work of the American Red Cross. Just as important are the tens of thousands of small-scale disasters that occur every day in communities nationwide, and the volunteers who respond to them. These efforts include supporting our military and their families, collecting and distributing blood, helping the needy, delivering health and safety education, and providing aid abroad.

In every response, volunteers are the key to Red Cross efforts. Volunteers represent 96 percent of the Red Cross workforce. Without their giving spirit, disaster relief operations would fall short, blood dona-

tions would fail, and the mission of the Red Cross would go unfulfilled. Whether helping military families stay connected with service members around the world, teaching CPR and first aid, or supporting other members of the International Red Cross and Red Crescent Movement, volunteers are critical to the success of each and every Red Cross endeavor. These individuals epitomize the generosity and community spirit of the American people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States do hereby proclaim March 2009 as American Red Cross Month. I encourage all Americans to support this organization's noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8347 of February 27, 2009

National Consumer Protection Week, 2009

By the President of the United States of America
A Proclamation

Consumer education helps every American who enters the marketplace. When making a purchase, consumers should know their rights and should learn about goods and services before they buy. This knowledge allows consumers to make sound decisions and protects families and individuals from fraud and abuse. Consumer vigilance also prevents problems before they arise. During National Consumer Protection Week, we highlight consumer education efforts to help Americans make wise decisions. Federal, State, and local agencies; private sector organizations; and consumer advocacy groups band together to encourage Americans to learn about the protections the law affords and to take full advantage of the resources available for consumers of every age.

This year's theme for National Consumer Protection Week, ''Nuts & Bolts: Tools for Today's Economy,'' focuses on the basic information consumers need as they face the opportunities and pitfalls of the marketplace. Every day, consumers make tough choices about saving, investing, and spending their hard-earned money. Whether selecting a mortgage payment plan, seeking a credit report, or buying a car, staying well-informed and vigilant can help citizens make prudent choices. A few days, hours, or even minutes of preparatory research can ultimately save time and money.

As part of National Consumer Protection Week, the Federal Trade Commission has organized a coalition of public- and private-sector organizations to provide practical tips on a wide range of topics. These tips are available at www.consumer.gov/ncpw. The website also in-

cludes information on home foreclosure, identity theft, and protecting businesses. Working together, consumers, businesses, and Government can strengthen our robust free market for the benefit of all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 1 through March 7, 2009, as National Consumer Protection Week. I call upon Government officials, industry leaders, and advocates across the Nation to provide our citizens with information about consumer rights, and I encourage all Americans to take a proactive role in strengthening our economy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8348 of February 27, 2009

Save Your Vision Week, 2009

By the President of the United States of America
A Proclamation

Blindness and visual impairment affect millions of Americans. Early diagnosis and timely treatment are critical to minimize vision loss from eye diseases as well as vision loss that is correctable with eye glasses or contact lenses. During Save Your Vision Week, I encourage all Americans to take action to protect their vision.

Unfortunately, most people have limited knowledge of blinding eye disorders. In a 2005 study by the National Eye Institute, part of the National Institutes of Health, only eight percent of respondents knew that glaucoma, a condition that can damage the optic nerve and cause vision loss and blindness, strikes without early warning. Similarly, only 11 percent knew that diabetic eye disease also begins as a silent vision threat.

Several demographic groups are at higher risk for visual impairment, including teenagers, diabetics, Hispanics, African Americans, and the economically disadvantaged. Older Americans are more susceptible to eye conditions such as age-related macular degeneration, diabetic retinopathy, and glaucoma. Children need regular vision screenings because vision disorders left untreated during childhood can lead to permanent visual impairment during adulthood.

Still, eye disease knows no bounds, and every American should take steps to protect his or her eyesight. Doctors recommend seeking routine eye examinations, maintaining a healthy diet, wearing sunglasses to protect the eyes from damaging ultraviolet rays, and using protective eyewear in hazardous environments. The National Eye Institute's website, www.nei.nih.gov, provides resources for learning more about common vision conditions and information on finding an eye health

professional. By being proactive and seeking out information, Americans can do their part to prevent or reduce vision loss.

To remind Americans about the importance of safeguarding their eyesight, the Congress, by joint resolution approved December 30, 1963, as amended (77 Stat. 629; 36 U.S.C. 138), has authorized and requested the President to proclaim the first week in March of each year as ''Save Your Vision Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 1 through March 7, 2009, as Save Your Vision Week. During this time, I invite eye care professionals, teachers, members of the media, and all organizations dedicated to preserving eyesight to join in activities that will raise awareness of vision diseases and disorders.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8349 of February 27, 2009

Read Across America Day, 2009

By the President of the United States of America
A Proclamation

Read Across America Day provides an opportunity to support efforts to excite children about reading and to educate families about the importance of literacy. I encourage families and all citizens to celebrate the joy and emphasize the importance of reading.

Every American child deserves the opportunity to solve the puzzles of mystery novels, to discover the beauty of poetry, to imagine the fantastical worlds of science fiction, and to explore their own world through books about nature and foreign lands. Reading provides unending enjoyment and helps unlock a child's creative potential. We must make literacy the birthright of every American.

Every child also deserves the tools they will need for success. Students must read well to meet high standards in the classroom. Understanding science, mathematics, and the arts requires the ability to read proficiently. Beyond the schoolyard, our youth must be prepared to meet the demands of the global economy. New technologies and steep competition abroad require our Nation to focus on children's reading skills as a building block for future personal achievements.

Families must play an active role in this effort. On Read Across America Day, parents are encouraged to read to their children for at least 30 minutes. I also encourage parents to recognize the critical importance of literacy for their children's future and to develop habits at home that encourage reading, such as reading to their children every night or providing incentives for them to read on their own.

On Read Across America Day, we partner with the National Education Association and mark the birthday of Theodor Geisel, whose beloved Dr. Seuss books still inspire children throughout the world to read.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2, 2009, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8350 of March 2, 2009

Irish-American Heritage Month, 2009

By the President of the United States of America
A Proclamation

Even before the birth of our Nation, the sons and daughters of Erin departed their homes in search of liberty and a more hopeful future. As these early pioneers left familiar lands, they carried with them the rich traditions of home. This March we honor their journey and their lasting contributions to the history and culture of the United States.

Following the colonial migrations, the United States enjoyed the greatest influx of Irish during the 1840s as Ireland suffered the Great Famine. Hungry but hopeful, poor but perseverant, Irish-Americans seized the opportunity to work hard, enjoy success, and pursue the American Dream.

Many took on the difficult work of constructing America's infrastructure. Others assumed positions of leadership. Among those leaders were signers of the Declaration of Independence and Presidents of the United States. Still others enjoyed great success and influence in the arts and literature. From social activists to business leaders, athletes to clergy, and first responders to soldiers, distinguished Irish-Americans have made indelible contributions to our national identity.

Today, tens of millions of Irish-Americans can look back with pride on the legacy of their forebears. Irish-Americans are integral to the rich fabric of the United States, and we are grateful for their service and contributions.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2009 as Irish-American Heritage Month. I encourage all Americans to observe this month with appropriate ceremonies, programs, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8351 of March 3, 2009

Women's History Month, 2009

By the President of the United States of America
A Proclamation

With passion and courage, women have taught us that when we band together to advocate for our highest ideals, we can advance our common well-being and strengthen the fabric of our Nation. Each year during Women's History Month, we remember and celebrate women from all walks of life who have shaped this great Nation. This year, in accordance with the theme, ''Women Taking the Lead to Save our Planet,'' we pay particular tribute to the efforts of women in preserving and protecting the environment for present and future generations.

Ellen Swallow Richards is known to have been the first woman in the United States to be accepted at a scientific school. She graduated from the Massachusetts Institute of Technology in 1873 and went on to become a prominent chemist. In 1887, she conducted a survey of water quality in Massachusetts. This study, the first of its kind in America, led to the Nation's first state water-quality standards.

Women have also taken the lead throughout our history in preserving our natural environment. In 1900, Maria Sanford led the Minnesota Federation of Women's Groups in their efforts to protect forestland near the Mississippi River, which eventually became the Chippewa National Forest, the first Congressionally mandated national forest. Marjory Stoneman Douglas dedicated her life to protecting and restoring the Florida Everglades. Her book, *The Everglades: Rivers of Grass*, published in 1947, led to the preservation of the Everglades as a National Park. She was awarded the Presidential Medal of Freedom in 1993.

Rachel Carson brought even greater attention to the environment by exposing the dangers of certain pesticides to the environment and to human health. Her landmark 1962 book, *Silent Spring*, was fiercely criticized for its unconventional perspective. As early as 1963, however, President Kennedy acknowledged its importance and appointed a panel to investigate the book's findings. *Silent Spring* has emerged as a seminal work in environmental studies. Carson was awarded the Presidential Medal of Freedom posthumously in 1980.

Grace Thorpe, another leading environmental advocate, also connected environmental protection with human well-being by emphasizing the vulnerability of certain populations to environmental hazards. In 1992, she launched a successful campaign to organize Native Americans to oppose the storage of nuclear waste on their reservations, which she said contradicted Native American principles of stewardship of the

earth. She also proposed that America invest in alternative energy sources such as hydroelectricity, solar power, and wind power.

These women helped protect our environment and our people while challenging the status quo and breaking social barriers. Their achievements inspired generations of American women and men not only to save our planet, but also to overcome obstacles and pursue their interests and talents. They join a long and proud history of American women leaders, and this month we honor the contributions of all women to our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2009 as Women's History Month. I call upon all our citizens to observe this month with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8352 of March 13, 2009

National Poison Prevention Week, 2009

By the President of the United States of America
A Proclamation

Since 1962, National Poison Prevention Week has helped raise awareness about the dangers of potentially poisonous substances and has provided the opportunity to educate fellow Americans about preventing and responding to poisonings. This education effort is critical to the well-being of children and adults alike, as both remain susceptible to poison exposure.

According to the American Association of Poison Control Centers (AAPCC), more than two million potential poison exposures are reported to the Nation's 61 poison control centers every year. More than half of those exposures involve children aged five and under. The AAPCC also reports that more than one thousand deaths due to poisoning take place in the United States every year.

Poisoning most frequently involves medicines and typical household chemicals, including cleaning supplies and personal care products. When improperly stored, these substances can present threats to the health and well-being of people subject to exposure. Taking simple steps can protect family and friends from harm. For example, keeping poisonous materials in their original containers, placing these materials out of children's reach, following handling instructions and recommended dosages, and installing carbon monoxide detectors can all help save lives. More information can be found at www.aapcc.org. In the event of a potential poisoning, experts at local poison control cen-

ters can be reached at 1–800–222–1222. As children and adults suffer from poison exposures, all Americans should take seriously this grave health risk.

To encourage Americans to learn more about the dangers of accidental poisonings and to take appropriate preventive measures, the Congress, by joint resolution approved September 26, 1961, as amended (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March each year as ''National Poison Prevention Week.'' I encourage all Americans to familiarize themselves with this issue and take steps to protect their families.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 15 through March 21, 2009, as National Poison Prevention Week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8353 of March 24, 2009

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2009

By the President of the United States of America
A Proclamation

The American people join Hellenes today in commemorating the 188th anniversary of Greece's independence. As we celebrate the establishment of the Hellenic Republic, we honor the historic contributions of Greeks and Greek-Americans.

Americans celebrated the cause of Greek independence during the new nation's earliest years. In 1824, summarizing support for the Greek struggle among the American people, then-Representative Henry Clay declared, ''That it is felt with the deepest intensity, expressed in almost every possible form, and that it increases with every new day and passing hour.'' His words are echoed today as Americans celebrate the anniversary of this struggle for independence.

The relationship between Greece and the United States owes much to the vision of democracy and liberty forged in Greece. In constructing a modern democratic framework, our Nation's founders drew upon the immutable principles of the ancient Greeks. All who cherish the ideal of democratic governance are beneficiaries of the Greek legacy.

From the literary classics taught in our children's classrooms to the gleaming monuments of our Nation's capital, Greek cultural traditions have also found a home in the United States. In classrooms across the country, many of our students still immerse themselves in the epics of Homer, the dramas of Sophocles, and the philosophical innovations of Plato and Aristotle. Among the Greek-influenced structures in Wash-

ington, D.C., our Nation's Capitol Building draws upon the architectural legacy of the ancient Greeks.

In recent history, Greece and the United States have stood together to meet the challenges of our times. Greeks and Americans fought for common causes over the course of the 20th century and continue to collaborate in this century, including through membership in the North Atlantic Treaty Organization.

The strength of the bond between Greece and the United States is exemplified by the Greek-American community, which enriches our Nation with its cultural heritage and helps maintain the living relationship between our countries.

On the anniversary of Greece's independence, we celebrate this friendship and look forward to realizing our common goals and aspirations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 25, 2009, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.'' I call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8354 of April 1, 2009

National Cancer Control Month, 2009

By the President of the United States of America
A Proclamation

We have achieved remarkable progress in the fight against cancer. Miracles in medical research have helped us understand how to prevent, detect, and treat cancer more effectively, and Americans are now more aware of how to protect themselves from this disease.

Despite this progress, cancer continues to kill more Americans than any other malady but heart disease. Marking National Cancer Control Month, we recommit to the battle against cancer and emphasize the promise of medical research and the healthy steps Americans can take to protect themselves.

To gain new ground in cancer prevention, detection, and treatment, my Administration will continue to press for increased support for research at the National Institutes of Health, the National Cancer Institute, the Centers for Disease Control and Prevention, and academic and other institutions. The Federal Government plays an indispensable role in investing in this research, which will save and improve lives for generations to come.

As researchers work daily to better understand this disease, Americans can take steps to decrease their risk of developing cancer. Individuals

of all ages should seek regular and appropriate check-ups. These check-ups should include screening, such as mammograms, the Pap test, and tests for colorectal cancer, all of which can help detect cancer during its early stages.

Healthy personal habits can also reduce the risk of cancer. Smoking accounts for thousands of cancer deaths every year, and quitting—even after many years—can greatly reduce the risk of cancer. Physical inactivity and obesity may cause a substantial proportion of colon, breast, endometrial, kidney, and esophageal cancers in the United States, so maintaining physical activity and a healthy diet can help prevent cancer, among other diseases. Finally, moderating alcohol intake and sun exposure can help protect Americans.

Too many American families have been touched by cancer. As we observe National Cancer Control Month, I call upon all courageous cancer patients and survivors, health care providers, researchers, advocates, and others involved in this struggle to work together in support of our Nation's goal to control, and ultimately defeat, this devastating disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009 as National Cancer Control Month. I encourage citizens, medical institutions, government and social service agencies, businesses, nonprofit organizations, and other interested groups to join in activities that help control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8355 of April 1, 2009

National Child Abuse Prevention Month, 2009

By the President of the United States of America
A Proclamation

When the child next door is maltreated, we all suffer. Every American has a stake in the well-being of our Nation's children. They are members of our communities, and they are our future. National Child Abuse Prevention Month provides the opportunity to underscore our commitment to preventing and responding appropriately to child abuse. This month, we emphasize the importance of understanding child abuse and the need for all Americans to help families overcome this devastating problem.

The tragedy of child abuse may afflict American children in different ways. Abuse may occur physically, sexually, and emotionally. Child neglect, another form of child maltreatment, may occur physically and emotionally. Understanding the forms of child abuse is critical to preventing and responding to maltreatment.

A well-informed and strong family is the surest defense against child abuse. To help educate and strengthen families, community members can offer their time and counsel to parents and children who may need assistance. For example, parent support groups provide an organized forum for assistance. More informally, community members may simply offer a helping hand to families under stress. More information about what families and communities can do is available at www.childwelfare.gov/preventing.

Civic organizations and government also have an important role to play. Civic groups offer essential support through education, assistance to those at risk, and treatment for victims. Government at the local, State, and Federal level must provide funding for services, conduct public education projects, and enforce child abuse laws.

As we recognize that we all suffer when our children are abused, that we all benefit from mutual concern and care, and that we all have a responsibility to help, more American children will grow up healthy, happy, and with unlimited potential for success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009, as National Child Abuse Prevention Month. I encourage all citizens to help prevent and respond to child abuse by strengthening families and contributing to all children's physical, emotional, and developmental needs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8356 of April 1, 2009

National Donate Life Month, 2009

By the President of the United States of America
A Proclamation

Through organ, tissue, and marrow donation Americans can give the extraordinary gift of life. National Donate Life Month provides an opportunity to honor those who have given of themselves to save lives and to call upon others to participate in this generous effort.

Every day in our Nation and across the world, Americans dedicate themselves to helping those in need. During times of crisis and calm, Americans have looked beyond themselves to aid friends and strangers alike. This spirit of giving represents a hallmark of our national character.

Many Americans have followed this tradition of generosity through organ, tissue, and marrow donation. These selfless individuals have saved lives and strengthened families and communities, and they deserve respect and admiration for their contributions.

I urge all Americans to follow these examples by considering becoming an organ, tissue, or marrow donor. The call for help from those in need of transplants is clear. More donors are needed to meet the needs of those on the national waiting list for life-saving transplants. When considering organ donation, Americans should consult family members to ensure that loved ones are fully aware of the donor's decisions.

Joining the ranks of organ donors is simple. I encourage Americans to learn more about becoming a donor at www.organdonor.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009 as National Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to increase the number of organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8357 of April 3, 2009

Education and Sharing Day, U.S.A., 2009

By the President of the United States of America
A Proclamation

The education we provide our children must prepare them to succeed in a global economy and to contribute to their communities. Commemorating Education and Sharing Day, U.S.A., we underscore our commitment to a competitive and complete education.

The professional demands of today's workplace require a renewed commitment to education. Our youngest children need a strong early foundation. Standards must be raised, curricula must be enhanced, and teachers must be supported. Families, communities, and educators must collaborate to ensure that students are working hard and receiving the best instruction possible.

Yet knowledge alone will not bring the future our children deserve. Our schools and community institutions must also help each child develop a moral compass. Education must blend basic American values such as honesty, personal responsibility, and service. These indispensable elements will not only help children succeed in challenging work environments, they will also help our youth engage in and contribute to their communities.

Few have better understood or more successfully promoted these ideas than Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who emphasized the importance of education and good character. Through the establishment of educational and social service institutions across the country and the world, Rabbi Schneerson sought to

empower young people and inspire individuals of all ages. On this day, we raise his call anew.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 5, 2009, as ''Education and Sharing Day, U.S.A., 2009.'' I call upon all the people of the United States to look to the future with a renewed sense of civic engagement and common purpose.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8358 of April 8, 2009

National D.A.R.E. Day, 2009

By the President of the United States of America
A Proclamation

Drugs, gangs, and violence threaten our children and communities every day. Today we commemorate Drug Abuse Resistance Education (D.A.R.E.), a program that has worked to educate children and protect them from these problems. National D.A.R.E. Day provides the opportunity to reflect upon the dangers of drugs, gangs, and violence and to emphasize efforts to combat these threats.

From inner cities to suburbs and rural communities, gangs and drug dealers prey upon youth across the United States. Unaware of the dangers of drug abuse and violence, many youth surrender the promise of a bright future. Every child lost in this battle represents a tragedy for our Nation, and we must do more to stop it.

Education efforts to help children avoid drugs and violence must begin in the home. Parents must be positive role models and take the lead in advising their children on the effects of drugs on their health and well-being.

The D.A.R.E. program has worked to educate students about drugs, gangs, and violence for more than 25 years. Placing law-enforcement personnel in the classroom, D.A.R.E. provides students with important lessons from experts and seeks to prepare them for the difficult encounters and choices they may face.

Today we honor D.A.R.E. for its important work. The efforts of D.A.R.E.'s instructors and supporters benefit our Nation's children and are deserving of praise and appreciation. D.A.R.E.'s renewed efforts to implement science-based programs and to strengthen partnerships among law enforcement, families, and their communities are particularly worthy of commendation. Through effective teaching methods and broad participation, D.A.R.E. can help ensure that every child in America enjoys the opportunities he or she deserves.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 8, 2009, as National D.A.R.E. Day. I call upon our youth, parents, educators, law enforcement personnel, and all the people of the United States to observe this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8359 of April 8, 2009

National Sexual Assault Awareness Month, 2009

By the President of the United States of America
A Proclamation

Sexual assault scars the lives of millions in the United States. To increase awareness about this issue, prevent future crimes, and aid victims, this month we mark National Sexual Assault Awareness Month.

Sexual assault is pervasive in the United States. Study after study has shown that this crime impacts people at all age levels and in every part of this Nation. One recent study found that 18 percent of women in this country have been raped in their lifetime. In addition, rates of sexual assault remain startlingly high for students from high school to college. A 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives. A study of college women found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college. Unlike victims of sexual assault in the larger community, students victimized by other students often face additional challenges in a ''closed'' campus environment. For example, a victim may continue to live in danger if the perpetrator resides in the same dormitory or attends the same classes. These statistics are all the more alarming given that, according to recent research, a majority of victims do not report their attacks to police.

Victims of all ages suffer from both the physical and emotional consequences of the attack. Sexual assault can lead to long-term health problems including chronic pain, stomach problems, and sexually transmitted diseases. It can also cause severe emotional harm that may be even more painful than the assault itself and resulting physical injuries. The effects of sexual assault go well beyond the direct victim: sexual assault also has a profound impact on a victim's family, friends, neighbors, and workplace.

Victims need an array of services to heal from the trauma of sexual assault, including crisis intervention, 24-hour sexual assault hotlines, medical and criminal justice accompaniment, advocacy, and counseling. Victim service providers are essential to this effort and work

tirelessly to help victims cope with the trauma of sexual assault and transition from ''victim'' to ''survivor.''

Landmark legislation has helped fund these critical services. The Victims of Crime Act of 1984 (VOCA, Public Law 98–473) established the Crime Victims Fund to fund services such as forensic sexual assault examinations and compensation claims for both adult and child victims. For example, since 1997, VOCA funding has supported the development of Sexual Assault Nurse Examiner (SANE) programs and multidisciplinary Sexual Assault Response Teams (SART). The Violence Against Women Act of 2005 (VAWA, Public Law 109–162) authorized the Sexual Assault Services Program, the first Federal funding dedicated exclusively to sexual assault services. The Program includes funding for culturally specific programs that serve victims who face unique cultural and linguistic barriers.

In addition to helping victims, offenders must be held accountable for their crimes. Sexual assault forensic examinations and trained examiners can ensure that victims are treated with requisite sensitivity and that critical evidence is collected to facilitate a successful prosecution. To this end, VAWA mandates that all States that accept Federal grants to combat violence against women ensure that sexual assault victims receive forensic examinations free of charge, even if the victim chooses not to report the crime to the police.

To make continued progress, my Administration supports efforts to help Americans better understand this issue. Working together, we can reduce the incidence of sexual assault and help all who have experienced this heinous crime.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009, as National Sexual Assault Awareness Month. I urge all Americans to respond to sexual assault by creating policies at work and school, by engaging in discussions with family and friends, and by making the prevention of sexual assault a priority in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8360 of April 9, 2009

National Former Prisoner of War Recognition Day, 2009

By the President of the United States of America
A Proclamation

American prisoners of war exemplify the courage and sacrifice that define our men and women in uniform. These brave warriors have paid a massive share of the costs of freedom, and our Nation will be forever in their debt. Today we honor all prisoners of war by recognizing the

tremendous sacrifices made and the hardships endured by those who fight for our freedom.

American prisoners of war have experienced extreme conditions across the world and many have made the ultimate sacrifice. Sixty-seven years ago, in the midst of World War II, nearly 12,000 Americans and 76,000 Filipinos were captured while defending positions on the Bataan Peninsula in the Philippines. As prisoners of war, they endured the Bataan Death March, suffering starvation, torture, and unspeakable conditions. Thousands were randomly executed and many perished on this journey. During the Korean War, more than 1,600 Americans died under grave conditions at the Pyok Tong camp. In Vietnam's Hoa Lo Prison—the infamous Hanoi Hilton—Americans endured torture and other forms of inhumane treatment.

There are countless tales of the bravery of American prisoners of war—of the burdens borne, of the acts of heroism. These individuals have made great sacrifices and have demonstrated an enduring faith in themselves and in the United States. Their commitment calls out to all Americans to live up to our Nation's highest ideals and to serve our fellow citizens with equal selflessness and honor. We will never forget their sacrifices. Their spirit of service will inspire the American people for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 2009, as National Former Prisoner of War Recognition Day, and I urge all Americans to observe this day of remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8361 of April 9, 2009

Pan American Day and Pan American Week, 2009

By the President of the United States of America
A Proclamation

A common heritage, an interconnected world, and shared goals and values unite the Pan American community. As a proud member of this group of countries, the United States celebrates Pan American Day and Pan American Week and commits to working with our partners in the Organization of American States to advance a common future.

The Pan American community is highly interwoven, and the peoples of the Americas must work together to build the future we seek. When one country faces economic, security, or health challenges, its neighbors share in this hardship. Together, the Pan American community can build strong partnerships to surmount common concerns and further mutual success.

The broad scope of shared goals includes economic growth and equality, increased security, strong democratic governance, and clean energy. Robust, bottom-up economic growth benefits all citizens and all nations, and remains a central goal of the Pan American community. Together, the countries of the Americas can prioritize and enact policies that ensure a shared and equitable economic prosperity. This economic future is possible only if we protect the safety of citizens and the security of our countries. Whether reducing street crime and gang violence, decreasing the narcotics trade, or preventing acts of terrorism, every country has a stake in regional security.

The Pan American community also supports strong democracies and the development of alternative energy sources. The promotion of transparent and enduring democratic governance strengthens and defines relations in the region and should emphasize the rule of law, a robust civil society, respect for human rights, social equality, and effective delivery of public services. Finally, every country benefits from a solution to our shared energy and climate challenges. The region has already witnessed great leadership in the development and deployment of alternative energy sources, and the Pan American community must build upon these promising efforts.

As we celebrate Pan American Day and Pan American Week, and participate in the Summit of the Americas, the United States recognizes the common challenges and aspirations that unite the region and the boundless promise of our continuing partnership.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 14, 2009, as Pan American Day and April 12 through 18 as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8362 of April 17, 2009

National Park Week, 2009

By the President of the United States of America
A Proclamation

America's National Parks are among our Nation's most precious treasures. During National Park Week, we celebrate these spaces and commit to protecting them for future generations of Americans.

National Parks bring together Americans of all backgrounds and help us understand the story of America. From the Lincoln Memorial and Ellis Island to the Great Smoky Mountains and Yellowstone, National

Parks attract visitors from across the country and from all walks of life. The grandeur and simplicity of these areas inspire visitors no matter their personal stories. National Parks also help Americans learn more about our shared history. From the Prehistoric Trackways National Monument to the Civil War battlefield at Gettysburg, National Parks allow Americans to explore our Nation's past and to understand events that occurred over the long course of our history.

Our system of National Parks is entrusted to each generation of Americans. We have an obligation to our children to keep these spaces pristine. As citizen stewards, Americans can participate in efforts in their communities to preserve National Parks, and support policies that achieve this end. My Administration continues to advocate for initiatives that protect and expand National Parks. The American Recovery and Reinvestment Act promotes conservation and creates new job opportunities in National Parks, and the Omnibus Public Land Management Act designates thousands of miles of trails for the National Trails System, protects more than 1,000 miles of rivers, and secures millions of acres of wilderness.

This week we also honor the committed professionals and volunteers working every day to support the National Parks. Laboring among towering mountains and broad plains, in city centers, and along our rivers and seashores, these Americans deserve thanks for their contributions to current and future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 26, 2009, as National Park Week. I invite all my fellow citizens to join me in commemorating the 2009 theme for National Park Week, ''National and Community Service,'' and to visit these wonderful spaces, discover all they have to offer, and become active participants in Park conservation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8363 of April 21, 2009

National Volunteer Week, 2009

By the President of the United States of America
A Proclamation

Our Nation's story begins with a call to volunteer. Confronting the injustices of tyranny and small odds of victory, patriots rallied one another to serve a cause greater than themselves. As the beneficiaries of this legacy, we possess an obligation to volunteer and serve our fellow citizens with similar selflessness and optimism.

Americans keep this proud tradition alive every day across our country. They are protecting us in uniform, feeding the hungry, tutoring

children, comforting seniors, and reaching out to veterans. They are providing critical support to schools, shelters, hospitals, and nursing homes, through faith-based and community organizations, at home and abroad. Volunteers change lives and strengthen our Nation and our world.

My Administration is committed to supporting and supplementing the crucial efforts that Americans make to volunteer. The Edward M. Kennedy Serve America Act, which I signed into law today, will help millions of Americans of all ages to volunteer and to direct that service towards meeting our most pressing challenges. It truly will usher in a new era of service.

This landmark law recruits an army of 250,000 per year to engage in intensive service, and it focuses that work on today's challenges, including clean energy, education, health, veterans care, and economic opportunity. It creates new service opportunities for seniors, baby boomers, and young adults, and improves service learning in our schools.

The law also creates a Social Innovation Fund. This fund looks for new ideas in communities and leverages private, nonprofit, and faith-based support to invest in local innovation. The fund also allows us to test the impact of new ideas and expand successful programs to scale.

Volunteering provides the opportunity to join and better a community. Every American who volunteers can become an integral part of a school, a hospital, or a neighborhood. Those who give of their time also join our Nation's proud history of service and help preserve this tradition for generations ahead. During National Volunteer Week, we express heartfelt thanks to all who have worked hard in this effort, and we urge more Americans to reach out and meet the manifold unmet needs of fellow Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19–25, 2009 as National Volunteer Week. I call upon all Americans to join ongoing volunteer service efforts, and to create new ones.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8364 of April 22, 2009

Earth Day, 2009

By the President of the United States of America
A Proclamation

The story of the United States is inextricably tied to our vital natural resources. As we enter a new era filled with challenges and promise, we must protect our land, wildlife, water and air—the resources that

have fueled our growth and prosperity as a Nation and enriched our lives. Doing this not only fulfills a sacred obligation to our children and grandchildren, but also provides an opportunity to stimulate economic growth.

To achieve these ends, no issue deserves more immediate attention than global warming. Scientists have already observed alarming shifts in the natural world, including thawing permafrost, melting glaciers, and rising sea levels.

Climate change presents a serious test for humankind, but it also provides an opportunity for great innovation and adaptation. The United States has risen to such challenges before, and Earth Day inspires us to transcend differences among nations so we may lead the world in protecting our planet from this global threat.

Americans across the country are working hard to help limit the pollutants that cause climate change and reduce their impact on the environment, but we must do more. Individuals and organizations can plant trees, use energy efficient lightbulbs, drive fuel efficient cars, hold clean-up drives, and teach young people about environmental preservation. Small changes in our daily lives can have a big impact on our environment. Individuals can walk, bike, and use public transportation; buy products with less packaging; and recycle and reuse paper, plastic, glass, and aluminum more often. American families can also save money by choosing energy efficient products, turning lights off, unplugging appliances, and cutting back on heating and air conditioning.

Government and business alike must also take serious and sustained action to protect our valuable natural inheritance. Through investments in scientific research and development, and the vigorous pursuit of alternative and renewable energy, we can create millions of green jobs that allow us to reduce greenhouse gases and excel in a competitive global economy. My Administration is committed to increasing fuel economy standards and putting more Plug-In Hybrid cars on the road, weatherizing millions of homes, and catalyzing private efforts to build a clean energy future. My Administration is also working to achieve a comprehensive energy and climate policy, one that will lessen our dependence on foreign oil, make the U.S. the global leader in clean energy technology, and prevent the worst impacts of climate change.

President Theodore Roosevelt emphasized our obligation to future Americans, saying, ''of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.'' Heeding President Roosevelt's call, and carrying forward his spirit of determination, we must commit ourselves to protecting our environment and ensuring the health of our planet so we may share the magnificent blessings of our Earth with our grandchildren.

We do this not only to acknowledge the environment's central role in the development of our Nation but also to recognize the strong ecological interdependence among nations. History has shown that as we sow, so too shall we reap. Let us rededicate ourselves to a world that provides bountiful harvests for us all not just today, but for many generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 22, 2009, as Earth Day. I encourage all citizens to help protect our environment and contribute to a healthy, sustainable world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8365 of April 24, 2009

National Crime Victims' Rights Week, 2009

By the President of the United States of America
A Proclamation

From violence in our neighborhoods to credit card fraud on the Internet, Americans fall victim to countless crimes every day. Our Nation has no higher responsibility than protecting the safety of our families. During National Crime Victims' Rights Week, we honor crime victims by pledging to fight crime wherever it exists.

This commitment begins by supporting the men and women working every day to reduce crime and assist crime victims. Often placing themselves in harm's way and sacrificing personal interests, these individuals are the backbone of the extensive efforts to protect Americans from crime. They have demonstrated a commitment to serve others, and their dedication is vital to implementing a successful strategy for crime reduction and victim assistance.

Crime victims have benefited from the Victims of Crime Act of 1984 (Public Law 98–473), one of the most significant achievements in crime victim assistance. This law created an innovative method for using fines and penalties from Federal criminals to fund services for victims. This Crime Victims Fund has already helped millions of victims across the country access basic assistance and financial compensation. This year marks the 25th anniversary of the bill's bipartisan passage.

An effective approach to fighting crime must include programs that make sense and work. To that end, my Administration is building on past achievements to address the range of crimes that Americans may encounter. The American Recovery and Reinvestment Act, which I signed in February, helps State and local law enforcement personnel perform critical work by providing $2 billion through the Edward Byrne Justice Assistance Grant Program.

A smart crime reduction strategy must also incorporate outreach to those who have paid their debt to society and have become responsible and contributing members of their communities. Prisoner reentry programs have been tested and proven effective. Through a number of supportive services, including substance abuse and mental health counseling, prison-to-work incentives, job training, and transitional assistance, reentry programs help reduce crime recidivism and keep fam-

ilies safer. By utilizing common-sense and proven methods, we can both reduce crime and serve crime victims.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26 through May 2, 2009, as National Crime Victims' Rights Week. I call upon all Americans to observe this week by participating in events that raise awareness of victims' rights and services and by volunteering to serve victims in their time of need.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8366 of April 28, 2009

National Equal Pay Day, 2009

By the President of the United States of America
A Proclamation

Harriet Beecher Stowe helped galvanize the abolitionist movement with her groundbreaking literature. Frances Perkins advised President Franklin Delano Roosevelt and led the Department of Labor during one of its most challenging periods in history. Barbara McClintock helped unlock the mysteries of genetics and earned a Nobel Prize. These and countless other women have broken barriers and changed the course of our history, allowing women and men who followed them the opportunity to reach greater heights.

Despite these achievements, 46 years since the passage of the Equal Pay Act and 233 years since our Nation was established with the principle of equal justice under law, women across America continue to experience discrimination in the form of pay inequity every day. Women in the United States earn only 78 cents for every dollar a man earns, and today marks the inauspicious occasion when a woman's earnings finally catch up with a man's from the previous year. On National Equal Pay Day, we underscore the importance of this issue to all Americans.

If we wish to honor our Nation's highest ideals, we must end wage discrimination. The Founders established a timeless framework of rights for the American people. Generation after generation has worked and sacrificed so that this framework might be applied equally to all Americans. To honor these Americans and stay true to our founding ideals, we must carry forward this tradition and breathe life into these principles by supporting equal pay for men and women.

Wage discrimination has a tangible and negative impact on women and families. When women receive less than their deserved compensation, they take home less for themselves and their loved ones. Utilities and groceries are more difficult to afford. Mortgages and rent bills are harder to pay. Children's higher education is less financially feasible. In

later years of life, the retirement that many women have worked so hard for—and have earned—is not possible. This problem is particularly dire for women who are single and the sole supporters of their families. Women should not and need not endure these consequences.

My Administration is working to advance pay equity in the United States. The first bill I signed into law as President, the Lilly Ledbetter Fair Pay Act of 2009, allows more women to challenge pay discrimination by extending the timeline within which complaints can be filed. This law advances the struggle for equal pay, but it is only an initial step. To continue this progress, I issued an Executive Order establishing the White House Council on Women and Girls. This high-level body, composed of Cabinet members and heads of sub-Cabinet agencies, is charged with advancing the rights and needs of women, including equal pay.

Still, Government can only advance this issue so far. The collective action of businesses, community organizations, and individuals is necessary to ensure that every woman receives just treatment and compensation. We Americans must come together to ensure equal pay for both women and men by reminding ourselves of the basic principles that underlie our Nation's strength and unity, understanding the unnecessary sacrifices that pay inequity causes, and recalling the countless women leaders who have proven what women can achieve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 28, 2009, as National Equal Pay Day. I call upon American men and women, and all employers, to acknowledge the injustice of wage discrimination and to commit themselves to equal pay for equal work.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8367 of April 30, 2009

Law Day, U.S.A., 2009

By the President of the United States of America
A Proclamation

In 1958, President Eisenhower established Law Day as ''a day of national dedication to the principles of government under law.'' Each year on Law Day, we celebrate our commitment to the rule of law. That great commitment is enshrined in the Declaration of Independence and the United States Constitution, and has been reaffirmed by the words and deeds of great Americans throughout our Nation's history.

This year we celebrate the bicentennial of the birth of one such American, President Abraham Lincoln. Lincoln rose from humble beginnings to guide our Nation through the most turbulent period in its history. His dedication to the rule of law and to equality under the law,

and his refusal to retreat from the greatest moral challenge ever to confront us, gave us the Emancipation Proclamation and the preservation of our Union. His dedication also gave us the Gettysburg Address, with its resolution that ''government of the people, by the people, for the people, shall not perish from the earth.'' Indeed, Lincoln was one of the greatest Presidents and one of the greatest lawyers, in our Nation's history.

Lincoln's lasting legacy is his vision of the ''more perfect Union'' promised in our Constitution's preamble. According to Lincoln, ''The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot do so well for themselves, in their separate and individual capacities.'' This vision of a true United States of America, bound together by a recognition of the common good, guided our country through its darkest hour and helped it re-emerge as a beacon of freedom and equality under law.

On this Law Day, I encourage Americans to reflect on this legacy. By continuing a national conversation on the principles for which Lincoln stood, and by highlighting the attributes of this great American, we can help ensure that the legacy of our sixteenth President endures and that the United States remains dedicated to the principles of government under law.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2009, as Law Day, U.S.A. I call upon the people of the United States to acknowledge the importance of our Nation's legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8368 of May 1, 2009

Loyalty Day, 2009

By the President of the United States of America
A Proclamation

More than two centuries ago, our Nation's Founders declared the birth of a new Nation and began an experiment in self-governance. The young Republic committed itself to protecting the rights of life, liberty, and the pursuit of happiness for all citizens. These ideals inspired loyalty to the young Nation and moved volunteers to fight for their independence.

Generations later, these founding principles continue to unify and command the loyalty of the American people. The United States has expanded in size, increased in population, and grown in diversity, yet

the promise of liberty and the pursuit of happiness arouse the patriotism and loyalty of Americans anew. Just as early settlers pledged to do their part to build the new Nation, now recent immigrants—loyal to the very same values—are helping America fulfill its promise.

We enjoy these blessings of liberty only because brave patriots have answered the call of duty. The men and women of the United States Armed Forces exemplify loyalty to our highest ideals, as do those who have fought valiantly for civil rights within our borders. These Americans and many others have made enormous sacrifices, and our Nation is grateful for their selflessness and unshakeable loyalty.

The Congress, by Public Law 85–529, as amended, has designated May 1 of each year as ''Loyalty Day.'' On Loyalty Day, we honor our Nation and remember with pride the courageous individuals who help keep it safe and strong and who honor its legacy of freedom and equal opportunity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 1, 2009, as Loyalty Day. I call upon all the people of the United States to join in support of this national observance and to display the flag of the United States on Loyalty Day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8369 of May 1, 2009

Asian American and Pacific Islander Heritage Month, 2009

By the President of the United States of America
A Proclamation

The vast diversity of languages, religions, and cultural traditions of Asian Americans and Pacific Islanders continues to strengthen the fabric of American society. From the arrival of the first Asian American and Pacific Islander immigrants 150 years ago to those who arrive today, as well as those native to the Hawaiian Islands and to our Pacific Island territories, all possess the common purpose of the fulfilling the American dream and leading a life bound by the American ideals of life, liberty, and the pursuit of happiness.

During Asian American and Pacific Islander Heritage Month, we remember the challenges and celebrate the achievements that define our history.

Asian Americans and Pacific Islanders have endured and overcome hardship and heartache. In the earliest years, tens of thousands of Gold Rush pioneers, coal miners, transcontinental railroad builders, as well as farm and orchard laborers, were subject to unjust working conditions, prejudice, and discrimination—yet they excelled. Even in the

darkness of the Exclusion Act and Japanese internment, Asian Americans and Pacific Islanders have persevered, providing for their families and creating opportunities for their children.

Amidst these struggles, Asian Americans and Pacific Islanders have contributed in great and significant ways to all aspects of society. They have created works of literature and art, thrived as American athletes, and prospered in the world of academia. Asian Americans and Pacific Islanders have played a vital role in our Nation's economic and technological growth by establishing successful enterprises and pushing the limits of science. They are serving in positions of leadership within the government more now than ever before. And along with all of our great service men and women, they have defended the United States from threats at home and abroad, serving our Nation with valor.

From the beaches of the Pacific islands and the California coast, the grasslands of Central Asia and the bluegrass of Kentucky, and from the summits of the Himalayas and the Rocky Mountains, the Asian American and Pacific Islander community hails from near and far. This is the story of our more perfect union: that it is diversity itself that enriches, and is fundamental to, the American story.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2009, as Asian American and Pacific Islander Heritage Month. I call upon the people of the United States to learn more about the history of Asian Americans and Pacific Islanders and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8370 of May 1, 2009

National Physical Fitness and Sports Month, 2009

By the President of the United States of America
A Proclamation

A morning walk in the neighborhood or Saturday game of catch with a child can brighten the day. Simple activities like these also contribute to our physical fitness. As the weather warms and invites us outside, I encourage Americans to consider the many simple ways to add physical fitness activities to our lives. Incorporating these habits can put a smile on your face, and it can also improve your long-term health and well-being.

This issue deserves our attention because physical activity can help curtail the rise in chronic diseases facing our Nation today. Among children and adolescents, regular physical activity can improve bone health and muscular fitness. Physical activity also helps prevent childhood obesity, which is a serious threat to our Nation's health. Among

adults young and old, physical activity has been shown to combat obesity, while reducing the risk of heart disease, stroke, and certain cancers. Even moderate amounts of physical activity can reduce the risk of premature death. All Americans should understand the significant benefits physical activity provides.

Individuals, employers, and communities can take steps to promote physical fitness. Depending on his or her ability, every American can try to be healthier by, for example, walking or biking to work if it is nearby, being active during free time, and eating healthier meals. Employers can raise awareness and incorporate physical activity in the workplace, and communities can promote access to recreational activities and parks.

The Department of Health and Human Services' Physical Activity Guidelines for Americans are designed to help Americans of various ages and abilities engage in physical activity that can be incorporated easily into their daily lives. More information about the Guidelines is available at: www.health.gov/paguidelines.

To encourage attention to physical fitness, the President's Council on Physical Fitness and Sports sponsors the National President's Challenge, a six-week competition to determine America's most active State. The Challenge extends from May 1 through July 24 this year. I encourage Americans to register for the Challenge at www.presidentschallenge.org and to begin recording activity to help their State win this year's competition.

By learning about the benefits of physical fitness, staying motivated, and being active and eating healthy, more Americans can live healthier, longer, and happier lives.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 2009, as National Physical Fitness and Sports Month. I call upon the American people to take control of their health and wellness by making physical activity, fitness, and sports participation an important part of their daily lives. I encourage individuals, businesses, and community organizations to renew their commitment to personal fitness and health by celebrating this month with appropriate events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8371 of May 4, 2009

Older Americans Month, 2009

By the President of the United States of America
A Proclamation

Older Americans have carried our Nation through great challenges and triumphs. They have enriched our national character and strengthened the Republic for those who have followed. During the month of May, we pay tribute to the wisest among us.

Throughout the land, older Americans are strengthening our communities and the American way of life. Many senior citizens remain in the workforce to support themselves and their families. Others are embarking on second careers and exploring new interests and fields of knowledge. Inspiring citizens of all ages, many serve as advocates and volunteers in community service roles. In this important work, they make a real difference in the daily lives of fellow citizens of all ages, while promoting and strengthening the American spirit of civic participation.

My Administration is working to create opportunities for older Americans to share their skills and wisdom with younger generations. One of the bills I recently signed into law, the Edward M. Kennedy Serve America Act, expands and improves service opportunities for older Americans. Our Nation can benefit greatly from the experience and hard work of our older Americans, and I am committed to providing service opportunities to achieve this end.

We owe older Americans a debt of gratitude and must work to help them age with dignity. Through home- and community-based services, including health promotion and preventive care programs, many older Americans are able to live more independent and healthier lives. This year's theme for Older Americans Month, ''Living Today for a Better Tomorrow,'' captures the importance of helping seniors today so they can enjoy the years ahead.

My Administration is committed to supporting older Americans and is working to strengthen health care, retirement, community involvement, and other programs vital to their interests and beneficial to all of us. Older Americans have earned this support, and we owe them nothing less.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 2009 as Older Americans Month. I invite Americans of all ages; representatives of government at all levels; businesses and communities; faith-based and neighborhood organizations; and health, academic, and recreational institutions to acknowledge the contributions of older Americans during this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8372 of May 4, 2009

National Charter Schools Week, 2009

By the President of the United States of America
A Proclamation

Improving our schools is the collective responsibility of all Americans—business owners and workers, educators and parents, students and their communities. We must ensure that all students receive a high-quality education that delivers the knowledge and skills needed to succeed, and that young men and women stay on the path to graduation and a life-long commitment to learning.

Many successful public charter schools across the Nation are working to meet these goals. Founded by parents, teachers, and civic or community organizations, our Nation's public charter schools enjoy broad leeway to innovate.

The best public charter schools and their students are thriving in States that have adopted a rigorous selection and review process to ensure that autonomy is coupled with greater accountability. The growth of effective public charter schools benefits our children, and States have an important role to play in their expansion.

During National Charter Schools Week, we recognize these public charter schools for their dedication and commitment to achievement in education. They are models of excellence and are promoting the interests of our children, our economy, and our Nation as a whole.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 3 through May 9, 2009, as National Charter Schools Week. I commend our Nation's successful public charter schools, teachers, and administrators, and I call on States and communities to support public charter schools and the students they serve.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8373 of May 6, 2009

World Trade Week, 2009

By the President of the United States of America
A Proclamation

When the world's consumers fly in a U.S.-manufactured airplane, eat a steak from America's heartland, watch a Hollywood movie, or visit the Grand Canyon, they are helping to create and maintain good jobs for Americans.

World Trade Week is an opportunity to reaffirm the benefits of trade and to emphasize America's commitment to a global marketplace that creates good jobs and lifts up American families. The United States and our trading partners stand to gain when trade is open, transparent, rules-based, and fair, showing respect for labor and environmental standards.

The United States is well-positioned to reap the benefits of trade. America is a leader in the global marketplace and ranks at the top of almost every measure of global competitiveness. Our businesses, workers, and farmers remain the most innovative, productive, and adaptable in the world. The United States is also the world's largest exporter.

Trade is a significant and increasingly important contributor to U.S. economic growth. Exports accounted for 13 percent of U.S. economic activity in 2008, and they support millions of jobs in the United States. In difficult economic times, it is even more important for American industry to take advantage of every opportunity for export-driven growth. That is why I will work to open more markets to U.S. exports, including in such important job growth industries as energy efficiency, clean energy, and health information technology.

Imports can also benefit the United States by increasing consumer choice while lowering prices for millions of working families. In addition, imports can support employment for retailers, distributors, the transportation sector, and domestic manufacturers which rely on global supply chains to make products for both the U.S. and international markets.

We must ensure that the benefits of trade are spread more widely. This can be achieved by training and supporting Americans and ensuring that trade agreements provide the economic opportunities that Americans deserve. Workers who lose their jobs through no fault of their own deserve the chance to be retrained for a new economic environment. That is one of the reasons I signed the American Recovery and Reinvestment Act of 2009 (ARRA), which improves Trade Adjustment Assistance to help families that are struggling now. For the long term, the ARRA also invests in an education system that will prepare our children to compete and succeed in the global economy.

We will negotiate future trade agreements to create opportunities for all Americans. My Administration is committed to building on existing trade agreements and bilateral investment treaties in an open and transparent manner. In consultation with the American people, the Congress, key stakeholders, and our trading partners, I am developing a plan of action for pending free trade agreements. I will also work with our trading partners to advance a strong market-opening agreement for agriculture, industrial goods, and services through the Doha Development Round and through other negotiations. Together, we can build a trading regime that spreads its benefits among Americans and also benefits workers in our partner countries.

Transparency and inclusiveness are central principles we must adhere to as we seek to expand trade. When trade agreements are negotiated in consultation with the American people, the benefits of trade can be understood more broadly. Through open dialogue, the concerns of American and foreign workers can be addressed and the environmental consequences of trade agreements can be identified and mitigated.

With a transparent, free, and fair framework, we can make trade a powerful contributor to the revival of the U.S. and global economies.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2009, as World Trade Week. I encourage all Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our Nation and the global economy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8374 of May 7, 2009

National Day of Prayer, 2009

By the President of the United States of America
A Proclamation

Throughout our Nation's history, Americans have come together in moments of great challenge and uncertainty to humble themselves in prayer. In 1775, as the Continental Congress began the task of forging a new Nation, colonists were asked to observe a day of quiet humiliation and prayer. Almost a century later, as the flames of the Civil War burned from north to south, President Lincoln and the Congress once again asked the American people to pray as the fate of their Nation hung in the balance.

It is in that spirit of unity and reflection that we once again designate the first Thursday in May as the National Day of Prayer. Let us remember those who came before us, and let us each give thanks for the courage and compassion shown by so many in this country and around the world.

On this day of unity and prayer, let us also honor the service and sacrifice of the men and women of the United States Armed Forces. We celebrate their commitment to uphold our highest ideals, and we recognize that it is because of them that we continue to live in a Nation where people of all faiths can worship or not worship according to the dictates of their conscience.

Let us also use this day to come together in a moment of peace and goodwill. Our world grows smaller by the day, and our varied beliefs can bring us together to feed the hungry and comfort the afflicted; to make peace where there is strife; and to lift up those who have fallen on hard times. As we observe this day of prayer, we remember the one law that binds all great religions together: the Golden Rule, and its call to love one another; to understand one another; and to treat with dignity and respect those with whom we share a brief moment on this Earth.

The Congress, by Public Law 100–307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a ''National Day of Prayer.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 7, 2009, as a National Day of Prayer. I call upon Americans to pray in thanksgiving for our freedoms and blessings and to ask for God's continued guidance, grace, and protection for this land that we love.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8375 of May 8, 2009

Military Spouse Day, 2009

By the President of the United States of America
A Proclamation

Military spouses share the sacrifices of service with our Nation's men and women in uniform. As members of the Armed Forces serve in the United States and across the world, military spouses also serve our Nation. When a servicemember goes to war, we know their spouse also shares in that sacrifice. I am inspired by their commitment to family and our Nation, and on Military Spouse Day, we honor these individuals for their contributions.

Wives and husbands of servicemembers display an uncommon courage and strength as they steadfastly support their spouses during long and arduous deployments. While they endure separations that are filled with worry and anxiety, they face unique stresses. Foremost is the concern about the safety and well-being of deployed loved ones, but there are many other challenges. From managing household finances to comforting children impacted by a military parent's absence, military spouses take on the burdens of maintaining families largely on their own. This task is complicated even more as spouses work to maintain careers and a sense of community while moving to new duty stations around the country and the world.

Despite these hardships, military spouses are an inexhaustible source of strength for our military families and donate their time generously to local communities. Military spouses offer the love and encouragement that help servicemembers endure the challenges of serving our Nation. Military spouses support one another as friends and mentors. They serve in family readiness groups to keep fellow spouses informed and to provide mutual support. They contribute as volunteers to improve neighborhoods, military installations, and communities. These contributions strengthen both our Nation's character and its security.

All Americans should express appreciation for military spouses and let them know they are not alone. To help those who need it, friends, coworkers, and neighbors can offer to help with the burden of daily tasks

and thus give military spouses more time for themselves and their families. To assist spouses who are coping with the absence of a loved one, individuals can listen and offer their counsel. Americans can also volunteer through the many organizations that provide assistance to military families.

Our Nation maintains a sacred trust with every individual who serves. My Administration is committed to showing our Nation's gratitude for them by honoring our obligations to their families.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 8, 2009, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities today and in the future.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8376 of May 8, 2009

Mother's Day, 2009

By the President of the United States of America
A Proclamation

The time-honored tradition of recognizing mothers grew out of the imagination of a few bold women. Julia Ward Howe, composer of *The Battle Hymn of the Republic*, urged mothers to advocate for peace through a day dedicated to them. After her own mother passed away, Anna Jarvis sought to recognize the great influence mothers have on society. These efforts led to the recognition of mothers through a Congressional Resolution and President Woodrow Wilson's proclamation of the first Mother's Day in 1914. Today, we proudly carry forward this tradition in honor of mothers, the special women whose love and lessons profoundly impact our lives.

Mothers are the bedrock of the American family—vital to their children's growth and happiness and to the success of our country. Children's lives are shaped by their mothers, whose care provides the foundation for their development. Mothers instill the values and confidence that help define their children's character and self-esteem, and offer a guiding clarity of spirit. Mothers are role models, teachers, and sources of unconditional support. There is no substitute for the bond of love between mother and child, and nothing is more worthy of reverence.

Across America, mothers raise children under an array of circumstances. They may care for a child with the help of a spouse, family members, and friends, or they may do this job alone as a single parent. They may be biological mothers, adoptive mothers, or foster mothers, but all open their hearts to their children and nurture them through their life journey. Caring for children also means putting food

on the table, ensuring their needs are met, and staying involved in their daily lives. Women often work long hours at demanding jobs and then return home to a household with myriad demands. Balancing work and family is no easy task, but mothers across our Nation meet this challenge each day, often without recognition for their hard work and dedication. The strength and conviction of all mothers—including those who work inside and outside the home—are inspiring. They deserve our deepest respect, admiration, and appreciation.

A mother's love is a cherished blessing, for it is selfless, unconditional, and true. This Mother's Day, let us honor our mothers who continue to inspire us, and remember those whose loving spirits sustain us still.

The Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as ''Mother's Day'' and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 10, 2009, as Mother's Day. I urge all Americans to express their love, respect, and gratitude to mothers everywhere, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8377 of May 11, 2009

National Defense Transportation Day and National Transportation Week, 2009

By the President of the United States of America
A Proclamation

Every day, Americans rely on roads, rails, ports, and airports to get to work and to transport goods and services. At the same time, the United States Armed Forces rely on our transportation infrastructure to move personnel and supplies. During National Transportation Week and on National Defense Transportation Day, we underscore the importance of the transportation system to our Nation's economy and security. We also honor the dedicated professionals who build, maintain, and operate our transportation infrastructure.

From rural roads to state-of-the-art intermodal facilities, transportation infrastructure is crucial to economic growth. Goods and services flow constantly across land, water, and sky, and our most efficient modes of travel save businesses and consumers money, and can reduce impacts on our environment. To compete in the 21st century global economy, the United States must have an advanced transportation system.

Securing America's energy future and maintaining our national defense also require a robust transportation system. Whether responding to natural disasters at home or mobilizing resources to defend America

abroad, transportation is vital to keeping Americans safe. Global climate change and our reliance on foreign oil have also created tremendous national security challenges. To solve these problems and create new economic opportunities, we must make our transportation system cleaner and more efficient.

My Administration has taken bold action to rebuild our Nation's crumbling infrastructure. The American Recovery and Reinvestment Act integrates the goals of job creation and economic growth with a renewed commitment to transportation. This legislation will fund projects to improve public transportation, repair highways and roads, modernize airports and seaports, and invest in renewable energy, all while creating or saving hundreds of thousands of jobs.

To make the most of every taxpayer dollar, my Administration is working side-by-side with State and local governments and the private sector to provide oversight and to closely monitor these transportation investments.

The women and men who support this critical sector every day make this plan possible. Renewing America's transportation system is an historic task, and I am convinced they will rise to the challenge.

The Congress has requested, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), that the President designate the third Friday in May of each year as ''National Defense Transportation Day,'' and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), that the week during which that Friday falls be designated as ''National Transportation Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Friday, May 15, 2009, as National Defense Transportation Day and May 10 through May 16, 2009, as National Transportation Week. I call upon all Americans to recognize the importance of our Nation's transportation infrastructure and to acknowledge the contributions of those who build, operate, and maintain it.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8378 of May 11, 2009

Peace Officers Memorial Day and Police Week, 2009

By the President of the United States of America
A Proclamation

Every day, peace officers put on their uniforms and go to work to safeguard America's communities and uphold the freedoms we hold dear. This week we honor their contributions and sacrifice.

Law enforcement officers routinely place themselves in harm's way to protect people they do not and will not know. They serve willingly

and devotedly, and their commitment is essential for us to maintain a healthy quality of life, a strong economy, the safety of our families, and a robust national security system.

My Administration is working to keep Americans safe and to strengthen the Federal partnership with America's peace officers. The American Recovery and Reinvestment Act, which I recently signed, makes $4 billion available for State and local law enforcement. This provision will save or create thousands of law enforcement jobs across the country through the revitalized Community Oriented Policing Services Hiring Recovery Program. The Recovery Act also provides $2 billion through the Edward Byrne Memorial Justice Assistance Grant Program. These measures will put more officers on the street and help those already serving to perform their jobs more effectively.

The benefits that peace officers provide come with great sacrifice. Every year, many give their lives in the performance of their duties. Their contributions live on in the communities they strengthened, and their service will never be forgotten. This week, as we recognize their commitment to duty, we renew our pledge to support their families and colleagues.

The President has been requested to designate May 15 of each year as Peace Officers Memorial Day in honor of all Federal, State, and local officers killed or disabled in the line of duty, and to designate that week as Police Week in recognition of their service given to the United States (36 U.S.C. 136–37).

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 15, 2009, as Peace Officers Memorial Day and May 10 through May 16, 2009, as Police Week. I call upon all Americans to observe these events with appropriate ceremonies and activities. I also call on Governors of the United States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and appropriate officials of all units of government, to direct that the flag be flown at half staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8379 of May 12, 2009

Jewish American Heritage Month, 2009

By the President of the United States of America
A Proclamation

The Jewish American tradition exemplifies the strength of the American immigrant tradition. Since Jews arrived in New Amsterdam in 1654, Jewish Americans have maintained a unique identity just as they

have enmeshed themselves in the fabric of the United States. This month we celebrate this inspiring and unifying narrative.

Jewish Americans across the United States practice the faith and celebrate the culture of their ancestors. Across the Nation every day, individuals emulate their forebears by seeking to perform mitzvot, the hundreds of commandments set forth in the Torah. The term ''mitzvah'' has come to mean ''good deed,'' and many Jews have adopted these practices to serve their communities. Other mitzvot include observing holidays, such as Passover, which marks the exodus from Egypt; and Yom Kippur, a time to contemplate and seek forgiveness for the sins of the past year; and Shabbat, the weekly day of rest.

The focus on preserving traditions is a notable characteristic of Jewish culture. Many Jewish religious and cultural practices have developed and adapted over the millennia, yet the fundamental exhortation to ensure that long-cherished ways of life are passed on to future generations remains as strong as ever before. Many Jewish Americans carry on this belief as they instill these traditions in their children.

Seeking to preserve their culture and start anew, Jewish immigrants have departed familiar lands to pursue their own American dreams for more than 300 years. During some periods, Jews sought refuge in the United States from the horrors and tragedies of persecution, pogroms, and the Holocaust. During other times, they came to seek better lives and greater economic opportunities for themselves and their children.

Jewish Americans have immeasurably enriched our Nation. Unyielding in the face of hardship and tenacious in following their dreams, Jewish Americans have surmounted the challenges that every immigrant group faces, and have made unparalleled contributions. Many have broken new ground in the arts and sciences. Jewish American leaders have been essential to all branches and levels of government. Still more Jewish Americans have made selfless sacrifices in our Armed Forces. The United States would not be the country we know without the achievements of Jewish Americans.

Among the greatest contributions of the Jewish American community, however, is the example they have set for all Americans. They have demonstrated that Americans can choose to maintain cultural traditions while honoring the principles and beliefs that bind them together as Americans. Jewish American history demonstrates how America's diversity enriches and strengthens us all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2009 as Jewish American Heritage Month. I call upon all Americans to commemorate the proud heritage of Jewish Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8380 of May 14, 2009

Armed Forces Day, 2009

By the President of the United States of America
A Proclamation

On Armed Forces Day, 1961, President Kennedy connected civic engagement and our Nation's security. He stated, ''the strength of our armed forces rests not alone upon their active and reserve members, our industrial productivity, and our human resources, but also upon the understanding and support of an informed American people.'' Based on this perspective, I call upon all Americans to learn more about, and express gratitude for, the heroic efforts of our men and women in uniform.

Today, the United States military serves across the world to keep us safe. They are working here at home to protect America from threats foreign and domestic; they are risking their lives in the deserts of Iraq and the mountains of Afghanistan; and they are also serving bravely in many other parts of the world to ensure our security and provide humanitarian assistance. Members of the Armed Forces are forging a better future for our Nation and the world.

As they carry out their missions, military families endure the sacrifice of their absence. Worrying about their safety, moving to new duty stations, and managing a home without a loved one, these families shoulder great burdens as they help sustain our men and women in uniform. I thank military families for their vital contributions.

The Soldiers, Sailors, Airmen, Marines, and Coastguardsmen who have answered the call to service deserve recognition and gratitude. They have endured the most difficult of conditions to protect America and her highest ideals. Today, I ask all Americans to know their sacrifice and join me in humble thanks.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, Marine Corps, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes on Armed Forces Day and urge citizens to learn

more about military service by attending and participating in the local observances of the day. I also encourage Americans to volunteer at organizations that provide support to our troops.

Proclamation 7562 of May 16, 2002, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8381 of May 15, 2009

National Safe Boating Week, 2009

By the President of the United States of America
A Proclamation

Each year, millions of Americans take to our Nation's waterways for recreational boating. Whether paddling down a rushing river or cruising on a serene lake, boaters are attracted to the incomparable feeling of being out on the water. They also are drawn by opportunities to exercise, appreciate nature, enjoy quiet solitude, or relax with family and friends.

Unfortunately, accidents can occur as Americans participate in this popular pastime. Many serious incidents are preventable, and during National Safe Boating Week, I ask Americans to learn more about how to enjoy our Nation's waters safely and responsibly.

Simple steps can greatly reduce the chances of an accident. In preparation for the boating season, Americans can take boating safety courses and get a free vessel safety check. These steps can help prevent problems before they happen and prepare boaters for problems that may occur while on the water. Boaters should also wear a Coast Guard-approved life jacket and never boat under the influence of drugs or alcohol. These critical precautions can save lives and help ensure a fulfilling experience.

Each year during this week, the United States Coast Guard partners with organizations to educate and inform the public about safe boating. I join them in calling upon Americans to protect themselves and others while boating.

Recognizing the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to annually proclaim the 7-day period prior to Memorial Day weekend as ''National Safe Boating Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 16 through May 22, 2009, as National Safe Boating Week. I encourage all Americans to join in observing this occasion by learning more about boating safety and committing themselves to safe practices on the water.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8382 of May 15, 2009

Small Business Week, 2009

By the President of the United States of America
A Proclamation

The entrepreneurial spirit lies at the core of our Nation's economy and identity. If Americans with good ideas can work hard, put their plan to the test, and succeed, the American economy will continue to create jobs and lead the world in innovation and productivity. During National Small Business Week, we honor the entrepreneurs and small business owners who are the engine of our economy. Their ingenuity and hard work are critical to our Nation's prosperity.

Small businesses are the lifeblood of cities and towns across the country. Over the last decade, small businesses created 70 percent of new jobs, and they are responsible for half of all jobs in the private sector. They also help enhance the lives of our citizens by improving our quality of life and creating personal wealth. Small businesses will lead the way to prosperity, particularly in today's challenging economic environment.

My Administration is committed to economic policies that encourage enterprise and make America the best place in the world to do business. To support the free flow of credit, I have worked to increase loan guarantees, reduce borrowing fees, quicken loan processing, and unlock the secondary markets that support small business lending, among other measures. I also support tax policies that promote investment in small businesses, as well as health care reform that will help these businesses provide more workers with quality health care services.

Our Nation's success depends on America's small businesses and entrepreneurs. Their contributions are necessary to rebuild our economy so that it once again offers the opportunity to succeed to all who seek it. This week we thank small business owners, entrepreneurs, and employees for helping America achieve that promise.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 17 through May 23, 2009, as National Small Business Week. I call upon Government officials, industry leaders, and advocates across the Nation to encourage our citizens to celebrate the achievements of small business owners and encourage the creation of new businesses.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand nine, and of the

Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8383 of May 20, 2009

Emergency Medical Services Week, 2009

By the President of the United States of America
A Proclamation

Emergency medical services providers rush into scenes of uncertainty and fear, and they help establish order and calm—and save lives in the process. They include educators, 911 dispatchers, first responders, emergency medical technicians, paramedics, nurses, physicians, and many others. These highly skilled teams respond to emergencies 24 hours a day, 7 days a week.

When Americans find themselves in unexpected life-threatening situations, emergency medical services (EMS) providers provide rapid help. Quality emergency medical care dramatically improves the survival and recovery prospects for those who experience sudden injury or illness. These EMS teams play a vital role in our Nation's overall health and safety, as well as our preparedness for pandemic disease and disasters both natural and man-made.

Emergency medical services providers hail from a variety of backgrounds and circumstances. They work in rural volunteer fire departments, urban hospitals, along our coastal waterways, and among fire-prone western forests. Many spend their off-duty time obtaining extra training and enhancing their lifesaving skills. All share a common aspiration to help those in need, and during Emergency Medical Services Week, we express our appreciation for their critical work.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2009, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by sharing their support with local EMS workers and taking steps to improve their personal safety and preparedness.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8384 of May 20, 2009

National Maritime Day, 2009

By the President of the United States of America
A Proclamation

Americans have long looked to the sea as a source of security and prosperity. Bounded by two oceans and the Gulf of Mexico, and crisscrossed by a myriad of inland waterways, America's destiny as a maritime nation was a story foretold.

The Merchant Marine took up arms alongside the Continental Navy to help defeat the British Navy during the American Revolution. Since then, they have served bravely as the United States has faced threats ranging from war to piracy, and our seafaring fleet has proven instrumental in protecting our safety. In times of conflict and crisis, the Armed Forces rely on the Merchant Marine's sealift capability to transport critical equipment and supplies. Time and again, mariners have demonstrated their willingness and ability to meet daunting challenges.

Waterways have also enabled much of the commerce that has expanded America's economy. Domestic and international commerce occurred along rivers and coasts even before our Nation's birth. Great cities have sprouted near waterways, and maritime activity remains crucial to our economy today.

The men and women of the U.S. Merchant Marine and the many other workers who have supported the maritime industry have made significant contributions to our leadership in the global marketplace, and to our security.

On this National Maritime Day, we also mark the opening of a permanent exhibition at the Smithsonian Institution, ''On the Water.'' It demonstrates the importance of the maritime industry and chronicles our history as a maritime nation.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as ''National Maritime Day'' and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 22, 2009, as National Maritime Day. I call upon the people of the United States to mark this observance by honoring the service of merchant mariners and by displaying the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8385 of May 22, 2009

Prayer for Peace, Memorial Day, 2009

By the President of the United States of America
A Proclamation

For over two centuries, Americans have defended our Nation's security and protected our founding principles of democracy and equal justice under law. On Memorial Day, we honor those who have paid the ultimate price in defense of these freedoms.

Members of the United States Armed Forces have placed our Nation's safety before their own for generations. From the first shots fired at Lexington and Concord to the current conflicts in Iraq and Afghanistan, these brave patriots have taken on great risks to keep us safe, and they have served with honor and distinction. All Americans who have enjoyed the blessings of peace and liberty remain in their debt.

As we remember the selfless service of our fallen heroes, we pray for God's grace upon them. We also pray for all of our military personnel and veterans, their families, and all those who have lost loved ones in the defense of our freedom and safety.

Today, as we commend their deeds, we also bear a heavy burden of responsibility to ensure that their sacrifices will not have been in vain. This means that, as we uphold the ideals for which many have given their last full measure of devotion, the United States must never waver in its determination to defend itself, to be faithful in protecting liberty at home and abroad, and to pursue peace in the world.

In respect for their dedication and service to America, the Congress, by a joint resolution approved on May 11, 1950, as amended (36 U.S.C. 116), has requested the President to issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Memorial Day, May 25, 2009, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time to unite in prayer. I also ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day. I urge the press, radio, television, websites, and all other media to participate in these observances. I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States, and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord two thousand nine, and of

the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8386 of May 26, 2009

National Hurricane Preparedness Week, 2009

By the President of the United States of America
A Proclamation

Each year, hurricanes threaten the safety of American families in coastal and inland communities. These powerful storms can cause heavy rainfall, high winds, tornadoes, and storm surges, which can in turn bring severe flooding, power outages, damage to homes and businesses, and loss of life.

Awareness and preparation are critical to surviving and recovering from hurricanes. During National Hurricane Preparedness Week, I call on all Americans—including private citizens and those working in government, business, and the nonprofit sector—to plan ahead and help secure the safety and property of those who face advancing storms.

Americans can take basic steps before a hurricane arrives. The Federal Emergency Management Agency and the National Hurricane Center recommend developing a family disaster plan, creating and maintaining a disaster supply kit, securing one's home, and designating a safe place to go during a storm. Throughout a storm, individuals should always remain aware of weather conditions. More information on precautionary measures is available at www.nhc.noaa.gov/HAW2/english/intro.shtml.

Organizations at the local, State, and national level play important roles to protect Americans from the effects of hurricanes. Rescue and relief organizations, the private sector, and the news media work to meet demands that emerge before, during, and after a hurricane. Among other services, they distribute safety information and help coordinate relief activities. My Administration is committed to strengthening these efforts and is working every day to prepare for hurricanes and their potential impacts on everyone in the United States.

The threat hurricanes pose to lives and property cannot be eliminated, but preparedness can reduce the dangers these storms pose for our families and communities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States do hereby proclaim May 24 through May 30, 2009, as National Hurricane Preparedness Week. I call upon government agencies, private organizations, media, community groups, schools, and residents of hurricane-prone areas to share information about hurricane preparedness and response to help protect communities and save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of May, in the year of our Lord two thousand nine, and of

the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8387 of June 1, 2009

Lesbian, Gay, Bisexual, and Transgender Pride Month, 2009

By the President of the United States of America
A Proclamation

Forty years ago, patrons and supporters of the Stonewall Inn in New York City resisted police harassment that had become all too common for members of the lesbian, gay, bisexual, and transgender (LGBT) community. Out of this resistance, the LGBT rights movement in America was born. During LGBT Pride Month, we commemorate the events of June 1969 and commit to achieving equal justice under law for LGBT Americans.

LGBT Americans have made, and continue to make, great and lasting contributions that continue to strengthen the fabric of American society. There are many well-respected LGBT leaders in all professional fields, including the arts and business communities. LGBT Americans also mobilized the Nation to respond to the domestic HIV/AIDS epidemic and have played a vital role in broadening this country's response to the HIV pandemic.

Due in no small part to the determination and dedication of the LGBT rights movement, more LGBT Americans are living their lives openly today than ever before. I am proud to be the first President to appoint openly LGBT candidates to Senate-confirmed positions in the first 100 days of an Administration. These individuals embody the best qualities we seek in public servants, and across my Administration—in both the White House and the Federal agencies—openly LGBT employees are doing their jobs with distinction and professionalism.

The LGBT rights movement has achieved great progress, but there is more work to be done. LGBT youth should feel safe to learn without the fear of harassment, and LGBT families and seniors should be allowed to live their lives with dignity and respect.

My Administration has partnered with the LGBT community to advance a wide range of initiatives. At the international level, I have joined efforts at the United Nations to decriminalize homosexuality around the world. Here at home, I continue to support measures to bring the full spectrum of equal rights to LGBT Americans. These measures include enhancing hate crimes laws, supporting civil unions and Federal rights for LGBT couples, outlawing discrimination in the workplace, ensuring adoption rights, and ending the existing ''Don't Ask, Don't Tell'' policy in a way that strengthens our Armed Forces and our national security. We must also commit ourselves to fighting the HIV/AIDS epidemic by both reducing the number of HIV infections and providing care and support services to people living with HIV/AIDS across the United States.

These issues affect not only the LGBT community, but also our entire Nation. As long as the promise of equality for all remains unfulfilled, all Americans are affected. If we can work together to advance the principles upon which our Nation was founded, every American will benefit. During LGBT Pride Month, I call upon the LGBT community, the Congress, and the American people to work together to promote equal rights for all, regardless of sexual orientation or gender identity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2009 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to turn back discrimination and prejudice everywhere it exists.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8388 of June 1, 2009

Great Outdoors Month, 2009

By the President of the United States of America
A Proclamation

The United States is blessed with unparalleled natural beauty. From remote forests to urban parks, these spaces have inspired visitors for generations. Today, these areas continue to raise the human spirit in those who experience them. During the month of June, I encourage Americans to pay tribute to and preserve the great outdoors.

Americans of all ages can find calm and enjoyment in our Nation's vast outdoors. Those desiring quiet or solitude can explore one of our many National Parks, which offer tranquil and pristine surroundings. Those seeking recreation can also explore public lands, or they can simply run, bicycle, or fish in areas close to their homes. Whether near or far, the outdoors offers unique experiences.

Exploring the great outdoors can also help improve one's health. These spaces provide countless venues for walking, hiking, running, swimming, and boating, among other activities. Americans can combine the enjoyment of being outside with the exercise we all need to stay healthy.

My Administration is working to connect America's youth with our treasured landscapes, which should be viewed as classrooms for environmental education and gateways to careers in natural resources. These efforts will include outreach to those who typically lack representation in, and exposure to, these fields. The Department of the Interior is launching a summer mentoring initiative as part of this effort. This program invites families and friends to teach children about the joys and wonders of the outdoors. My Administration is also increasing the number of youth involved in national service on public lands.

Through AmeriCorps and other programs and partnerships, we can continue our Nation's proud tradition of service and respect for the environment.

Americans are fortunate to have so many beautiful natural wonders and open spaces. I encourage all in our Nation to enjoy these resources and to help protect them for future generations. Together, we can carry forward our Nation's proud tradition of admiration and preservation of the great outdoors.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as Great Outdoors Month. I encourage all Americans to spend more time outside and to participate in the nationwide events marking this occasion.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8389 of June 2, 2009

African-American Music Appreciation Month, 2009

By the President of the United States of America
A Proclamation

The legacy of African-American composers, singers, songwriters, and musicians is an indelible piece of our Nation's culture. Generations of African Americans have carried forward the musical traditions of their forebears, blending old styles with innovative rhythms and sounds. They have enriched American music and captured the diversity of our Nation. During African-American Music Appreciation Month, we honor this rich heritage.

This legacy tells a story of ingenuity and faith. Amidst the injustice of slavery, African Americans lifted their voices to the heavens through spirituals. This religious music united African Americans and helped sustain them through one of the darkest periods in our Nation's history. Years later, spirituals contributed to the advent of a new form of music: gospel. Both styles incorporated elements of African music and were rooted in faith.

The African-American music tradition also reflects creativity and individualism. Blues, jazz, soul, and rock and roll synthesize various musical traditions to create altogether new sounds. Their novel chord progressions, improvisation, and mood showcase individual musicians while also creating a cohesive musical unit. In addition, African-American composers have thrived in traditional genres such as musical theater, opera, classical symphony, and choral music, providing their unique imprint and creatively growing these forms of music. All of these contributions are treasured across America and the world.

During African-American Music Appreciation Month, we recall the known and unknown musicians who helped create this musical history. Their contributions help illuminate the human experience and spirit, and they help us reflect on our Nation's ongoing narrative.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2009 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and foster appreciation of music which is composed, arranged, and performed by African Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8390 of June 2, 2009

National Caribbean-American Heritage Month, 2009

By the President of the United States of America
A Proclamation

Caribbean Americans have made lasting contributions to our Nation's culture and history, and the month of June has been set aside to honor their cultural, linguistic, ethnic, and social diversity.

Generations of immigrants have preserved the traditions of their homelands, and these traditions have defined our Nation's identity. Caribbean Americans bring a unique and vibrant culture. This multilingual and multiethnic tradition has strengthened our social fabric and enriched the diversity of our Nation.

Millions of individuals in the United States have Caribbean roots. Unfortunately some Caribbean Americans were forced to our country as slaves; others arrived of their own volition. All have sought the promise of a brighter tomorrow for themselves and their children.

In their pursuit of success, Caribbean Americans exhibit the traits all Americans prize: determination, a devotion to community, and patriotism. They have made their mark in every facet of our society, from art to athletics and science to service. Caribbean Americans have also safeguarded our Nation in the United States Armed Forces.

This month we also recognize the critical relationship the United States maintains with Caribbean nations. In a world of increasing communication and connectivity, this friendship has become even more important. We are neighbors, partners, and friends; we share the same aspirations for our children; and we strive for the very same freedoms. Together, we can meet the common challenges we face.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim June 2009 as National Caribbean-American Heritage Month. I urge all Americans to commemorate this month by learning more about the history and culture of Caribbean Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8391 of June 11, 2009

Flag Day and National Flag Week, 2009

By the President of the United States of America
A Proclamation

In the midst of a war for our Nation's independence, on June 14, 1777, the Second Continental Congress adopted a flag as a symbol of our fledgling Union. The Congress resolved that the flag be ''thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.'' For generations to come, this pattern would serve as a compass bearing toward equality and justice for all.

Our flag's journey has been long. It has seen our Nation through war and peace, triumph and tragedy. It flew above the walls of Fort Sumter, South Carolina, at the outset of the Civil War. It stood on Mount Suribachi on the island of Iwo Jima during World War II. During the Civil Rights Movement, determined protesters on the streets of Selma, Alabama, proudly displayed its colors. Following the attacks of September 11, 2001, Old Glory flew over the southwestern wall of the Pentagon and the rubble of the World Trade Center. Today, the men and women of the United States Armed Forces bear our flag as they serve bravely around the world.

The flag is still more than a historical symbol: it is part of our culture. In our schools children pledge allegiance to our flag and recite the ideals upon which our Nation was founded. Families sit on their front porches under a billowing Stars and Stripes. And each day as the flag is raised above military installations and government buildings, we are reminded of the great sacrifices that have been made in defense of our Nation.

The Stars and Stripes tells our Nation's story and embodies its highest ideals. Its display reminds us of America's promise and guides us toward a brighter tomorrow.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as ''Flag Day'' and requested the President to issue an annual proclamation calling for a national observance and for the display of the flag of the United States on all Federal Government buildings. In a second joint resolution approved June 9, 1966, as amended (80 Stat. 194), the Congress requested the President to issue

annually a proclamation designating the week during which June 14 falls as ''National Flag Week'' and called upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim June 14, 2009, as Flag Day and the week beginning June 14, 2009, as National Flag Week. I direct the appropriate officials to display the flag of the United States on all Federal Government buildings during the week, and I urge all Americans to observe Flag Day and National Flag Week by flying the Stars and Stripes at their homes and other suitable places. I also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211) as a time to honor America, celebrate our heritage in public gatherings and activities, and recite publicly the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8392 of June 12, 2009

National Oceans Month, 2009

By the President of the United States of America
A Proclamation

Oceans are the Earth's dominant feature. They cover more than 70 percent of the planet's surface and affect our lives in a variety of ways. This month we celebrate the wonder of the oceans, and we commit to protecting and sustaining them for current and future generations.

The oceans are critical to supporting life. From the abyssal plains of the Pacific to the shallow coral reefs and seagrass beds of the Florida Keys, oceans support an incredible diversity of marine life and ecosystems. The base of the oceanic ecosystem provides most of the oxygen we breathe, so oceans are critical to our survival. These bodies of water also drive weather patterns and affect climate.

Our Nation's economy relies heavily on the oceans. Goods and services are transported across them constantly. They support countless jobs in an array of industries, including fishing, tourism, and energy. The economies of entire regions depend on the oceans.

The United States has been a leader in exploring and protecting this critical resource. We have gained new insights into the ocean ecosystems through research and monitoring. We have promoted innovative conservation efforts, such as setting aside special areas as national marine sanctuaries. We have also reduced overfishing, made great strides in reducing coastal pollution, and helped restore endangered species and degraded habitats.

My Administration continues to build upon this progress, and we are taking a more integrated and comprehensive approach to developing a national ocean policy that will guide us well into the future. This policy will incorporate ecosystem-based science and management and emphasize our public stewardship responsibilities. My Administration also is working to develop a systematic marine spatial planning framework for the conservation and sustainable use of ocean resources. I am committed to protecting these resources and ensuring accountability for actions that affect them.

During National Oceans Month, we celebrate these vast spaces and the myriad ways they sustain life. We also pledge to preserve them and commend all those who are engaged in efforts to meet this end.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as National Oceans Month. I call upon all Americans to learn more about the oceans and what can be done to conserve them.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8393 of June 18, 2009

Father's Day, 2009

By the President of the United States of America
A Proclamation

The journey of fatherhood provides unique and lasting joys. Cradling a baby in his arms, a father experiences the miracle of life and an unbreakable bond. Fathers imagine a world of possibilities awaiting their children and contemplate the privilege of helping them reach that expanse of opportunity. As kids grow and mature, they look to their dad for a special kind of love and support. Providing these necessities can bring great happiness.

Fatherhood also brings great responsibilities. Fathers have an obligation to help rear the children they bring into the world. Children deserve this care, and families need each father's active participation.

Fathers must help teach right from wrong and instill in their kids the values that sustain them for a lifetime. As they encounter new and challenging experiences, children need guidance and counsel. Fathers need to talk with their kids to help them through difficult times. Parents must also help their children make the right choices by serving as strong role models. Honest and hard-working fathers are an irreplaceable influence upon their children.

Communities must do more to counsel fathers. Family and friends, and faith-based and community organizations, can speak directly with men about the sacrifices and rewards of having a child. These groups can

support men as they take on the great challenges of child-rearing. Through honest and open dialogue, more men can choose to become model parents and know the wonders of fatherhood.

On Father's Day, we pay tribute to the loving and caring fathers who are strengthening their families and country. We also honor those surrogate fathers who raise, mentor, or care for someone else's child. Thousands of young children benefit from the influence of great men, and we salute their willingness to give and continue giving. We also express special gratitude to fathers who serve in the United States Armed Forces for the sacrifices they and their families make every day. All of these individuals are making great contributions, and children across the country are better off for their care.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 21, 2009, as Father's Day. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on this day. I urge all Americans to express their love, respect, and admiration to their fathers, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8394 of June 29, 2009

To Modify Duty-Free Treatment Under the Generalized System of Preferences, and for Other Purposes

By the President of the United States of America
A Proclamation

1. Pursuant to sections 501 and 503(a)(1)(A) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2461 and 2463(a)(1)(A)), the President may designate articles as eligible for preferential tariff treatment under the Generalized System of Preferences (GSP).

2. Pursuant to section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.

3. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any bene-

ficiary developing country if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

4. Pursuant to section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)), the President may waive the application of the competitive need limitations in section 503(c)(2)(A) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

5. Pursuant to section 503(d)(5) of the 1974 Act (19 U.S.C. 2463(d)(5)), any waiver granted under section 503(d) shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.

6. Pursuant to section 503(c)(2)(E) of the 1974 Act (19 U.S.C. 2463(c)(2)(E)), section 503(c)(2)(A)(i)(II) shall not apply with respect to any eligible article if a like or directly competitive article was not produced in the United States on January 1, 1995.

7. Pursuant to sections 501 and 503(a)(1)(A) of the 1974 Act, and after receiving advice from the United States International Trade Commission (the ''Commission'') in accordance with section 503(e), I have determined to designate certain articles as eligible articles when imported from any beneficiary developing country.

8. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2008 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations, and I therefore terminate the duty-free treatment for such articles from such beneficiary developing countries.

9. Pursuant to section 503(c)(2)(F) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

10. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limitations provided in section 503(c)(2)(A), and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) (19 U.S.C. 2462(c)) of the 1974 Act, and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2)(A) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

11. Pursuant to section 503(d)(5) of the 1974 Act, I have determined that certain previously granted waivers of the competitive need limitations of section 503(c)(2)(A) of the 1974 Act are no longer warranted due to changed circumstances.

12. Pursuant to section 503(c)(2)(E) of the 1974 Act, I have determined that the limitation provided for in section 503(c)(2)(A)(i)(II) shall not apply with respect to subheading 7202.50.00 of the Harmonized Tariff

Schedule of the United States (HTS) because no like or directly competitive article was produced in the United States on January 1, 1995.

13. Section 2004(d)(8)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429, 118 Stat. 2434) amended subheading 9804.00.70 of the HTS to provide the tariff treatment for certain articles imported by or on the account of returning United States residents. I have determined that it is appropriate to make conforming changes to note 4 to subchapter IV of chapter 98 of the HTS to reflect that amendment.

14. On June 6, 2003, the United States and Chile entered into the United States-Chile Free Trade Agreement (USCFTA), which the Congress approved in section 101(a) of the United States-Chile Free Trade Agreement Implementation Act (the ''USCFTA Act'') (19 U.S.C. 3805 note). Proclamation 8334 of December 31, 2008, exercised authority under the USCFTA Act by modifying the HTS to provide for an accelerated schedule of duty elimination for specific originating goods of Chile. Proclamation 8334 inadvertently omitted modifications to the HTS necessary to implement the accelerated schedule. I have determined that technical corrections to the HTS are necessary to provide for the intended tariff treatment.

15. Presidential Proclamation 8332 of December 29, 2008, implemented the tariff treatment called for under certain provisions of the United States-Oman Free Trade Agreement (USOFTA). I have determined that a technical correction to the HTS is necessary to provide for the intended tariff treatment.

16. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, general note 4(d) to the HTS is modified as set forth in section A of Annex I to this proclamation.

(2) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to certain eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in section B of Annex I to this proclamation.

(3) In order to designate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in section C of Annex I to this proclamation.

(4) The competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation.

(5) A waiver of the application of section 503(c)(2)(A) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation.

(6) The waiver of the application of section 503(c)(2)(A) of the 1974 Act to the articles in the HTS subheading and to the beneficiary developing country listed in Annex IV to this proclamation is revoked.

(7) In order to make technical corrections necessary to provide the intended tariff treatment under the Miscellaneous Trade and Technical Corrections Act of 2004, the USCFTA, and the USOFTA, the HTS is modified as set forth in Annex V to this proclamation.

(8) The modifications to the HTS set forth in Annexes I, IV, and V to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the respective annex.

(9) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2009, general note 4(d) to the Harmonized Tariff Schedule of the United States (HTS) is modified by:

(1) adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

1604.15.00	Thailand	3920.59.10	India
2804.29.00	Ukraine	7113.11.50	India
2819.10.00	Turkey	7907.00.20	India
2918.99.30	India	8607.19.03	Ukraine
2933.59.59	India	8708.50.79	India

(2) adding, in alphabetical order, the following countries opposite the following subheading numbers:

3824.90.40	Argentina
3907.60.00	Indonesia

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2009, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A*" in lieu thereof:

1604.15.00	3920.59.10
2804.29.00	7113.11.50
2819.10.00	7907.00.20
2918.99.30	8607.19.03
2933.59.59	8708.50.79

Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2009, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A+" and inserting the symbol "A" in lieu thereof:

0710.10.00
0710.30.00

ANNEX II

HTS Subheadings and Countries for Which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) Is Disregarded

0210.99.90	Thailand
0406.20.51	Argentina
0410.00.00	Indonesia
0603.13.00	Thailand
0710.29.15	Turkey
0710.80.50	Turkey
0711.40.00	India
0712.90.70	Turkey
0802.31.00	India
0807.19.60	Brazil
0810.60.00	Thailand
0813.40.10	Thailand
0813.40.80	Thailand
1103.19.14	Pakistan
1301.90.40	India
1601.00.40	Brazil
1605.20.05	Thailand
1703.10.30	Brazil
1806.10.34	Uruguay
1806.10.43	India
2001.90.45	India
2006.00.70	Thailand
2008.30.60	India
2008.30.96	Panama
2008.99.50	Thailand
2103.90.40	Colombia
2516.12.00	India
2516.20.20	India
2806.20.00	India
2827.39.45	India
2830.90.20	Russia
2831.90.00	India
2833.29.40	Turkey
2836.99.40	India
2840.11.00	Turkey
2840.19.00	Turkey
2903.19.10	India
2903.51.00	India
2903.59.11	India
2905.49.10	India
2907.29.25	India
2908.99.20	India
2909.11.00	India
2909.30.10	India
2909.50.40	Indonesia
2912.49.10	India
2913.00.50	India
2914.40.10	Brazil
2914.40.20	India
2915.39.20	India
2917.14.10	Brazil
2918.21.50	Brazil
2921.42.15	India
2921.42.21	India
2921.42.55	India
2922.29.26	India
2924.21.04	India
2924.29.52	India
2926.10.00	Brazil
2926.90.08	India
2927.00.30	India
2929.10.30	Russia
2933.99.85	India
2934.20.35	India
3808.93.20	Indonesia
3824.90.31	Brazil
4006.10.00	India
4101.20.70	Brazil
4101.50.40	Brazil
4101.90.40	Pakistan
4101.90.50	Colombia
4104.11.30	India
4104.11.40	Argentina
4104.19.30	Pakistan
4104.41.40	Argentina
4106.21.90	India
4107.11.60	Turkey
4107.12.40	Thailand
4107.12.70	Colombia
4107.19.40	India
4107.19.60	Brazil
4107.91.40	India

4107.92.40	India
4107.99.40	Pakistan
4202.92.04	Philippines
4601.22.40	Philippines
4602.19.05	India
4602.19.23	Indonesia
5208.31.20	India
5208.52.10	India
5209.31.30	India
5209.41.30	India
5311.00.60	India
5607.90.35	Philippines
7113.20.25	India
7202.11.10	Georgia
7403.12.00	India
7409.39.50	Serbia
8112.12.00	Kazakhstan
8112.19.00	Kazakhstan
8112.59.00	Russia
8410.11.00	Brazil
8410.13.00	Brazil
8507.20.40	Philippines
8507.40.40	Philippines
9027.50.10	Philippines
9305.10.40	India
9603.10.90	Sri Lanka
9614.00.26	Turkey

ANNEX III

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act

4107.91.80	Argentina
7413.00.10	Turkey

ANNEX IV

HTS Subheadings and Countries for a which a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act is Revoked

Effective July 1, 2009, the waiver of the application of section 503(c)(2)(A) of the 1974 Act is revoked for the following HTS subheading and the country set out opposite such subheading.

7202.50.00	Kazakhstan

ANNEX V

To make technical and conforming changes to the Harmonized Tariff Schedule of the United States

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the provisions below, the Harmonized Tariff Schedule of the United States (HTS) is modified as set forth herein:

1. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after December 3, 2004, U.S. note 4 to subchapter IV of chapter 98 is modified by deleting the phrase "subheadings 9804.00.70 and" and by inserting in lieu thereof the word "subheading".

2. Effective with respect to goods of Chile, under the terms of general note 26 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1, 2009, U.S. note 13 to subchapter XI of chapter 99, subheadings 9911.20.05 through 9911.20.15 and the immediate superior text thereto are deleted.

3. Effective with respect to goods of Oman, under the terms of general note 31 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1, 2009, the special duty rate for subheading 0201.10.50 is modified to read as follows: "See 9916.02.05-9916.02.10 (OM)".

Proclamation 8395 of July 6, 2009

National Summer Learning Day, 2009

By the President of the United States of America
A Proclamation

Like an athlete out of practice, a child who takes long breaks from learning can face academic setbacks. This problem is especially prominent during the summer, when students may lose more than two months of progress. Children must remain engaged to maintain and build upon their current academic achievement.

Learning loss can be especially pronounced among low-income children. Recent research suggests that unequal access to summer learning opportunities helps explain the achievement gap between low-income and affluent students. This gap ultimately means that low-income students may be less likely to graduate from high school or enroll in college.

High-quality summer learning programs help children catch up, keep up, and work ahead. These activities provide students with hours of focused time for hands-on learning and creative projects. Participation can result in gains in writing, reading, and math skills. Through the arts, sports, and other extracurricular activities, summer learning opportunities also promote innovation and physical fitness. These health benefits are especially important because childhood obesity is at an all-time high and children typically gain weight two to three times faster during the summer.

Sustained public service can also dramatically impact summer learning loss. Students can challenge themselves and others through mentoring, environmental projects, and other meaningful volunteer work. Youth and their communities both benefit from these activities. Local opportunities for service can be found at: Serve.gov.

Families and community members play the most important role in the lives of their children. Demands at work and home mean that many parents have less time to spend with their children, but this time, care, and instruction is critical to children's academic success. Especially during the summer, parents should try to find time to read interactively with children. When possible, families should visit public libraries, tour museums and science centers, and explore the great outdoors. Parents can also encourage youth to keep a journal and to practice math skills through cooking and games.

Even though summer has arrived, student learning needs do not take a vacation. On Summer Learning Day, we highlight the need for more young people to be challenged during their time off from school. We also express support for local programs, communities, and families that help children grow through learning initiatives. Working together, we can help students remain engaged and return to school with lithe and limber minds.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 9, 2009, as National Summer Learning Day. I call upon all Americans to

support students as they participate in summer learning. I encourage students, parents, educators, and the non-profit community to engage in summer learning activities so that youth return to school poised for academic advancement.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8396 of July 17, 2009

Captive Nations Week, 2009

By the President of the United States of America
A Proclamation

Fifty years ago, President Eisenhower issued a call of solidarity to peoples across the world living under communist rule. This first Captive Nations Week Proclamation expressed concern that too many people lacked fundamental freedoms, and it affirmed that the people of the United States stood alongside those who yearned to be free. Since this declaration, more nations have chosen the path of self-determination and respect for basic human rights. Brave American men and women have contributed to this story, making great sacrifices while serving in our Armed Forces or working in Government, private industry, and other organizations.

The Cold War is now consigned to the history books, but the ideals that President Eisenhower proclaimed remain vibrant and inspiring today. Just as in years past, people still hope to have the freedom and opportunity to pursue their dreams. People, young and old, still yearn to speak their minds. Citizens still believe governments have an obligation to be honest and transparent, uphold the rule of law, and allow civic participation.

We regard these universal principles as guiding values, and we stand in solidarity with those who aspire to live by them—not only because it is right, but also because our Nation's fate is connected to that of other nations. In an interdependent world, instability, disease, and hardship abroad affect us here at home. Governments that are responsive to the concerns of their citizens can better tackle these challenges and contribute to a more secure, healthy, and prosperous world.

Nations must advance these values through example. At home and abroad, the United States strives to honor the principles enshrined in our Nation's founding documents.

The challenges of a new century require us to summon the full range of human talents to move all nations forward. The United States stands with all governments and peoples committed to unlocking the potential of their people, and to peace, the rule of law, and respect for all citizens.

The Congress, by Joint Resolution, approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as ''Captive Nations Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim July 19 through July 25, 2009, as Captive Nations Week. I call upon the people of the United States to reaffirm our commitment to all those seeking dignity, freedom, and justice.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8397 of July 23, 2009

35th Anniversary of the Legal Services Corporation, 2009

By the President of the United States of America
A Proclamation

Every day the Legal Services Corporation (LSC) breathes life into the timeless ideal, ''equal justice under law.'' It reaches those who cannot afford the assistance they need and those who would otherwise go without vital representation. Today we recognize the 35 years during which the LSC has moved our Nation and our legal system towards greater equality.

The LSC brings legal counsel to every corner of the Nation. As the largest provider of civil legal aid to the poor, it supports programs that touch families in every State. Persons of all ethnic and racial backgrounds know its great work, and women, who represent 75 percent of LSC-supported clients, especially benefit from its expertise.

The Legal Services Corporation's work helps improve lives. It allows more people to access the public benefits they deserve, more domestic violence victims to secure the protections they desperately need, and more workers to receive the compensation they have been promised and earned.

During an economic crisis, the work of the LSC is especially important. When families face foreclosure, eviction, or bankruptcy, or when communities are targeted by predatory lenders, they need the help of legal professionals. These scenarios are far too common today. Fortunately, the LSC stands ready to meet these demands.

Because economically vulnerable communities continue to face an unmet need for legal services, my Administration has supported increased funding for the LSC. I have also recommended lifting several unnecessary restrictions on funding so that more people can receive assistance. These changes are critical to the organization's mission and work.

We have made great progress in protecting the legal rights of our citizens, and the Legal Services Corporation has played a vital role in this story for more than 3 decades. With continued support, it will serve those in need and help our Nation live out its highest ideals.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 25, 2009, as the 35th Anniversary of the Legal Services Corporation. I call upon legal professionals and the people of the United States to honor the contributions of this vital organization.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8398 of July 24, 2009

Anniversary of the Americans With Disabilities Act, 2009

By the President of the United States of America
A Proclamation

Today we celebrate the 19th anniversary of the enactment of the historic Americans with Disabilities Act (ADA). Signed into law on July 26, 1990, this landmark legislation established a clear mandate against discrimination on the basis of disability so that people with disabilities would have an equal opportunity to achieve the American Dream.

Our Nation is once again poised to make history for people with disabilities. I am proud to announce that the United States will sign the United Nations Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly in New York on December 13, 2006. The Convention is the first new human rights convention of the 21st century adopted by the United Nations, and it represents a paradigm shift in protecting the human rights of 650 million people with disabilities worldwide. We proudly join the international community in further advancing the rights of people with disabilities.

As we reflect upon the past and look toward a brighter future, we recognize that our country has made great progress. More than ever before, Americans with disabilities enjoy greater access to technology and economic self-sufficiency. More communities are accessible, more children with disabilities learn alongside their peers, and more employers recognize the capabilities of people with disabilities.

Despite these achievements, much work remains to be done. People with disabilities far too often lack the choice to live in communities of their choosing; their unemployment rate is much higher than those without disabilities; they are much likelier to live in poverty; health care is out of reach for too many; and too many children with disabilities are denied a world-class education.

My Administration has met these challenges head-on. We have launched the ''Year of Community Living'' to help people with disabilities live wherever they choose. We have nearly doubled the funding for the Individuals with Disabilities Education Act. I was proud to sign the groundbreaking Christopher and Dana Reeve Paralysis Act and the Children's Health Insurance Reauthorization Act, which provides health insurance to millions of additional children. I also lifted the ban on stem cell research. These measures demonstrate our commitment to leveling the playing field for every person with a disability. My Administration will not rest on these accomplishments, and we will continue to focus on improving the lives of people with disabilities. I encourage States, localities, and communities across the country to cultivate an environment in which the 54 million Americans living with a disability are valued and respected.

Americans have repeatedly affirmed the importance of protecting the human rights and dignity of every member of this great country. Through the steps we have taken, we will continue to build on the ADA and demonstrate our ongoing commitment to promoting, protecting, and ensuring the full enjoyment of all human rights and fundamental freedoms by people with disabilities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 26, 2009, as the Anniversary of the Americans with Disabilities Act. I call on Americans across our country to celebrate the progress we have made in protecting the civil rights of people with disabilities and to recognize the step forward we make with the signing of the United Nations Convention on the Rights of Persons with Disabilities. Inspired by the advances of the last 19 years, let us commit to greater achievements in the years ahead.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8399 of July 24, 2009

National Korean War Veterans Armistice Day, 2009

By the President of the United States of America
A Proclamation

Fifty-six years after the signing of the Military Armistice Agreement at Panmunjom, Americans remain grateful for the courage and sacrifice of our Korean War veterans. More than 600,000 United States and allied combatants lost their lives in Korea during the 3 years of bitter warfare that ended on July 27, 1953. Many were also injured, taken as prisoners of war, and missing in action. These dedicated servicemen and women, under the banner of the United Nations, fought to secure the blessings of freedom and democracy on the Korean Peninsula, and they deserve our unending respect and gratitude.

Every day we are reminded of the selfless service of these veterans. The Korean War Veterans Memorial stands in our Nation's Capital as an enduring tribute to them. Marching among juniper bushes and rows of granite, Soldiers, Marines, Sailors, Airmen, and Coast Guardsmen silently remind all who glimpse their faces of the great challenges that so many Americans overcame. The strong partnership between the United States and the Republic of Korea is also a proud testament to our men and women in uniform.

Today we remember and honor the valor of Korean War veterans and the extraordinary sacrifices that they and their families made in the cause of peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2009, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War veterans. I also ask Federal departments and agencies and interested groups, organizations, and individuals to fly the flag of the United States at half-staff on July 27, 2009, in memory of the Americans who died as a result of their service in Korea.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8400 of August 20, 2009

Minority Enterprise Development Week, 2009

By the President of the United States of America
A Proclamation

Our Nation's strength rests on the ingenuity and creativity of the American people. Across our country, almost 4 million minority-owned firms exemplify this spirit as they create jobs, develop new products and services, and promote community and economic development. The growth and expansion of these businesses is an increasingly critical part of our economic recovery and long-term prosperity.

At a time when too many Americans are facing extraordinary economic challenges, supporting the development of minority-owned enterprises will help accelerate the revitalization of our economy. Of the 630,000 minority-owned employer firms, these businesses are providing employment and stability to 4.7 million workers while renewing urban neighborhoods and rural communities. They represent a key component of future growth for our economy.

Minority Enterprise Development Week is an opportunity to commemorate the tremendous value minority entrepreneurs and their employees bring to our economy and our Nation as a whole. They embody the timeless American values of hard work, integrity, and opti-

mism. They also serve as role models to countless children who want to start their own business or reach their personal goals. Through their accomplishments and example, these leaders affirm that, with determination and commitment, every American can achieve his or her potential and live out their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States do hereby proclaim August 23 through August 29, 2009, as Minority Enterprise Development Week. I call upon all Americans to celebrate this week with appropriate programs, ceremonies, and activities to recognize the many contributions of our Nation's minority enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8401 of August 21, 2009

Fiftieth Anniversary of Hawaii Statehood

By the President of the United States of America
A Proclamation

It is with great pride that our Nation commemorates the fiftieth anniversary of Statehood for Hawaii. On August 21, 1959, we welcomed Hawaii into the United States *ohana*, or family. Unified under the rule of King Kamehameha the Great, it was Queen Lili'uokalani who witnessed the transition to a Provisional Government controlled by the United States. As a Nation, we honor the extensive and rich contributions of Native Hawaiian culture to our national character.

Borne out of volcanic activity in the Pacific Ocean, a chain of islands emerged that would bear witness to some of the most extraordinary events in world history. From Pu'ukohola Heiau and the royal residence at the 'Iolani Palace, to the USS ARIZONA Memorial and luaus that pay tribute to Hawaiian traditions, Americans honor the islands' collective legacy and admire their natural beauty. Home to unique and endangered species, active volcanoes, and abundant reefs, the Hawaiian islands actively conserve their distinctive ecosystems with responsible development and a deep-rooted appreciation for the land and surrounding ocean.

The Aloha Spirit of Hawaii offers hope and opportunity for all Americans. Growing up in Hawaii, I learned from its diversity how different cultures blend together into one population—proud of their personal heritage and made stronger by their shared sense of community. Our youngest State, Hawaii faces many of the same challenges other States face throughout our country, and it represents the opportunity we all have to grow and learn from each other.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the virtue of the authority vested in me by the

Constitution and laws of the United States, do hereby proclaim August 21, 2009, as the Fiftieth Anniversary of Hawaii Statehood. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8402 of August 25, 2009

Women's Equality Day, 2009

By the President of the United States of America
A Proclamation

Today, our country renews its commitment to freedom and justice for all our citizens. As we prepare to celebrate this women's day of equality, we reflect on the sacrifices once made to allow women and girls the basic rights and choices we freely exercise today. The future we leave to our daughters and granddaughters will be determined by our willingness to build on the achievements of our past and move forward as one people and one Nation. The fight for women's equality is not a woman's agenda, but an American agenda.

We honor the resilience, accomplishments, and history of all women in the United States. We celebrate the courageous women who fought to uphold a fundamental principle within our Constitution—the right to vote—and in so doing, protected the cornerstone of our vibrant democracy. These visionaries of the Seneca Falls Convention of 1848 sought to ensure that our country lived up to its founding ideals. Although only one, Charlotte Woodward, at the age of 81, had the opportunity to exercise her newfound right, the struggle reminds us that no righteous cause is a lost one. We also commemorate women like Frances Ellen Watkins Harper, a poet and lecturer who formed the National Association of Colored Women; Antonia Pantoja, a tireless advocate of education equality within the Latino community; Sarah Winnemucca, a voice for peace within the Native American community; and Patsy Mink, author of Title IX and the first woman of color and Asian American woman elected to the United States Congress. These women's talents, and the contributions of countless others, built upon the framework of 1848 and forged paths for future generations.

Our Nation has come a long way since that ground-breaking convention in New York. Women have occupied some of the most significant positions in government. They have delivered justice from the bench of our highest court, fought for our country in foreign lands, discovered cures to diseases, and joined the ranks of the greatest business leaders of our time. Female college graduates now outnumber their male counterparts. Women have sought equality through government, demonstrated by the signing of the Lilly Ledbetter Fair Pay Act of 2009, and the establishment of the White House Council on Women and Girls. They have sought equality through advocacy, exemplified by the

efforts of thousands of women's organizations. America has made significant progress toward becoming the fair and just society the suffragists once envisioned.

Yet, today, our work remains unfinished. Far too many adult women remain mired in poverty. Women are still subject to pervasive discrimination at school and harassing conduct in the workplace. Women make, on average, only 78 cents for every dollar paid to men. Underrepresented in many facets of our economic and public life, from government to boardrooms to the sciences, women have yet to eradicate all barriers to professional development.

We stand at a moment of unparalleled change and a time for reflection and hope. We cannot allow the vibrant energy and passionate commitment of our trailblazing women to fade, and we can never forget the responsibility we bear to the ideals of liberty and equality for all. Each generation of successful women serves as a catalyst to empower, enlighten, and educate the next generation of girls and boys, and we must devote ourselves to promoting this catalyst for change now and in the future.

On this Women's Equality Day, we resolve to continue the important work of our Nation's foremothers and their successors, and turn their vision of a more equal America into our reality.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 2009, as Women's Equality Day. I call upon the people of the United States to celebrate the achievements of women and recommit themselves to the goal of true gender equality in this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8403 of August 26, 2009

Death of Senator Edward M. Kennedy

By the President of the United States of America
A Proclamation

Senator Edward M. Kennedy was not only one of the greatest senators of our time, but one of the most accomplished Americans ever to serve our democracy. Over the past half-century, nearly every major piece of legislation that has advanced the civil rights, health, and economic well-being of the American people bore his name and resulted from his efforts. With his passing, an important chapter in our American story has come to an end.

As a mark of respect for the memory of Senator Edward M. Kennedy, I hereby order, by the authority vested in me by the Constitution and laws of the United States of America, that the flag of the United States

shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on August 30, 2009. I also direct that the flag of the United States shall be flown at half-staff until sunset on the day of his interment. I further direct that the flag shall be flown at half-staff for the same periods at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8404 of August 30, 2009

National Historically Black Colleges and Universities Week, 2009

By the President of the United States of America
A Proclamation

For generations, education has opened doors to untold opportunities and bright futures. Through quality instruction and a personal commitment to hard work, young people in every part of our Nation have gone on to achieve success. Established by men and women of great vision, leadership, and clarity of purpose, Historically Black Colleges and Universities (HBCUs) have provided generations of Americans with opportunity, a solid education, and hope.

For more than 140 years, HBCUs have released the power of knowledge to countless Americans. Pivotal in the Civil Rights Movement, HBCUs offer us a window into our Nation's past as well as a path forward. Graduates of HBCUs have gone on to shape the course of American history—from W.E.B. DuBois and Booker T. Washington, to Langston Hughes and Thurgood Marshall. Today, in twenty States, the District of Columbia, and the U.S. Virgin Islands, these colleges and universities are serving hundreds of thousands of students from every background and have contributed to the expansion of the African American middle class, to the growth of local communities, and to our Nation's overall economy.

This week, we celebrate the accomplishments of HBCUs and look to the future with conviction and optimism. These institutions will play a key role in reaching our ambitious national education goals, including having the highest proportion of college graduates in the world by 2020. As our Nation strives toward this goal, we invite HBCUs to employ new, innovative, and ambitious strategies to help the next generation of Americans successfully complete college and prepare themselves for the global economy. During National Historically Black Colleges and Universities Week, we recommit ourselves to never resting

until equality is real, opportunity is universal, and all citizens can realize their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 30 through September 5, 2009, as National Historically Black Colleges and Universities Week. I call upon public officials, educators, and all the people of the United States to observe this week with appropriate programs, ceremonies, and activities that acknowledge the tremendous contributions these institutions and their graduates have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8405 of August 31, 2009

To Adjust the Rules of Origin Under the North American Free Trade Agreement and for Other Purposes

By the President of the United States of America
A Proclamation

1. In Presidential Proclamation 8097 of December 29, 2006, pursuant to the authority provided in section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(a)) (the ''1988 Act''), the President modified the Harmonized Tariff Schedule of the United States (HTS) to reflect amendments to the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention'').

2. Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (NAFTA) with respect to the United States and, pursuant to the North American Free Trade Agreement Implementation Act (Public Law 103–182) (the ''NAFTA Implementation Act''), incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the NAFTA.

3. In order to ensure the continuation of the staged reductions in rates of duty under the NAFTA for originating goods of Mexico in HTS tariff categories that were modified to reflect amendments to the Convention, Presidential Proclamation 8097 made modifications to the HTS that the President determined were necessary or appropriate to carry out the duty reductions proclaimed in Proclamation 6641.

4. Canada and Mexico are parties to the Convention. Because the substance of changes to the Convention are reflected in slightly differing form in the national tariff schedules of the parties to the NAFTA, the rules of origin set out in that Agreement must be changed to ensure that the tariff and certain other treatment accorded under the NAFTA

to originating goods will continue to be provided under the tariff categories that were modified in Proclamation 8097. The NAFTA parties, the United States, Canada, and Mexico, have agreed to make these changes.

5. Section 202 of the NAFTA Implementation Act (19 U.S.C. 3332) provides rules for determining whether goods imported into the United States originate in the territory of a NAFTA party and thus are eligible for the tariff and other treatment contemplated under the NAFTA. Section 202(q) of the NAFTA Implementation Act (19 U.S.C. 3332(q)) authorizes the President to proclaim, as part of the HTS, the rules of origin set out in the NAFTA and to proclaim any modifications to such previously proclaimed rules of origin, including those necessary to implement an agreement with NAFTA countries under paragraph 2 of section 7 of Annex 300-B of the NAFTA, subject to the consultation and layover requirements of section 103(a) of the NAFTA Implementation Act (19 U.S.C. 3313(a)).

6. The NAFTA parties have agreed to modify certain NAFTA rules of origin. Modifications to the NAFTA rules of origin reflected in general note 12 to the HTS are therefore necessary to ensure the continuation of tariff and certain other treatment accorded under the NAFTA to originating goods in tariff categories modified in Proclamation 8097 and to carry out the duty reductions proclaimed in Proclamation 6641. The consultation and layover requirements of section 103(a) of the NAFTA Implementation Act were met December 10, 2007, with respect to the proposed modifications.

7. I have determined that the modifications to the HTS proclaimed in this proclamation pursuant to section 202 of the NAFTA Implementation Act are necessary to implement an agreement with the NAFTA parties under paragraph 2 of section 7 of Annex 300-B of the NAFTA. In addition, I have determined that the modifications pursuant to section 1206(a) of the 1988 Act are in conformity with the obligations of the United States under the Convention and do not run counter to the national economic interest of the United States.

8. Certain necessary modifications to the HTS to conform it to the Convention were inadvertently omitted from Proclamation 8097. I have determined that technical corrections to the HTS are necessary to conform the HTS to the Convention.

9. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (USIFTA), which the Congress approved in the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Implementation Act'') (19 U.S.C. 2112 note).

10. Section 4(b) of the USIFTA Implementation Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be required or appropriate to carry out the Agreement.

11. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 Agreement''). On December 10, 2008, the United States entered into an agreement with Israel to extend the 2004 Agreement through December 31, 2009, in order to allow for additional time to negotiate a successor arrangement to the 2004 Agreement.

12. In Presidential Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

13. In Presidential Proclamation 8334 of December 31, 2008, the President determined that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA to extend such duty-free treatment through December 31, 2009. I have determined that a modification to the HTS is necessary to provide the intended tariff treatment.

14. Section 604 of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other Acts, affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act, as amended (19 U.S.C. 3006(c)), provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the *Federal Register*.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 1206(a) of the 1988 Act, section 202 of the NAFTA Implementation Act, section 4(b) of the USIFTA Implementation Act, and section 604 of the 1974 Act, do proclaim that: (1) In order to reflect in the HTS the modifications to the rules of origin under the NAFTA, general note 12 to the HTS is modified as provided in Annexes I and II of Publication 4095 of the United States International Trade Commission entitled, ''Modifications to the Harmonized Tariff Schedule of the United States to Adjust Rules of Origin Under the North American Free Trade Agreement,'' which is incorporated by reference into this proclamation.

(2) In order to make technical corrections to the HTS necessary to conform it to the Convention, the HTS is modified as provided in Annex III of Publication 4095.

(3) In order to provide the intended duty treatment under the 2004 Agreement as extended through December 31, 2009, the HTS is modified as provided in Annex IV of Publication 4095.

(4) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(5) The modifications to the HTS set forth in Annexes I and II of Publication 4095 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the later of (i) October 1, 2009, or (ii) the thirtieth day after the date of publication of this proclamation in the *Federal Register*.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8406 of August 31, 2009

National Alcohol and Drug Addiction Recovery Month, 2009

By the President of the United States of America
A Proclamation

Every year, Americans across the country overcome their struggles with addiction. With personal determination and the support of family and friends, community members, and health professionals, they have turned the page on an illness and sought the promise of recovery. On this occasion, we recognize these brave role models and express support for those in treatment, applaud those in recovery, and encourage those in need to seek help.

As a Nation, we must work together to provide access to effective services that reduce substance abuse and promote healthy living. Without effective treatment, abuse of alcohol, illicit drugs, or prescription medications can devastate the mind and body. With treatment, substance use disorders can be managed, giving individuals the effective tools necessary to address their addiction. This year's theme, ''Together We Learn, Together We Heal,'' calls us to unite and encourage drug-free living. Treatment programs, family members, and neighbors can all help assist those who experience addiction.

During National Alcohol and Drug Addiction Recovery Month, we also pay special tribute to the dedicated professionals and everyday citizens who, with skill and empathy, guide people through the treatment and recovery process. Across America, they are offering a message of hope and understanding. These compassionate individuals remind us that the strength of our character derives not from the mistakes we make, but from our ability to recognize and address them. When we extend a helping hand to those in need, we reaffirm the American spirit and move our Nation towards a brighter tomorrow.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the virtue of the authority invested in me by the Constitution and laws of the United States, do hereby proclaim Sep-

tember 2009 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8407 of August 31, 2009

National Ovarian Cancer Awareness Month, 2009

By the President of the United States of America
A Proclamation

Ovarian cancer remains the leading cause of death from gynecologic cancer among women in the United States. Every year, thousands are diagnosed and go on to fight the disease with grace and dignity. National Ovarian Cancer Awareness Month honors all those affected by this cancer and renews our commitment to fighting an illness that takes the lives of too many in our Nation.

Women are often diagnosed with ovarian cancer when it is already at an advanced stage. This problem can be attributed to a lack of effective early detection technologies and minimal or no specific symptoms associated with the disease. By learning more about risk factors and maintaining regular physician consultations, women have their best chance of early detection of ovarian cancer.

Science continues to expand our knowledge about this illness, promising hope to those who, years ago, would be without it. Through dedicated research, treatment outcomes have improved for many, and we are building a foundation for the development of evidence-based screening, which can help diagnose the disease at the earliest possible stage when the likelihood of cure is high.

This month we recommit to supporting the women who continue to battle valiantly against this malady as well as all families who are affected. National Ovarian Cancer Awareness Month helps educate women and men about the importance of knowing common signs and symptoms, scheduling routine doctor visits, and continuing robust scientific research. As a Nation, we are united in our resolve to reduce incidence and improve the lives of all those affected.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 2009 as National Ovarian Cancer Awareness Month. I encourage citizens, Government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control ovarian cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8408 of August 31, 2009

National Prostate Cancer Awareness Month, 2009

By the President of the United States of America
A Proclamation

As a Nation, we have made significant progress in the fight against prostate cancer. Over the last decade, prostate cancer mortality rates have fallen substantially. Yet, despite this progress, among men in the United States prostate cancer remains the most commonly diagnosed cancer and the second leading cause of cancer deaths. One in six men in this country will be diagnosed with prostate cancer. National Prostate Cancer Awareness Month is an opportunity to renew our commitment to find better ways to prevent, detect, and control this disease.

Prostate cancer affects both those stricken with the disease and their families, often occurring when they least expect it. The cancer does not discriminate among husbands, fathers, brothers, and sons, and it does not differentiate on race, age, or income. Americans of every background know its dangers. Families share in the struggles of prostate cancer, bearing the emotional and financial concerns along with the afflicted.

My Administration supports prevention efforts and research to develop better screening tests, uncover more effective treatments, and ensure quality care for all who are diagnosed with this illness. We must ensure that more men are educated about all aspects of the disease including prevention, early detection and possible treatment options. To expand our knowledge of this cancer, the National Institutes of Health, the Department of Defense, and the Centers for Disease Control and Prevention are playing leading roles in research. Their work is helping to reduce the burden of prostate cancer and save lives for generations to come.

This month, we remember the lives we have lost, and we recommit ourselves to supporting those currently battling against the disease. National Prostate Cancer Awareness Month also highlights the great medical advancements we have made and reminds us there is still much work to be done. As a Nation, we are united in our resolve to reduce incidence of prostate cancer and improve the lives of all those affected.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 2009 as National Prostate Cancer Awareness Month. I encourage citizens, Government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase

awareness of what Americans can do to prevent and control prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8409 of September 3, 2009

National Wilderness Month, 2009

By the President of the United States of America
A Proclamation

The American wilderness has inspired wonder and imagination for centuries and is an irreplaceable part of our Nation's heritage. Even before the birth of the United States, visitors from near and far were struck by its splendor and purity. The unaltered American landscape stood apart from any other in the world. During the years of westward expansion, the wilderness frontier became synonymous with pioneer values of steadfastness and rugged independence. This month, we celebrate this history and renew our commitment to preserving the American wilderness for future generations.

Forty-five years ago, the United States achieved a landmark success in protecting these magnificent wild spaces. The Congress passed and President Lyndon B. Johnson signed the Wilderness Act, which sought to secure ''for the American people of present and future generations the benefits of an enduring resource of wilderness.'' The Act has been widely recognized as one of our Nation's most important conservation laws. This law and the National Wilderness Preservation System it established have served as a model for wilderness protection laws in many of our States and in countries around the world.

The vision and structure established in the Wilderness Act continue to receive broad support. This pioneering law created a framework for bringing Federal public lands under additional protection. Over the past 45 years, the Congress has enacted numerous laws extending wilderness protection to vast swaths of public lands. These laws have enjoyed bipartisan support. Ranchers and anglers, small-business owners and conservationists, and Americans of diverse backgrounds have come together to preserve many of our Nation's most cherished public spaces.

My Administration has already demonstrated a commitment to protecting our wilderness heritage. On March 30, 2009, I signed the Omnibus Public Land Management Act of 2009, which established the most recent additions to our Wilderness System. As my Administration continues to prioritize wilderness protection, we will work closely with the Congress, organizations, and private citizens to ensure that all stakeholders can make their voices heard. United by a common purpose of preserving our precious natural spaces and our wilderness her-

itage, we will ensure that future generations inherit the unique gift of knowing nature's peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2009 as National Wilderness Month. I call upon all Americans to visit and enjoy our wilderness areas, learn more about our wilderness heritage, and explore what can be done to protect and preserve these precious national treasures.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8410 of September 3, 2009

National Days of Prayer and Remembrance, 2009

By the President of the United States of America
A Proclamation

They were daughters and sons, sisters and brothers, mothers and fathers, spouses and partners, family and friends, colleagues and strangers. They hailed from cities and towns across our Nation and world. On September 11, 2001, thousands of innocent women and men were taken from us, and their loss leaves an emptiness in our hearts.

Hundreds perished as planes struck the skyline of New York City, the structure of the Pentagon, and the grass of Pennsylvania. In the immediate aftermath of these tragedies, many victims died as they sought safety. Selflessly placing themselves in danger, first responders, members of the Armed Forces, and private citizens made the ultimate sacrifice working to assist others. During the National Days of Prayer and Remembrance, Americans across the country cherish the memory of all those who passed and honor and pray for their families and friends.

Americans also remember and pray for the safety and success of the members of the United States Armed Forces, who work every day to keep our Nation safe from terrorism and other threats to our security. Military members assisted those in need on September 11, 2001, and serve now in Iraq, Afghanistan, and around the world. They have left the safety of home so that our Nation might be more secure. They have endured great sacrifice so that we might enjoy the blessings of liberty. Our servicemembers represent the best of America, and they deserve our deepest respect and gratitude.

The threat of terrorism has denied too many men, women, and children their right to live in peace and security. As the United States works to defeat terrorists and build a more hopeful future for our children and young people across the world, we seek humility and strength. We reflect upon the lessons drawn from our national tragedy, seek God's guidance and wisdom, and, never forgetting the lost, com-

mit to working in common cause with our friends and allies to create a safer and brighter world for current and future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Friday, September 4, through Sunday, September 6, as National Days of Prayer and Remembrance. I ask that the people of the United States, each in their own way, honor the victims of September 11, 2001, and their families through prayer, memorial services, the ringing of bells, and evening candlelight remembrance vigils. I invite the people of the world to share in this solemn commemoration.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8411 of September 4, 2009

Labor Day, 2009

By the President of the United States of America
A Proclamation

Since our Nation's founding, working Americans have carried us through times of challenge and uncertainty and propelled America through eras of peace and prosperity. They have long formed the backbone of our Nation's economy, and they will continue to lead our Nation to new heights in the years to come.

Working Americans helped lay the foundation for our Nation's progress over the generations. Brick by brick, they built the infrastructure that powered the engine of our economy. With firm resolve and commitment, they constructed our cities and towns, and with unparalleled skill they manufactured the goods and provided the services needed by Americans and people around the world. They have prepared our children for the challenges ahead and cared for the sick and the elderly. Today, we commemorate the many contributions labor has made to our Nation.

Throughout its history, the labor movement has given voice to the aspirations and concerns of millions of men and women. By fighting for decent working conditions, as well as fair wages and benefits, organized labor has stood for the rights of everyday Americans. With determination and commitment, labor has advocated for all working families and all have benefited from the fruits of their struggles.

Today, we find ourselves in an era of great challenges. The economic crisis we face is vast and complex. Americans understand the consequences: dwindling savings for young families, a daunting choice between prescriptions and groceries for our seniors, and fading hopes for a college education for our young people. Just as they have so many times in our history, working Americans will help our Nation emerge from this crisis and lead us into a new era of prosperity and progress.

This Labor Day, as we honor our workers, and we renew our commitment to uphold the American Dream and the founding promise of our Nation: in America, we can make of our lives what we will, and all things are possible for all people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 7, 2009, as Labor Day. I call upon public officials and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities that acknowledge the tremendous contributions of working Americans and their families.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8412 of September 4, 2009

National Preparedness Month, 2009

By the President of the United States of America
A Proclamation

Preparedness is an essential element of a resilient and secure Nation. My Administration has made preparedness a top priority, and we are working every day to ensure our country stands ready to respond to any disaster or emergency—from wildfires and hurricanes, to terrorist attacks and pandemic disease. Our goal is to ensure a more resilient Nation—one in which individuals, communities, and our economy can adapt to changing conditions as well as withstand and rapidly recover from disruption due to emergencies.

During National Preparedness Month, we underscore the responsibility of individuals, families, and communities—including the private and nonprofit sectors—to do their part before an emergency. I urge all Americans to take time to prepare an emergency supply kit and a family emergency plan, and to educate themselves about potential disasters. I also ask Americans to work within their own communities to coordinate emergency preparedness efforts. All Americans share this responsibility, and we must all work together to safeguard the Nation from harm.

The Federal Emergency Management Agency (FEMA) supports and promotes citizen education and grassroots preparedness efforts. FEMA's Ready Campaign provides simple and practical steps that all Americans can take to protect themselves, their families, and their neighbors. Additionally, the Citizen Corps educates, trains, and coordinates volunteer activities that help make our communities safer and better prepared for emergencies. I encourage all Americans to learn more at www.ready.gov and www.citizencorps.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and laws of the United States, do hereby proclaim September 2009 as National Preparedness Month. I call upon the people of the United States to recognize the importance of preparing for potential emergencies beforehand and to observe this month with appropriate preparedness activities, events, and training to enhance our national resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8413 of September 10, 2009

Patriot Day and National Day of Service and Remembrance, 2009

By the President of the United States of America
A Proclamation

Through the twisted steel of the twin towers of the World Trade Center, the scarred walls of the Pentagon, and the smoky wreckage in a field in southwest Pennsylvania, the patriotism and resiliency of the American people shone brightly on September 11, 2001. We stood as one people, united in our common humanity and shared sorrow. We grieved for those who perished and remembered what brought us together as Americans.

Today, we honor the lives we lost 8 years ago. On a bright September day, innocent men, women, and children boarded planes and set off for work as they had so many times before. Unthinkable acts of terrorism brought tragedy, destruction, pain, and loss for people across our Nation and the world.

As we pay tribute to loved ones, friends, fellow citizens, and all who died, we reaffirm our commitment to the ideas and ideals that united Americans in the aftermath of the attacks. We must apprehend all those who perpetrated these heinous crimes, seek justice for those who were killed, and defend against all threats to our national security. We must also recommit ourselves to our founding principles. September 11 reminds us that our fate as individuals is tied to that of our Nation. Our democracy is strengthened when we uphold the freedoms upon which our Nation was built: equality, justice, liberty, and democracy. These values exemplify the patriotism and sacrifice we commemorate today.

In that same spirit of patriotism, I call upon all Americans to join in service and honor the lives we lost, the heroes who responded in our hour of need, and the brave men and women in uniform who continue to protect our country at home and abroad. In April, I was proud to sign the bipartisan Edward M. Kennedy Serve America Act, which recognizes September 11 as a National Day of Service and Remembrance. Originated by the family members of those who lost loved ones on 9/11, the National Day of Service and Remembrance is an opportunity

to salute the heroes of 9/11, recapture the spirit of unity and compassion that inspired our Nation following the attacks, and rededicate ourselves to sustained service to our communities.

Throughout the summer, people of all ages and backgrounds came together to lend a helping hand in their communities through United We Serve. As this summer of service draws to an end, we renew the call to engage in meaningful service activities and stay engaged with those projects throughout the year. Working together, we can usher in a new era in which volunteering and service is a way of life for all Americans. Deriving strength from tragedy, we can write the next great chapter in our Nation's history and ensure that future generations continue to enjoy the promise of America.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as Patriot Day, and by Public Law 111–13, approved April 21, 2009, has requested the observance of September 11 as an annually recognized National Day of Service and Remembrance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 11, 2009, as Patriot Day and National Day of Service and Remembrance. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001. I invite the Governors of the United States and the Commonwealth of Puerto Rico and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with other ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. eastern daylight time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8414 of September 11, 2009

To Address Market Disruption From Imports of Certain Passenger Vehicle and Light Truck Tires From the People's Republic of China

By the President of the United States of America
A Proclamation

1. On July 9, 2009, the United States International Trade Commission (USITC) transmitted to me a report on its investigation under section 421 of the Trade Act of 1974, as amended (the ''Trade Act'') (19 U.S.C.

2451), with respect to imports of certain passenger vehicle and light truck tires from the People's Republic of China (China). In its report, the USITC stated that it had reached an affirmative determination under section 421(b)(1) of the Trade Act that certain passenger vehicle and light truck tires from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

2. For purposes of its investigation, the USITC defined certain passenger vehicle and light truck tires from China as new pneumatic tires, of rubber, from China, of a kind used on motor cars (except racing cars) and on-the-highway light trucks, vans, and sport utility vehicles, provided for in subheadings 4011.10.10, 4011.10.50, 4011.20.10, and 4011.20.50 of the Harmonized Tariff Schedule of the United States (HTS).

3. The USITC commissioners voting in the affirmative under section 421(b) of the Trade Act also transmitted to me their recommendations made pursuant to section 421(f) of the Trade Act (19 U.S.C. 2451(f)) on proposed remedies that, in their view, would be necessary to remedy the market disruption and the basis for each recommendation.

4. Pursuant to section 421(a) of the Trade Act (19 U.S.C. 2451(a)), I have determined to provide import relief with respect to new pneumatic tires, of rubber, from China, of a kind used on motor cars (except racing cars) and on-the-highway light trucks, vans, and sport utility vehicles, provided for in subheadings 4011.10.10, 4011.10.50, 4011.20.10, and 4011.20.50 of the HTS.

5. Such import relief shall take the form of an additional duty on imports of the products described in paragraph 4, imposed for a period of 3 years. For the first year, the additional duty shall be in the amount of 35 percent *ad valorem* above the column 1 general rate of duty. For the second year, the additional duty shall be in the amount of 30 percent *ad valorem* above the column 1 general rate of duty, and in the third year, the additional duty shall be in the amount of 25 percent *ad valorem* above the column 1 general rate of duty.

6. Section 421(m) of the Trade Act (19 U.S.C. 2451(m)) provides that import relief under this section shall take effect not later than 15 days after the President's determination to provide such relief.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 421 and 604 of the Trade Act, do proclaim that:

(1) In order to apply additional duties on imports of the certain passenger vehicle and light truck tires from China described in paragraph 4, subchapter III of chapter 99 of the HTS is modified as provided in the Annex to this proclamation.

(2) The modifications to the HTS made by this proclamation, including the Annex thereto, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. EDT on September 26, 2009, and shall continue in effect as provided in this proclamation and its Annex, unless such actions are earlier expressly modified or terminated.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

ANNEX

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods the product of China that are entered, or withdrawn from warehouse for consumption, on or after September 26, 2009, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as set forth herein:

1. The following new U.S. note is inserted in numerical sequence in such subchapter:

"14. (a) For the purposes of subheadings 9903.40.05 and 9903.40.10, the duties provided for in this subchapter are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved.

(b) The duty rates provided for in such subheadings shall each be reduced as follows:

September 26, 2010 through September 25, 2011 ..... 30%
September 26, 2011 through September 25, 2012 ..... 25%

No rate of duty provided for in such subheadings in chapter 99 shall be imposed on any article described in such subheadings after the close of September 25, 2012."

2. The following new subheadings and superior text are inserted in numerical sequence, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", and "Rates of Duty 1 General", respectively:

	"New pneumatic tires, of rubber, the foregoing the product of China, under the terms of U.S. note 14 to this subchapter:	
9903.40.05	Radial tires of a kind used on motor cars (other than racing cars), station wagons, sport utility vehicles, vans and on-the-highway light trucks (provided for in subheading 4011.10.10 or 4011.20.10).....	35%
9903.40.10	Other tires of a kind used on motor cars (other than racing cars), station wagons, sport utility vehicles, vans and on-the-highway light trucks (provided for in subheading 4011.10.50 or 4011.20.50).....	35%"

Proclamation 8415 of September 14, 2009

National Employer Support of the Guard and Reserve Week, 2009

By the President of the United States of America
A Proclamation

Citizens willing to serve in uniform when duty calls have helped protect our freedom and security since our Nation's founding more than 200 years ago. During times of peace, they have worked in our cities and towns, contributing their skill and energy to local businesses, schools, and civic organizations. During times of strife at home and abroad, they have served with distinction, protecting the United States from domestic and foreign threats. In commemorating National Employer Support of the Guard and Reserve Week, we honor the courageous members of our Guard and Reserve and their employers, whose support strengthens our Armed Forces and helps protect our country.

Our Guard and Reserve personnel are training arduously and serving valiantly as they are called upon to meet new challenges. Active here at home and in overseas operations, they are a key component in our national defense. Members of our Guard and Reserve serve with honor at home and in Afghanistan, Iraq, and other regions around the world, and they are willing to make the ultimate sacrifice for our country. They help respond to natural disasters and humanitarian emergencies, and protect against threats to our national security. Our Nation owes a debt of gratitude to these brave men and women who balance the demands of civilian and military life.

Through their continued support and flexibility, employers across the country bolster the efforts of members of the Guard and Reserve. Employers often make financial and organizational sacrifices in the interest of our national security. The commitment of these employers helps ensure that our troops are mission-ready and provides a measure of assurance, comfort, and pride to those who leave their jobs and families behind as they are deployed. The United States is grateful to the many businesses and organizations that enable Guard and Reserve personnel to remain engaged in both their professional and their military careers.

The United States has always benefited from the contributions of those willing to depart the comforts of home to answer the call of duty. Today, the American people celebrate the service and sacrifice of members of our Guard and Reserve as we pay special tribute to their employers for their admirable dedication and support.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, do hereby proclaim September 13 through September 19, 2009, as National Employer Support of the Guard and Reserve Week. I encourage all Americans to join me in expressing our heartfelt thanks to the members of the National Guard and Reserve and their civilian employers. I also call on State and local officials, private organizations, and all military commanders, to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8416 of September 14, 2009

Fifteenth Anniversary of the Violence Against Women Act

By the President of the United States of America
A Proclamation

Today, we commemorate a milestone in our Nation's struggle to end violence against women. Authored by then United States Senator Joe Biden and signed into law in September 1994, the Violence Against Women Act (VAWA) was the first law to create a comprehensive response to this problem at the national level. This landmark achievement has helped our Nation make great strides towards addressing this global epidemic.

VAWA sought to improve our criminal justice system's response to violence against women and to increase services available to victims. It directed all 50 States to recognize and enforce protection orders issued by other jurisdictions, and it created new Federal domestic violence crimes. The law also authorized hundreds of millions of dollars to communities and created a national domestic violence hotline.

This bipartisan accomplishment has ushered in a new era of responsibility in the fight to end violence against women. In the 15 years since VAWA became law, our Nation's response to domestic violence, dating violence, sexual assault, and stalking has strengthened. Communities recognize the special needs of victims and appreciate the benefits of collaboration among professionals in the civil and criminal justice system, victim advocates, and other service providers. With the support of VAWA funds, dedicated units of law enforcement officers and specialized prosecutors have grown more numerous than ever before. Most importantly, victims are more likely to have a place to turn for help—for emergency shelter and crisis services, and also for legal assistance, transitional housing, and services for their children.

Despite this great progress, our Nation's work remains unfinished. More families and communities must recognize that the safety of our children relates directly to the safety of our mothers. Access to sexual assault services, especially in rural America, must be increased. American Indian and Alaska Native women experience the highest rates of violence, and we must make it a priority to address this urgent problem. We must also work with diverse communities to make sure the response to violence is relevant and culturally appropriate. We must prevent the homicide of women and girls who have suffered from domestic violence, dating violence, sexual assault, and stalking.

Far too many women in our communities and neighborhoods, and across the world, continue to suffer from violence. Inspired by the

promise and achievement of the Violence Against Women Act, our Nation stands united in its determination to end these crimes and help those in need.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the Fifteenth Anniversary of the Violence Against Women Act. I call upon men and women of all ages, communities, organizations, and all levels of government, to work in collaboration to end violence against women.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8417 of September 15, 2009

National Hispanic Heritage Month, 2009

By the President of the United States of America
A Proclamation

The story of Hispanics in America is the story of America itself. The Hispanic community's values—love of family, a deep and abiding faith, and a strong work ethic—are America's values. Hispanics bring together the rich traditions of communities with centuries-old roots in America and the energy and drive of recent immigrants. Many have taken great risks to begin a new life in the hopes of achieving a better future for themselves and their families.

Hispanics have played a vital role in the moments and movements that have shaped our country. They have enriched our culture and brought creativity and innovation to everything from sports to the sciences and from the arts to our economy.

Hispanics have served with honor and distinction in every conflict since the Revolutionary War, and they have made invaluable contributions through their service to our country. They lead corporations and not-for-profits, and social movements and places of learning. They serve in government at every level from school boards to statehouses, and from city councils to Congress. And for the first time in our Nation's history, a Latina is seated among the nine Justices of the Supreme Court of the United States.

As Hispanics continue to enrich our Nation's character and shape our common future, they strengthen America's promise and affirm the narrative of American unity and progress.

To honor the achievements of Hispanics in America, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as ''National Hispanic Heritage Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 15 through October 15, 2009, as National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8418 of September 16, 2009

Constitution Day and Citizenship Day, Constitution Week, 2009

By the President of the United States of America
A Proclamation

The United States Constitution has withstood the test of time for more than two centuries as our Nation's charter of government and the guarantor of our liberties. Signed in Philadelphia on September 17, 1787, this founding document reflects our core values and enshrines the truths set forth in the Declaration of Independence, that we are each endowed with certain unalienable rights. As the beneficiaries of these rights, all Americans have a solemn obligation to participate in our democracy so that it remains vibrant, strong, and responsive to the needs of our citizens.

To succeed, the democracy established in our Constitution requires the active participation of its citizenry. Each of us has a responsibility to learn about our Constitution and teach younger generations about its contents and history. By fulfilling civic duties, engaging government at the local, State, and Federal level, and volunteering in our communities, individual citizens can better our country and breathe life into the freedoms established in the Constitution.

The right to participate in self-government, and the many other freedoms guaranteed by our Constitution, inspire the dreams and ambitions of many inside and outside our borders. These principles serve as a beacon of hope for Americans and those who seek new lives in the United States. Every day, we welcome new and diverse stories and heritages into the great patchwork of our Nation. United by our devotion to the Constitution and to the civic engagement it inspires, Americans remain committed to the fundamental principles established over two hundred years ago.

In remembrance of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as ''Constitution Day and Citizenship Day,'' and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning Sep-

tember 17 and ending September 23 of each year as ''Constitution Week.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 17, 2009, as Constitution Day and Citizenship Day, and September 17 through September 23, 2009, as Constitution Week. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that celebrate our Constitution and reaffirm our rights and obligations as citizens of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8419 of September 17, 2009

National POW/MIA Recognition Day, 2009

By the President of the United States of America
A Proclamation

Our Nation maintains a solemn commitment to leave no service member behind. Our men and women in uniform uphold this pledge every day, and our country further upholds it as we honor every man and woman who serves, particularly those taken as prisoners of war or missing in action. We will never cease in our mission to bring America's missing service members home; we will never forget the sacrifices they made to keep this Nation free; and we will forever honor their memory. On National POW/MIA Recognition Day, we pay tribute to the American men and women who have not returned from the battlefield, and we express profound gratitude to those who returned only after facing unimaginable hardship on our behalf. Today, we also remember the families of our prisoners of war and those missing in action and honor the sacrifices they have made.

Every day, Americans are working around the world to identify and recover the remains of our fallen heroes. It is a promise made, and a promise that will be kept. Although their location may be unknown, we will not waver in our commitment to see they are reunited with the land they so valiantly defended.

For those veterans who returned home after being declared Missing in Action or having been imprisoned by the enemy, we honor their service, their sacrifice, and their courage. In distant lands, and under wretched and torturous conditions, these men and women endured. Faced with such tremendous adversity, they embody the power of the human spirit—sustaining themselves with hope and faith.

On September 18, 2009, the stark black and white banner symbolizing America's Missing in Action and Prisoners of War will be flown over the White House, the Capitol, the Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the World

War II Memorial, the Korean War Veterans Memorial, the Vietnam Veterans Memorial, United States post offices, national cemeteries, and other locations across our country. It is a powerful reminder that our Nation will never cease in our commitment to honor those who have paid so high a price in its service.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 18, 2009, as National POW/MIA Recognition Day, and I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8420 of September 21, 2009

National Farm Safety and Health Week, 2009

By the President of the United States of America
A Proclamation

Our Nation's prosperity has been built on the skill and productivity of our farmers and ranchers. Two centuries ago, many American families toiled in fields and grasslands so that they might feed themselves. Today, those in the agricultural sector provide food, fiber, biofuels, and many other life necessities for millions across our Nation and around the world. The hard work and talent of those in the agricultural industry, and continued advances in technology and efficiency, have provided great security to the United States.

As they offer great benefits to our Nation, farmers and ranchers also face significant risks in the course of their everyday duties. They often transport and operate heavy and hazardous equipment and work in extreme weather conditions. Farmers may be exposed to pesticides, fertilizers, chemicals, and dust that can be harmful to human health. They also work in dangerous areas such as wells, silos, and grain elevators. These individuals must take great precautions to protect their health and safety, especially since rural residents may have to travel long distances to receive trauma care for an accident-related injury. They must also take particular care to avoid accidents involving children.

As the fall harvest season approaches, I encourage farm and ranch families and workers to participate in farm safety and health programs. I also encourage them to follow optimal farm safety and health practices. Businesses and communities, and organizations and neighbors, can encourage one another to understand the risks of this work so that we can prevent accidents, prevent exposure to potential hazards, and save lives.

Working long hours at physically demanding and often dangerous tasks, farmers and ranchers provide for our Nation and countless others across the world. Even as they have faced risks, they have made our agricultural sector more productive and practiced good stewardship of our country's natural resources. This week, Americans express gratitude for the untold benefits we enjoy from their labor, and we honor their achievements by urging continued commitment to the highest standards of safety and health.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 20 through September 26, 2009, as National Farm Safety and Health Week. I call upon the people of the United States to join me in celebrating the vital contributions of farmers and ranchers to our Nation and in reflecting upon the importance of farm safety and health in communities across America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8421 of September 22, 2009

National Hunting and Fishing Day, 2009

By the President of the United States of America
A Proclamation

From atop Pikes Peak to the shores of the James River, Americans celebrate the great abundance and utility of our natural resources. Since our Nation's founding, hunters and anglers have cherished these unparalleled natural gifts and marveled at their untamed beauty. National Hunting and Fishing Day recognizes the contributions of millions of Americans who continue to engage in these ageless pursuits.

Following in the centuries-old footsteps of the pioneers who walked before them, hunters and anglers have played a key role in the conservation and restoration of numerous species and their natural habitats. They not only understand their pivotal role as stewards of the land, but also seek to pass on this honored tradition to future generations.

As our citizens continue to enjoy our Nation's natural resources, we must remember that this privilege brings great responsibility. Not long ago, hunting threatened the extinction of the American Bison, an enduring symbol of the American West. Today, their population has recovered because of the cooperative efforts of conservationists and hunters. Many species, however, still require our protection. We can no longer look to our wilderness, as some once did, as land full of unlimited bounty and surplus. Recognizing the need for conservation, our hunters and anglers have worked hard to manage local ecosystems

where wildlife remain, as well as to protect those areas where they are slowly re-establishing viable populations.

Our national character, always evolving, finds its foundation in those timeless American ideals of freedom, fairness, and self-sustainability. Today's hunters and anglers bring this spirit to life in the forests and streams they visit. If not for America's great hunters and anglers, like President Theodore Roosevelt and Aldo Leopold, our Nation would not enjoy sound game management; a system of ethical, science-based game laws; and an extensive public lands estate on which to pursue the sports. On National Hunting and Fishing Day, we celebrate their contributions to our natural environment and our national heritage.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 26, 2009, as National Hunting and Fishing Day. I call upon the people of the United States to recognize this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8422 of September 25, 2009

Gold Star Mother's and Families' Day, 2009

By the President of the United States of America
A Proclamation

The sacrifices of our military servicemembers are etched in the walls of our monuments and felt at empty dinner tables across America. To those who have given their lives for our country, we honor them as guardians of our liberty and pay tribute to their valiant service. As our Nation remembers our fallen men and women in uniform, we also recognize the profound loss and sorrow of the family members they leave behind.

Few know the honor of service and the costs of war more than Gold Star Mothers and Families. They have given our Nation their most precious treasure, and we remain forever in their debt. Honoring the memory of their lost loved ones, these extraordinary individuals dedicate themselves to helping heal the hearts of other military families who bear the great burden of loss. Through their strength and service, they emulate their loved one's selfless dedication to our country.

On this day, we express immense gratitude and profound respect for Gold Star Mothers and Families. Our country's fallen heroes left the comfort of home so that we might know a more peaceful world. They endured extreme hardship so that we might enjoy freedom. They made the ultimate sacrifice so that we might be safe. They represent the best of America. In their memory, may we fulfill our solemn obligation to

continue their work of securing a safer, freer world for generations to come.

The Congress, by Senate Joint Resolution 115 of June 23, 1936 (49 Stat. 1895 as amended), has designated the last Sunday in September as ''Gold Star Mother's Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, September 27, 2008, as Gold Star Mother's and Families' Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation's sympathy and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8423 of September 25, 2009

National Public Lands Recognition Day, 2009

By the President of the United States of America
A Proclamation

Borne out of a commitment to protect and preserve our natural treasures, America's public lands are an indispensable component of American life. As we work to protect their integrity for future generations, vast expanses of land remain available for the use and enjoyment of all who visit them. National Public Lands Day is an opportunity for all Americans, young and old, to celebrate the majesty of our open spaces and devote our collective efforts to conserving our Nation's unique landscapes.

Today, from the largest National Parks and Forests to neighborhood playgrounds and urban parks, 130,000 volunteers are working on over 2,000 public land improvement projects across the Nation. Committed individuals, including participants from schools and universities, private businesses, non-profit organizations, and government agencies, are continuing the American tradition of stewardship through their service.

Dedicated to improving all aspects of our natural environment, this year's Public Lands Day focuses on water. Across the country, volunteers are highlighting the need to protect our Nation's water bodies by monitoring water quality in rivers and lakes, restoring wetlands, preventing stormwater runoff and erosion, cleaning up trash from shorelines, and learning techniques to conserve water at home.

Public lands help preserve our Nation's quality of life, offering fresh water, abundant natural resources, and educational and recreational

opportunities. I was proud to sign the Omnibus Public Land Management Act of 2009 to add to our Nation's treasured landscapes and build on our rich history as guardians of our natural environment. Today, we affirm our resolve to conserve these cherished spaces for our enjoyment and for that of future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 26, 2009, as National Public Lands Day. I invite all my fellow citizens to join me in a day of service for our public lands.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8424 of September 28, 2009

Family Day, 2009

By the President of the United States of America
A Proclamation

Our family provides one of the strongest influences on our lives. American families from every walk of life have taught us time and again that children raised in loving, caring homes have the ability to reject negative behaviors and reach their highest potential. Whether children are raised by two parents, a single parent, grandparents, a same-sex couple, or a guardian, families encourage us to do our best and enable us to accomplish great things. Today, our children are confronting issues of drug and alcohol use with astonishing regularity. On Family Day, we honor the dedication of parents, commend the achievements of their children, and celebrate the contributions our Nation's families have made to combat substance abuse among young people.

The 21st century presents families with unprecedented challenges. Millions of women and men are struggling to balance the demands of their jobs with the needs of their families. At the same time, our youngest generation faces countless distractions in their social environment. They are coming of age in a world where electronic devices have replaced the playground, televisions have preempted conversation, and pressure to use drug and alcohol is far too prevalent. Parents bear significant stress and burdens to protect their children from harmful influences.

It is our responsibility to talk with adolescents about the risks of abusing alcohol, tobacco, or prescription and illicit drugs, and other harmful behaviors. These substances can destroy the mind, body, and spirit of a child, jeopardizing their health and limiting their potential. Active parents, voicing their disapproval of drug use, have proven themselves to be the most effective preventative method for keeping our children drug-free. A strong and engaged family can make all the difference in helping young people make healthy decisions.

By coming together as a family and discussing the events of the day, parents can foster open communication, share joys and concerns, and help guide their children toward healthy decisionmaking. A strong nation is made up of strong families, and on this Family Day, we rededicate ourselves to ensuring that every American family has the chance to build a better, healthier future for themselves and their children.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 28, 2009, as Family Day. I call upon the people of the United States to join together in observing this day with appropriate ceremonies and activities to honor and strengthen our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8425 of September 30, 2009

National Breast Cancer Awareness Month, 2009

By the President of the United States of America
A Proclamation

In 2009, more than 190,000 women are expected to be diagnosed with breast cancer, and more than 40,000 women are expected to die from this disease. It is the most common non-skin cancer and the second leading cause of cancer-related death among women in the United States. As we observe National Breast Cancer Awareness Month, we salute the brave Americans who are fighting this disease, including families and friends, advocates, researchers, and health care providers. We also pause to remember and pray for those we have lost to breast cancer.

Many Americans know someone who survived breast cancer due to early detection or improved treatment, and we must continue to discover ways to prevent, detect, and treat this disease. For us to better understand how breast cancer develops, to prevent recurrence, and to enhance the quality of life for survivors, we must support critical research programs. The National Institutes of Health, Department of Defense, and the Centers for Disease Control and Prevention will invest over $1 billion in research this year. Strengthening our knowledge of breast cancer development can lead to improvements in prevention and treatment.

Screening and early detection are essential to our Nation's fight against breast cancer. The National Cancer Institute recommends that women age 40 and older have mammograms every 1 to 2 years. Women who are at greater risk should talk with their health care providers about whether to have mammograms before age 40 and how often to have them. My Administration is committed to requiring insurance companies to cover mammograms with no extra charges, and prohibiting the

denial of coverage based on pre-existing conditions, including breast cancer.

Breast cancer health disparities also present a serious challenge. White women have the highest breast cancer incidence rates, and African American women have higher mortality rates than other racial or ethnic groups in the United States. There is also evidence lesbian women are at a greater risk of developing breast cancer than heterosexual women. Every day, we are improving programs that address the issues women encounter in obtaining appropriate and timely treatment. As a Nation, we will overcome the financial and physical restraints of underserved populations and ensure access to quality health care.

Our Nation has made significant progress in the fight against breast cancer, and we remain firm in our commitment to do more. This month, we reaffirm our commitment to reduce the burden of breast cancer and our support for those who are living with this devastating disease. By raising awareness of this disease and supporting research, we can usher in a new era in our struggle against breast cancer.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009, as National Breast Cancer Awareness Month. I encourage citizens, Government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will help Americans understand what they can do to prevent and control breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8426 of September 30, 2009

National Disability Employment Awareness Month, 2009

By the President of the United States of America
A Proclamation

Fair access to employment is a fundamental right of every American, including the 54 million people in this country living with disabilities. A job can provide financial stability, help maximize our potential, and allow us to achieve our dreams. As Americans, we possess a range of vocational opportunities to make the most of our talents and succeed in a chosen career; those with disabilities are entitled to the same opportunities. During National Disability Employment Awareness Month, we recommit ourselves to implementing effective policies and practices that increase employment opportunities for individuals with disabilities.

In the past half-century, we have made great strides toward providing equal employment opportunities in America, but much work remains to be done. As part of that continuing effort, we must seek to provide opportunities for individuals with disabilities. Only then can Ameri-

cans with disabilities achieve full participation in the workforce and reach the height of their ambition.

My Administration is committed to promoting positive change for every American, including those with disabilities. The Federal Government and its contractors can lead the way by implementing effective employment policies and practices that increase opportunities and help workers achieve their full potential. Across this country, millions of people with disabilities are working or want to work. We must ensure they have access to the support and services they need to succeed.

Recognizing the need for equal employment opportunities, we must also strengthen and expand the educational opportunities for individuals with disabilities. The American Recovery and Reinvestment Act substantially increased funding for the Individuals with Disabilities Education Act, and provided more than $500 million for vocational rehabilitation services, including job training, education, and placement. If we are to build a world free from unnecessary barriers, stereotypes, and discrimination, we must ensure that every American receives an education that prepares him or her for future success.

Each day, Americans with disabilities play a critical role in forging and shaping the identity of our Nation. Their contributions touch us all through personal experience or through that of a family member, neighbor, friend, or colleague. We grow stronger as a Nation when Americans feel the dignity conferred by having the ability to support themselves and their families through productive work. This month, we rededicate ourselves to fostering an inclusive work culture that welcomes the skills and talents of all qualified employees.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009, as National Disability Employment Awareness Month. I call on all Americans to celebrate the contributions of individuals with disabilities to our workplaces and communities, and to promote the employment of individuals with disabilities to create a better, more inclusive America, one in which every person is rightly recognized for his or her abilities and accomplishments.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8427 of October 1, 2009

National Cybersecurity Awareness Month, 2009

By the President of the United States of America
A Proclamation

Americans are constantly adopting new and innovative technologies. This exposure has dramatically increased our thirst for computers, smartphones, and other digital solutions at work and at home. Our Na-

tion's growing dependence on cyber and information-related technologies, coupled with an increasing threat of malicious cyber attacks and loss of privacy, has given rise to the need for greater security of our digital networks and infrastructures. In the Information Age, the very technologies that empower us to create and build also empower those who would disrupt and destroy. During National Cybersecurity Awareness Month, we rededicate ourselves to promoting cybersecurity initiatives that ensure the confidentiality of sensitive information, the integrity of e-commerce, and the resilience of digital infrastructures.

Cyber attacks and their viral ability to infect networks, devices, and software must be the concern of all Americans. This month, we highlight the responsibility of individuals, businesses, and governments to work together to improve their own cybersecurity and that of our Nation. We all must practice safe computing to avoid attacks. A key measure of our success will be the degree to which all Americans educate themselves about the risks they face and the actions they can take to protect themselves and our Nation's digital infrastructure.

The Department of Homeland Security (DHS) and the Federal Trade Commission (FTC) support and promote cybersecurity education. Both the DHS and the FTC have identified basic cybersecurity tips that every computer user should adopt. To learn more about safe computing practices that can help prevent cyber attacks, visit www.onguardonline.gov and www.dhs.gov/cyber.

The 21st century offers our Nation unprecedented opportunities to develop new solutions to the challenges we face. Today, technology allows Americans to reach across the globe and communicate with family and friends, customers and colleagues, in distant locations. With this freedom, however, comes heightened responsibility. My Administration is committed to treating our digital infrastructure as a strategic national asset. Protecting this infrastructure is a national security priority, and in the process, we will ensure that these networks are comprehensive, trustworthy, and resilient. Together, we will create a more secure America, where technology can evolve in a protected and productive environment.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Cybersecurity Awareness Month. I call upon the people of the United States to recognize the importance of cybersecurity and to observe this month with appropriate activities, events, and trainings to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8428 of October 1, 2009

National Domestic Violence Awareness Month, 2009

By the President of the United States of America
A Proclamation

Domestic violence touches the lives of Americans of all ages, leaving a devastating impact on women, men, and children of every background and circumstance. A family's home becomes a place of fear, hopelessness, and desperation when a woman is battered by her partner, a child witnesses the abuse of a loved one, or a senior is victimized by family members. Since the 1994 passage of the landmark Violence Against Women Act, championed by then Senator Joe Biden, our Nation has strengthened its response to this crime and increased services for victims. Still, far too many women and families in this country and around the world are affected by domestic violence. During National Domestic Violence Awareness Month, we recommit ourselves to ending violence within our homes, our communities, and our country.

To effectively respond to domestic violence, we must provide assistance and support that meets the immediate needs of victims. Facing social isolation, victims can find it difficult to protect themselves and their children. They require safe shelter and housing, medical care, access to justice, culturally specific services, and economic opportunity. The Family Violence Prevention and Services Act supports emergency shelters, crisis intervention programs, and community education about domestic violence.

In the best of economic times, victims worry about finding a job and housing, and providing for their children; these problems only intensify during periods of financial stress. That is why the American Recovery and Reinvestment Act provides $325 million for the Violence Against Women Act (VAWA) and the Victims of Crime Act (VOCA). This funding will supplement the Federal VAWA and VOCA dollars that flow to communities every year, and enable States, local governments, tribes, and victim service providers to retain and hire personnel that can serve victims and hold offenders accountable. These funds will also bring relief to victims seeking a safe place to live for themselves and their children.

Victims of violence often suffer in silence, not knowing where to turn, with little or no guidance and support. Sadly, this tragedy does not just affect adults. Even when children are not directly injured by violence, exposure to violence in the home can contribute to behavioral, social, and emotional problems. High school students who report having experienced physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide, and may carry patterns of abuse into future relationships. Our efforts to address domestic violence must include these young victims.

During this month, we rededicate ourselves to breaking the cycle of violence. By providing young people with education about healthy relationships, and by changing attitudes that support violence, we recognize that domestic violence can be prevented. We must build the capacity of our Nation's victim service providers to reach and serve those in need. We urge community leaders to raise awareness and bring at-

tention to this quiet crisis. And across America, we encourage victims and their families to call the National Domestic Violence Hotline at 1–800–799–SAFE. Together, we must ensure that, in America, no victim of domestic violence ever struggles alone.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009, as National Domestic Violence Awareness Month. I ask all Americans to do their part to end domestic violence in this country by supporting their communities' efforts to assist victims in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8429 of October 1, 2009

National Information Literacy Awareness Month, 2009

By the President of the United States of America
A Proclamation

Every day, we are inundated with vast amounts of information. A 24-hour news cycle and thousands of global television and radio networks, coupled with an immense array of online resources, have challenged our long-held perceptions of information management. Rather than merely possessing data, we must also learn the skills necessary to acquire, collate, and evaluate information for any situation. This new type of literacy also requires competency with communication technologies, including computers and mobile devices that can help in our day-to-day decisionmaking. National Information Literacy Awareness Month highlights the need for all Americans to be adept in the skills necessary to effectively navigate the Information Age.

Though we may know how to find the information we need, we must also know how to evaluate it. Over the past decade, we have seen a crisis of authenticity emerge. We now live in a world where anyone can publish an opinion or perspective, whether true or not, and have that opinion amplified within the information marketplace. At the same time, Americans have unprecedented access to the diverse and independent sources of information, as well as institutions such as libraries and universities, that can help separate truth from fiction and signal from noise.

Our Nation's educators and institutions of learning must be aware of—and adjust to—these new realities. In addition to the basic skills of reading, writing, and arithmetic, it is equally important that our students are given the tools required to take advantage of the information available to them. The ability to seek, find, and decipher information can be applied to countless life decisions, whether financial, medical, educational, or technical.

This month, we dedicate ourselves to increasing information literacy awareness so that all citizens understand its vital importance. An informed and educated citizenry is essential to the functioning of our modern democratic society, and I encourage educational and community institutions across the country to help Americans find and evaluate the information they seek, in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Information Literacy Awareness Month. I call upon the people of the United States to recognize the important role information plays in our daily lives, and appreciate the need for a greater understanding of its impact.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8430 of October 2, 2009

National Arts and Humanities Month, 2009

By the President of the United States of America
A Proclamation

Throughout our Nation's history, the power of the arts and humanities to move people has built bridges and enriched lives, bringing individuals and communities together through the resonance of creative expression. It is the painter, the author, the musician, and the historian whose work inspires us to action, drives us to contemplation, stirs joy in our hearts, and calls upon us to consider our world anew. The arts and humanities contribute to the vibrancy of our society and the strength of our democracy, and during National Arts and Humanities Month, we recommit ourselves to ensuring all Americans can access and enjoy them.

Our Nation's cultural assets tell the story of America's diversity and reveal our common humanity. Countless American artists develop unique styles by infusing their work with cultural elements from across the country and the world, and in turn, have an impact on the global arts community. Through history and philosophy, we learn the heritage of fellow Americans and appreciate the arc of their narrative as an integral part of our own. Cultural exchanges, collaborative projects, and continuing education programs help us to share and preserve a mosaic of rich traditions and provide future generations with opportunities for artistic expression.

The arts and humanities also bring our economy untold benefits. Millions of Americans take part in the non-profit and for-profit arts industries. Cultural and arts activities not only contribute tens of billions of dollars to our economy, but also inspire innovation. In neighborhoods and communities across the Nation, the arts and humanities lie at the

center of revitalization, inspiring creativity, ideas, and new hope in areas that have gone too long without it.

Every American deserves an opportunity to study, understand, and contribute to the arts and humanities. This must begin in our schools, where children may have their first and most important exposure to these disciplines. Working on their own masterpieces and finding inspiration in the work of others, young people are opened to new means of expression that sharpen their creative faculties. An education in music, dance, drama, design, and fine art reinforces skills in fields like math and science, and it can help students reach their full potential. In an ever-changing world, we must prepare our students with the knowledge, creative skills, and an ability to innovate so they can compete and succeed on a global stage.

As a people, we have an unlimited capacity for self-expression and personal interpretation. While we may not always agree with what we see or hear, it is our open-mindedness that commends the artistic struggle behind the creation and our curiosity that pursues its vision. This month, we honor this artistic spirit that lives and breathes within every American. Creativity and a thirst for understanding are the fuel that has fed our Nation's success for centuries, and they will continue to be well into our future.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Arts and Humanities Month. I call upon the people of the United States to join together in observing this month with appropriate ceremonies, activities, and programs to celebrate the arts and humanities in America.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8431 of October 2, 2009

National Energy Awareness Month, 2009

By the President of the United States of America
A Proclamation

A more prosperous future for our Nation's economy means making investments in energy efficiency and clean energy today. Well-funded energy research and development will not only help protect our environment and support our communities, but it will also address concerns of global competitiveness and national security. Innovation in energy technology will decrease our oil use, strengthen our economy, and reduce the dangerous pollution that causes climate change.

As American scientists, engineers, and entrepreneurs bring new and improved energy technologies to homes and businesses in this country and around the world, they will be showing American leadership and

vision while also making clean energy the profitable kind of energy. During National Energy Awareness Month, we recognize the contributions of individuals, organizations, and companies that are committed to advancing energy innovation and efficiency, and we promote the importance of a clean energy economy to our Nation.

The Federal Government is the largest consumer of energy in the United States, and my Administration is committed to leading by example in the use of clean energy and increased energy efficiency. Not only will we lead through our performance, we will also leverage our ability to be the kind of customer that can help turn an idea into a great American enterprise. Through State and local grants, increased funding for weatherization programs, job training programs, and policies to support clean energy businesses, we are ushering in a new era of green energy that will benefit our economic recovery, our security, and our long-term prosperity.

We face a turning point in our Nation's energy policy. We can either remain the world's leading importer of oil, or we can become the world's leading exporter of clean energy technology. We can allow climate change to wreak unnatural havoc, or we can create jobs deploying low-carbon technologies to prevent its worst effects.

Throughout our history, Americans have successfully confronted challenges that have tested our determination and our capacity to change. If we are to advance energy and climate security, we must focus on energy efficiency, promote sustainable industries, accelerate job training and job creation in these areas, and set effective and achievable standards for the generation and use of clean energy. As a Nation, we will lead by innovating, adapting to the global marketplace, and investing in the kind of sustainable future we want for the generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Energy Awareness Month. I call upon the people of the United States to mark this month by making clean energy choices that can both rebuild our economy and make it more sustainable.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8432 of October 2, 2009

Fire Prevention Week, 2009

By the President of the United States of America
A Proclamation

As powerful as any force in the natural world, fire deserves our utmost attention. Unchecked, fire can destroy homes, devastate our environment, and, at its worst, injure or fatally harm individuals. Fire Prevention Week is a time to learn about important fire safety issues and em-

power our communities to stay ''Fire Smart.'' It is also a time to honor our Nation's brave firefighters and volunteers who risk their lives to protect their fellow Americans.

Every year, thousands of Americans experience fires in their homes and workplaces. We can greatly reduce these tragedies by taking a few, very simple steps. For example, if each of us strives to remain attentive while cooking, to properly dispose of all smoking materials, and to regularly check and replace smoke alarm batteries, we can help keep our families safe from harm and protect personal property. Additional precautionary measures should also include the formation of an emergency plan and the education of our children about the proper ways to handle potentially dangerous situations with fire.

This week's theme, ''Stay Fire Smart! Don't Get Burned,'' focuses on increasing burn awareness and prevention. We can each do more to avoid severe burns by testing water temperature, remaining aware of open flames, and ensuring that heating elements—such as those in electric stoves, toasters, hair appliances, and space heaters—are secure and operated properly. These easy, common sense practices can help Americans avoid suffering painful burns.

Fire can have a devastating impact on the life of an individual or family, and it can have far-reaching financial and human consequences. Wildfires can burn hundreds of acres and affect numerous communities, while household fires can spread to neighboring buildings. These and other emergency situations can endanger the lives of not only the public, but also our rescue workers and firefighters. During Fire Prevention Week, we are reminded of the dangers of fire, we honor the brave men and women who protect us from it, and we recommit ourselves to its responsible use.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 4 through October 10, 2009, as Fire Prevention Week. On Sunday, October 4, 2009, in accordance with Public Law 107–51, the flag of the United States will be flown at half staff on all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8433 of October 2, 2009

Child Health Day, 2009

By the President of the United States of America
A Proclamation

Our Nation has an obligation to provide access to affordable, high-quality health care for all our children. No child should be forced to go without medical attention because the cost of a doctor visit is too high. Healthy children are better equipped to combat illness and to perform well in school, impacting their development well into adulthood. On Child Health Day, we recognize the fundamental importance of health care for our Nation's children, and dedicate our collective energies to support their needs and those of their families.

The responsibility for our children's health rests with every American. Parents and guardians should lead by example. We must teach our children the importance of healthy eating and a physically active lifestyle. We can support community programs across America that provide our young people with healthy choices, and ensure that families have the resources necessary to champion the health of their children. From outdoor activities to community athletic teams, we can seize opportunities to increase physical activity in the lives of our children, and promote healthy habits at an early age.

When our children make smart, healthy decisions, they are set on the path towards success. A balanced diet, coupled with proper exercise, has proven effective in combating childhood obesity and other chronic illnesses among our Nation's young people. More recently, the lure of indoor distractions has drawn our children away from the athletic fields and outdoor activities that can be part of a healthy lifestyle. We must engage our Nation's children in behaviors that support their physical fitness, ensure they have access to healthy, affordable food, and empower their families with the information essential for healthy living.

As a Nation, we cannot allow our children to fail in reaching their full potential because we fail to meet their basic needs. My Administration has made children's health a priority, and I was proud to sign the reauthorization of the Children's Health Insurance Program (CHIP), extending health care to millions of young Americans who were previously uninsured. Today, we celebrate the health of our children and rededicate ourselves to providing a bright, healthy future for our Nation's youth.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 5, 2009, as Child Health Day.

I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America's children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Inde-

pendence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8434 of October 6, 2009

German-American Day, 2009

By the President of the United States of America
A Proclamation

Comprising the Nation's largest ancestry group, German Americans have contributed to our collective identity since the first settlements were founded in the 17th century. Essential to the growth of America, these farmers, soldiers, entrepreneurs, and patriots gave their strength, determination, and in some circumstances, their lives, so we all may experience a brighter tomorrow. It is in this spirit that German Americans continue to enrich our national character, sharing their proud heritage with new generations from every background. Today, we celebrate German Americans for their remarkable role in our Nation's development.

Our citizens of German descent excel in every discipline and open our minds to the expanses of human possibility. When we drive across a suspension bridge, listen to music played on a Steinway piano, or send a child to kindergarten, their unique traditions and customs surround us. German Americans have influenced our Nation in myriad ways with their industry, culture, and engagement in public life.

Germany and its people have also been active participants in our Nation's history. This year, we celebrate the 60th anniversary of the Federal Republic of Germany, and the 20th anniversary of the fall of the Berlin Wall. These milestones reinforce the German people's dedication to democratic ideals, and we honor the bonds that tie our two nations together.

America is a stronger Nation because of those families who have established longstanding roots in our country, as well as by those who have recently emigrated from abroad. German immigrants, inhabiting every major city, have given much of themselves throughout our history, selflessly expanding the reach of the American Dream. On this day, we celebrate and honor the past, present, and future contributions of German Americans to the rich and textured story of America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2009, as German-American Day. I encourage all Americans to learn more about the history of German Americans and to commemorate the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand nine, and of the Inde-

pendence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8435 of October 7, 2009

Leif Erikson Day, 2009

By the President of the United States of America
A Proclamation

On this day in 1825, the ship *Restauration* landed in New York City after sailing for 3 months from Stavanger, Norway. The 52 passengers aboard represented the first organized emigration of Norwegians to America. These brave individuals set to the seas, following in the grand footsteps of the famous Scandinavian explorer Leif Erikson. Over a millennium ago, Leif Erikson—son of Iceland and grandson of Norway—arrived in North America and founded the settlement Vinland, located in modern-day Canada. Today, we celebrate his historic voyage and remember those who journeyed to America from far-away lands.

Our Nation's founding history is marked by millions of individuals who faced great hardship and difficulty as they pursued a brighter future abroad. As explorers, they did not know what they would find, but they were determined not to turn back, in order to learn what lay beyond the setting sun. This same spirit lived within Leif Erikson, and it has inspired countless others who venture from their homes in search of opportunity, uncertain of the possibilities and challenges that await them.

Today, our Nation continues to welcome those descendents of Leif Erikson to our shores. Nordic Americans have contributed immeasurably to the success of America. Their cultural accomplishments have enriched the diversity of our country. And their pioneering spirit continues to embody our Nation's unbounded enthusiasm for discovery and learning.

To honor Leif Erikson and celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President to proclaim October 9 of each year as ''Leif Erikson Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 9, 2009, as Leif Erikson Day, and I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs to honor our country's rich Nordic-American heritage.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8436 of October 9, 2009

National School Lunch Week, 2009

By the President of the United States of America
A Proclamation

Every young American deserves access to a wholesome, nutritious lunch. These meals prevent hunger and give our children the energy and nourishment they need to grow into healthy, productive adults. Since 1946, the National School Lunch Program has helped to protect the health and well-being of our children by providing them with balanced, low-cost or free lunches throughout the school year. This week, we renew our commitment to serving healthy meals that will prepare our next generation of leaders to learn and thrive.

The National School Lunch Program serves more than 31 million students every school day at over 100,000 schools across our Nation. These meals can be an important source of fruits, vegetables, and low-fat dairy products, containing essential nutrients to meet the demands of a growing child. For many schoolchildren, it will be their most nutritious meal—sometimes their only meal—of the day. This program can also teach children about the importance of good eating habits, which is vital to our Nation's fight against childhood obesity. In the coming months, my Administration will continue our partnership with Federal, State, and local leaders to strengthen the National School Lunch Program. We must work together to remove barriers that prevent some eligible children from receiving meals, and update nutrition standards to reflect the latest Dietary Guidelines for Americans.

Academic success requires hard work and concentration. Students distracted by hunger cannot match the focus of their peers. Poorly nourished students are also more likely to become ill, and miss class more frequently. During National School Lunch Week, we honor all those who make the National School Lunch Program possible, including government and school officials, food service professionals, farmers, and parents. By ensuring that every child, regardless of background or family income, is properly fed at school, we secure a brighter future for each of them and for America.

The Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October each year as ''National School Lunch Week,'' and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim the week of October 11 through October 17, 2009, as National School Lunch Week. I call upon all Americans to join the dedicated individuals who administer the National School Lunch Program in appropriate activities that support the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand nine, and of the Inde-

pendence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8437 of October 9, 2009

Columbus Day, 2009

By the President of the United States of America
A Proclamation

More than 500 years have passed since Christopher Columbus set sail across the Atlantic Ocean in a bold attempt to expand human understanding of the known world. His voyage radically altered the course of history and changed our world forever. Many generations later, that same spirit of exploration inspires Americans to pursue brave new frontiers in business, science, and technology. Today, we reflect on the transformation of North America from a land of boundless opportunity to the modern communities of the 21st century.

Born in Genoa, Italy, Christopher Columbus' journey aboard three Spanish ships revealed a new land for many European nations whose people would later flock to our shores in search of prosperity and freedom. These immigrants joined many thriving indigenous communities who suffered great hardships as a result of the changes to the land they inhabited. Although their competing ways of life were initially at odds, over time, the ''New World'' became a culturally and ethnically diverse place where we now enjoy the free exchange of ideas and democratic self-governance. Tribal communities continue to strengthen our Nation through their rich heritage and unique identity.

Columbus inspired generations of men and women to search out the farthest reaches of the world. From the coasts of Newfoundland to the Gulf of Mexico, explorers of Italian descent have directly influenced the growth of North America. Their dedication to our country has helped lay the foundation on which America was built. Today, Italian Americans continue to contribute immeasurably to the identity of our Nation, as role models, leaders, innovators, and committed public servants. From the boardroom to the classroom, they are prominent in every facet of American life.

In commemoration of Christopher Columbus' historic exploration 517 years ago, the Congress, by joint resolution of April 30, 1934 (48 Stat. 657), and an Act of June 28, 1968 (82 Stat. 250), has requested that the President proclaim the second Monday of October of each year as ''Columbus Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 12, 2009, as Columbus Day. I call upon all the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand nine, and of the Inde-

pendence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8438 of October 9, 2009

General Pulaski Memorial Day, 2009

By the President of the United States of America
A Proclamation

Each year on this day, Americans pause to remember a patriot and champion of liberty who fought valiantly for the freedom of our Nation. During our struggle for independence, General Casimir Pulaski displayed heroic leadership and ultimately sacrificed his life in service to our country. His commitment to liberty remains an inspiration to us today, 230 years later, and it serves as a reflection of the many contributions Polish Americans have made to our national identity.

Born in Poland in 1745, Brigadier General Casimir Pulaski witnessed the occupation of Poland by foreign troops during his youth. He joined the struggle for Polish independence in 1768, fighting alongside his father with unwavering determination. Despite the tremendous courage of Pulaski and his compatriots, the foreign forces prevailed and Poland was divided among three of its neighbors. The young Casimir Pulaski was exiled, and, while in Paris, met America's envoy to France, Benjamin Franklin, and learned of our nascent quest for independence.

Arriving in America during the summer of 1777, General Pulaski quickly earned a commission and led his troops with admirable skill in a number of important campaigns. He would eventually become known as the ''Father of the American Cavalry.'' In 1779, Pulaski was mortally wounded during the siege of Savannah while trying to rally his troops under heavy enemy fire. Before laying down his life for the United States, this Polish and American hero had earned a reputation for his idealism and his courageous spirit.

Pulaski's ideals live on today in the many Polish-American communities across the country. These neighborhoods continue to celebrate Polish culture, while adding immeasurably to our national identity. Their contributions have expanded our collective knowledge, pushing the boundaries of science, business, and the arts. With each passing year, the cooperation between the United States and Poland grows, supported by the dedication and commitment of Polish Americans to our shared history. Today, as we remember General Pulaski, we celebrate our strong friendship with Poland, and honor those Americans of Polish heritage.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, October 11, 2009, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to Casimir Pulaski and honoring all those who defend the freedom of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8439 of October 15, 2009

White Cane Safety Day, 2009

By the President of the United States of America
A Proclamation

All Americans deserve the freedom to participate in every aspect of our society and pursue their full measure of happiness. For blind Americans, the white cane is a potent symbol of that freedom—affording them greater independence and mobility. Today we renew our commitment to provide full inclusion and equal opportunities for those among us who are blind or have low vision. As Americans, we must nurture a society that values the unique abilities and individual contributions of all its people.

Individuals who are blind or have low vision are less constrained and better integrated in our country than ever before, but much work remains to ensure they have the opportunity to reach their full potential. My Administration is committed to securing full and equal access to education and employment for blind Americans and all those with disabilities. The American Recovery and Reinvestment Act substantially increased funding for the Individuals with Disabilities Education Act, as well as vocational rehabilitation services, including job training, education, and placement.

For Americans who are blind or have low vision, a white cane is just one of a wide range of tools that sustain independence and productivity. In recent years, refreshable Braille displays and speech synthesis devices have given these individuals access to the Internet, unlocking a new frontier of limitless possibility. As we encourage the development of new assistive technologies, we must also improve access to existing tools. The Braille code has opened a doorway to literacy for countless individuals, but far too many blind children in our country are not learning to read it. By improving Braille literacy, we will secure a brighter future for these young Americans.

In the 45 years since White Cane Safety Day was first proclaimed by President Lyndon Johnson, Americans who are blind or have low vision have achieved substantial progress. As leaders in government and business, academics, and the arts, they have made remarkable contributions to our Nation, proving that sight is no requisite for success. We will continue to strive for a more just and equitable Nation that celebrates diversity in all its forms and promotes the full inclusion of all individuals in our communities.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress designated October 15 of each year as White

Cane Safety Day to recognize the contributions of Americans who are blind or have low vision.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 15, 2009, as White Cane Safety Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8440 of October 19, 2009

National Character Counts Week, 2009

By the President of the United States of America
A Proclamation

In communities across America, people are working together to see our country through challenging times—educating our children, caring for the sick, and extending a hand to those in need. They remind us that the true character of our Nation is revealed by the good we do when the moment is challenging. During National Character Counts Week, we pay tribute to the men and women who are selflessly serving others, inspiring and encouraging younger generations to develop the compassion, dedication, and strength of character that is the mark of our great Nation.

Instilling sound character and a sense of responsibility in our children is critical to our country's future. When we teach young people about time-honored values like integrity and humility, we promote good citizenship and civic virtues that will guide them through life and sustain our democracy. Parents play an integral role in cultivating the character of their children, and they must help them understand the consequences of poor choices and the rewards of healthy, sound decisions. Teachers, clergy, local leaders, and countless other volunteers can also be role models and mentors for America's youth as they devote their time and energy to serving their communities. The brave members of our Armed Forces who sacrifice every day for our Nation are tremendous examples of strong character for us all to follow.

Throughout our history, the pursuit of our highest ideals—hard work, curiosity, tolerance, and patriotism—has been the quiet force behind our progress. As Americans, we must hold true to these fundamental values that have propelled us forward time and again to adapt and lead in an ever-changing world. National Character Counts week is an opportunity to recognize the depth of America's character and to honor those who pass on our values to future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2009, as National Character Counts Week. I call

upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8441 of October 19, 2009

United Nations Day, 2009

By the President of the United States of America
A Proclamation

The United Nations was created 64 years ago by men and women from every corner of the world. These architects of international cooperation acted out of an idealism rooted in the hard-earned lessons of war. They had the wisdom to understand that nations could do far more to advance their interests by acting together than by letting themselves be split apart. The original 51 member nations were united around a commitment to peace, humanity, and justice.

Today, with 192 member states, the United Nations is the principle forum for all nations, large and small, to work in concert to meet the global challenges no nation can confront alone. The U.N. is vital to America's efforts to create a better, safer world. Through peacekeeping missions that have saved so many lives and averted so many wars; lifesaving humanitarian work; critical development activities; and its unique legitimacy, the U.N. can function as a forum that brings all nations together.

The U.N. sometimes struggles to live up to its founding ideals, as it can only be effective if its member states choose to meet their own responsibilities. At its best, this indispensible, if imperfect, institution helps to resolve conflicts and rebuild shattered societies; to lay the foundations of democracy, human rights, and development; and to establish conditions in which people can live in dignity and mutual respect. The member states of the U.N. have an obligation to demonstrate the will and leadership to match the aspirations of all. Now is the time for all of us to assume our share of responsibility to meet global challenges.

Committed in our resolve to create a world our people deserve, we look to the future with confidence. As expressed in the founding values of the United Nations, we share a common security and are unified by our common humanity. This truth calls us to work cooperatively with nations from around the globe in the pursuit of peace, economic prosperity, and human opportunity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2009, as United Nations Day. I urge the Governors of the 50 States,

and the officials of all other areas under the flag of the United States to observe United Nations Day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8442 of October 23, 2009

National Forest Products Week, 2009

By the President of the United States of America
A Proclamation

America's forests have helped spur the growth and development that has been indispensable to our Nation's success. They have provided timber and water, as well as habitat for wildlife and opportunities for recreational activities. As a repository for renewable natural resources, forests have supplied the raw materials that have sustained us throughout our history. During National Forest Products Week, we recognize the value of our woodlands and commit ourselves to good stewardship and conservation practices that help us to responsibly manage our Nation's forests.

As a renewable and recyclable resource, wood is one of our Nation's most environmentally friendly building materials. Wood fiber is used throughout our daily lives, from the paper we write on to the offices where we work. We value the beauty of wood in our furniture, in our homes, and in artwork that surrounds us. Today, modern technology and stewardship practices by Federal, State, tribal, and private landowners have improved the way we manage our natural resources so that forests can meet the needs of current and future generations.

Forests are one of the foundations on which our Nation was formed; they are the backbone of our environment. This week, we recognize the value of forest products and the importance of their sustainable use to our lives.

To recognize the importance of products from our forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as National Forest Products Week and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim the week beginning on the third Sunday in October of each year as National Forest Products Week. I call on all Americans to celebrate the varied uses and products of our forested lands, as well as the people who carry on the tradition of careful stewardship of these precious natural resources for generations to come.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8443 of October 23, 2009

Declaration of a National Emergency With Respect to the 2009 H1N1 Influenza Pandemic

By the President of the United States of America
A Proclamation

On April 26, 2009, the Secretary of Health and Human Services (the ''Secretary'') first declared a public health emergency under section 319 of the Public Health Service Act, 42 U.S.C. 247d, in response to the 2009 H1N1 influenza virus. The Secretary has renewed that declaration twice, on July 24, 2009, and October 1, 2009. In addition, by rapidly identifying the virus, implementing public health measures, providing guidance for health professionals and the general public, and developing an effective vaccine, we have taken proactive steps to reduce the impact of the pandemic and protect the health of our citizens. As a Nation, we have prepared at all levels of government, and as individuals and communities, taking unprecedented steps to counter the emerging pandemic. Nevertheless, the 2009 H1N1 pandemic continues to evolve. The rates of illness continue to rise rapidly within many communities across the Nation, and the potential exists for the pandemic to overburden health care resources in some localities. Thus, in recognition of the continuing progression of the pandemic, and in further preparation as a Nation, we are taking additional steps to facilitate our response.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b–5), do hereby find and proclaim that, given that the rapid increase in illness across the Nation may overburden health care resources and that the temporary waiver of certain standard Federal requirements may be warranted in order to enable U.S. health care facilities to implement emergency operations plans, the 2009 H1N1 influenza pandemic in the United States constitutes a national emergency. Accordingly, I hereby declare that the Secretary may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the 2009 H1N1 influenza pandemic. In exercising this authority, the Secretary shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b–5(d)).

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8444 of October 30, 2009

Military Family Month, 2009

By the President of the United States of America
A Proclamation

No one pays a higher price for our freedom than members of our Nation's military and their families. As sons and daughters, husbands and wives, and mothers and fathers are deployed, military families endure with exceptional resilience and courage. They provide our troops with invaluable encouragement and love, and serve our Nation in their own right. During Military Family Month, we honor the families of our Armed Forces and thank them for their dedication to our country.

Though only a small percentage of our Nation's population, our troops bear the great responsibility of protecting our people. They, along with their families, serve us every day with courage and dignity. Ensuring that military families receive the respect they deserve and the support they have earned is a top priority for my Administration.

The strength of our Nation is measured not just by our success on the battlefield, but also by our ability to support those families who have made so many sacrifices for us. Time and again, military families have shown their heart in the face of adversity. We have a solemn obligation to ensure that while our men and women in uniform discharge their duties, we do all we can to promote and preserve the well-being of their families. We must also support the families of our wounded warriors and our fallen heroes who have paid the ultimate price for the freedoms we enjoy.

This month, we celebrate the tremendous contributions of military families, convey to them our deepest respect and appreciation, and recommit ourselves to their support.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as Military Family Month. I call on all Americans to honor military families through private actions and public service for the tremendous contributions they make in the support of our service members and our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8445 of October 30, 2009

National Adoption Month, 2009

By the President of the United States of America
A Proclamation

All children deserve a safe, loving family to protect and care for them. In America, thousands of young people are waiting for that opportunity. During National Adoption Month, we honor those families that have strengthened America through adoption, and we recommit to reducing the number of children awaiting adoption into loving families.

America is a country rich in resources and filled with countless caring men and women who hope to adopt. These individuals come from all walks of life, united in their commitment to love a child who is in need of the protective arms of a parent. We must do more to ensure that adoption is a viable option for them. By continually opening up the doors to adoption, and supporting full equality in adoption laws for all American families, we allow more children to find the permanent homes they yearn for and deserve.

This month, we also focus on children in foster care. These children are not in the system by their own choosing, but are forced into it by unfortunate or tragic circumstances. These young people have specific needs and require unique support. Federal, State, and local governments, communities, and individuals all have a role to play in ensuring that foster children have the resources and encouragement they need to realize their hopes and dreams.

The course of our future will depend on what we do to help the next generation of Americans succeed. This month, we celebrate those families brought together by adoption and renew our commitments to children in the foster care system.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Adoption Month. I call upon all Americans to observe this month by reaching out to support and honor adoptive families, as well as to participate actively in efforts to find permanent homes for waiting children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8446 of October 30, 2009

National Alzheimer's Disease Awareness Month, 2009

By the President of the United States of America
A Proclamation

Every day, millions of American families experience the difficult reality of Alzheimer's disease. The physical and emotional demands of caring for a loved one with Alzheimer's can be overwhelming, but no one should face this disease alone. During National Alzheimer's Disease Awareness Month, we recognize all those living with Alzheimer's disease and honor the caregivers, including families and friends, who support them. We also renew our commitment to research that is improving treatments for this illness and may one day prevent it entirely.

Alzheimer's disease is an irreversible and progressive brain disorder that slowly destroys memory and thinking skills. Symptoms usually appear after age 60, but many scientists now believe damage to the brain may begin decades earlier. Research conducted and supported by the National Institutes of Health and the Veterans Health Administration has shed light on these early effects and identified genetic risk factors for Alzheimer's. Doctors are now able to start treatments earlier, slowing the loss of brain cells and the progression of debilitating physical and mental impairments.

As we seek hope for families struggling with Alzheimer's disease, we must leave no avenue unexplored. Embryonic stem cells may hold the key for us to better understand, and possibly cure, some of our most devastating diseases and conditions. That is why I signed an Executive Order lifting the ban on Federal funding for embryonic stem cell research, with proper guidelines and strict oversight to prohibit abuse.

We must continue the urgent work of giving substance to hope for all who dream of a day when words like ''terminal'' and ''incurable'' are finally retired from our vocabulary. Until then, we must strive to ease the burden of every individual struggling to recall a spouse's name; every parent unable to recognize a child's face; and every family member or friend who brings them comfort and care.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Alzheimer's Disease Awareness Month. I call upon the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8447 of October 30, 2009

National Diabetes Month, 2009

By the President of the United States of America
A Proclamation

Diabetes directly affects the lives of millions of Americans and their families. While no cure exists, medical advancements are continually producing new, more effective treatments to control the disease. Individuals who manage their diabetes properly can lower their risk of complications and live productive, normal lives. During National Diabetes Month, we recommit to educating Americans about the warning signs of diabetes, and help those with the condition to mitigate the effects of this devastating disease.

The two common forms of diabetes are known as type 1 and type 2. Type 1 diabetes occurs when an individual's immune system destroys insulin-producing cells. The outlook for those with type 1 diabetes has dramatically improved in the past few decades due to a host of innovations. Type 2 diabetes is the most prevalent form of diabetes, and usually affects individuals age 40 and older, and those who are overweight, inactive, or have a family history of the disease. Every day, 10 children in this country are diagnosed with type 2 diabetes—a staggering statistic that reflects the growing epidemic of obesity in our country.

Preventive care is the simplest way to avoid diabetes and its complications. A healthy diet, combined with daily exercise, has been shown to dramatically reduce incidence of this disease. African Americans, Latinos, and Native Americans, as well as the elderly, are at greater risk of developing diabetes over their lifetimes. As a Nation, we must ensure that all Americans know the warning signs of this disease, and if diagnosed, have access to affordable, quality medical care to help control it.

While diabetes is a complex and challenging disease, dedicated researchers continue to make important discoveries. This month, we honor those who have made these successes possible, support those who are battling diabetes, and rededicate ourselves to sustaining Federal investments in research and education programs that improve the prevention and treatment of this disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Diabetes Month. I encourage citizens, medical institutions, Government and social service agencies, businesses, nonprofit organizations, and other interested groups to join in activities that help prevent, treat, and manage diabetes.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8448 of October 30, 2009

National Family Caregivers Month, 2009

By the President of the United States of America
A Proclamation

The true strength of the American family finds its roots in an unwavering commitment to care for one another. In difficult times, Americans come together to ensure our loved ones are comfortable and safe. Whether caring for a parent, relative, or child, our Nation's caregivers selflessly devote their time and energy to the well-being of those they look after. During National Family Caregivers Month, we honor the individuals providing essential services to family members who could not otherwise look after themselves.

Caregiver support is at the heart of my Administration's commitment to assisting our Nation's families. Currently, a variety of programs and services offer help and encouragement to family caregivers. The National Family Caregiver Support Program and the Lifespan Respite Care Act include important resources for caregivers of children and adults, with opportunities to receive much-needed assistance and take part in support programs with other families. These programs allow individuals to remain with their families for as long as possible while helping to ensure the wellness of participating care providers.

My Administration's dedication to caregivers is also embodied in our efforts to develop policies to support workers trying to manage their responsibilities on the job and at home. Families are best able to care for their loved ones when they can take time away from work without fear of losing their job or their income. We all have roles to play, including employers, by providing paid leave, flexible work arrangements, and other programs when feasible, to help ensure that caregivers are able to successfully meet their work and household responsibilities.

Every day, family caregivers assist loved ones with tasks ranging from personal care and homemaking, to transportation and financial assistance. As the foundation of America's long-term care system, these individuals give millions of Americans the peace of mind and security that only family can provide.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Family Caregivers Month. I encourage all Americans to pay tribute and support those who are caring for their family members, friends, and neighbors in need of assistance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8449 of October 30, 2009

National Native American Heritage Month, 2009

By the President of the United States of America
A Proclamation

The indigenous peoples of North America—the First Americans—have woven rich and diverse threads into the tapestry of our Nation's heritage. Throughout their long history on this great land, they have faced moments of profound triumph and tragedy alike. During National Native American Heritage Month, we recognize their many accomplishments, contributions, and sacrifices, and we pay tribute to their participation in all aspects of American society.

This month, we celebrate the ancestry and time-honored traditions of American Indians and Alaska Natives in North America. They have guided our land stewardship policies, added immeasurably to our cultural heritage, and demonstrated courage in the face of adversity. From the American Revolution to combat missions in Iraq and Afghanistan, they have fought valiantly in defense of our Nation as dedicated servicemen and women. Their native languages have also played a pivotal role on the battlefield. During World Wars I and II, Native American code talkers developed unbreakable codes to communicate military messages that saved countless lives. Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars. Our debt to our First Americans is immense, as is our responsibility to ensure their fair, equal treatment and honor the commitments we made to their forebears.

The Native American community today faces huge challenges that have been ignored by our Government for too long. To help address this disparity, the American Recovery and Reinvestment Act allocates more than $3 billion to help these communities deal with their most pressing needs. In the Fiscal Year 2010 budget, my Administration has proposed over $17 billion for programs carried out by the Bureau of Indian Affairs, Indian Health Service, and other Federal agencies that have a critical role to play in improving the lives of Native Americans. These programs will increase educational opportunities, address the scourge of alcohol abuse and domestic violence, promote economic development, and provide access to comprehensive, accessible, and affordable health care. While funding increases do not make up for past deficiencies, they do reflect our determination to honor tribal sovereignty and ensure continued progress on reservations across America.

As we seek to build on and strengthen our nation-to-nation relationship, my Administration is committed to ensuring tribal communities have a meaningful voice in our national policy debates as we confront the challenges facing all Americans. We will continue this constructive dialogue at the White House Tribal Nations Conference held in Washington, D.C., this month. Native American voices have echoed through the mountains, valleys, and plains of our country for thousands of years, and it is now our time to listen.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Con-

stitution and the laws of the United States, do hereby proclaim November 2009 as National Native American Heritage Month. I call upon all Americans to commemorate this month with appropriate programs and activities, and to celebrate November 27, 2009, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8450 of October 30, 2009

Veterans Day, 2009

By the President of the United States of America
A Proclamation

We have a sacred trust with those who wear the uniform of the United States of America. From the Minutemen who stood watch over Lexington and Concord to the service members who served in Iraq and Afghanistan, American veterans deserve our deepest appreciation and respect. Our Nation's servicemen and women are our best and brightest, enlisting in times of peace and war, serving with honor under the most difficult circumstances, and making sacrifices that many of us cannot begin to imagine. Today, we reflect upon the invaluable contributions of our country's veterans and reaffirm our commitment to provide them and their families with the essential support they were promised and have earned.

Caring for our veterans is more than a way of thanking them for their service. It is an obligation to our fellow citizens who have risked their lives to defend our freedom.

This selflessness binds our fates with theirs, and recognizing those who were willing to give their last full measure of devotion for us is a debt of honor for every American.

We also pay tribute to all who have worn the uniform and continue to serve their country as civilians. Many veterans act as coaches, teachers, and mentors in their communities, selflessly volunteering their time and expertise. They visit schools to tell our Nation's students of their experiences and help counsel our troops returning from the theater of war. These men and women possess an unwavering belief in the idea of America: no matter where you come from, what you look like, or who your parents are, this is a place where anything is possible. Our veterans continue to stand up for those timeless American ideals of liberty, self-determination, and equal opportunity.

On Veterans Day, we honor the heroes we have lost, and we rededicate ourselves to the next generation of veterans by supporting our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen as they return home from duty. Our grateful Nation must keep our solemn promises to these brave men and women and their families. They have given their un-

wavering devotion to the American people, and we must keep our covenant with them.

With respect for and in recognition of the contributions our servicemen and women have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation's veterans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim November 11, 2009, as Veterans Day. I encourage all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8451 of November 6, 2009

Honoring the Victims of the Tragedy at Fort Hood, Texas

By the President of the United States of America
A Proclamation

Our Nation's thoughts and prayers are with the service members, civilians, and families affected by the tragic events at Fort Hood, Texas. The brave victims, who risked their lives to protect their fellow countrymen, serve as a constant source of strength and inspiration to all Americans. We ask God to watch over the fallen, the wounded, and all those who are suffering at this difficult hour.

As a mark of respect honoring the victims of the tragedy at Fort Hood, Texas, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Tuesday, November 10, 2009. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord two thousand nine, and of the

Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8452 of November 9, 2009

World Freedom Day, 2009

By the President of the United States of America
A Proclamation

Twenty years ago today, the Wall came down in Berlin and both a country and a continent came together. After thousands of East Berliners flooded through checkpoints into West Berlin, border restrictions dissolved across Eastern Bloc countries. The Iron Curtain that divided Europe for decades finally fell, ushering in a new era of freedom and cooperation. On this anniversary, we are reminded that no challenge is too great for a world united in common purpose.

After the Berlin Wall fell, oppressive regimes across the globe gave way. From Kiev to Cape Town, prison camps closed and democracy's doors were unlocked for millions who had known only tyranny. Markets opened too, spreading information and technology that empowered once-insolvent nations to achieve prosperity. Twenty years later, our world is more interconnected than at any time in human history, giving rise to new opportunities for shared progress.

Today, the barriers that challenge our world are not walls of cement and iron, but ones of fear, irresponsibility, and indifference. History reminds us that such walls can be torn down, but where they still exist we must work with all nations to strengthen civil societies, support democratic institutions and the rule of law, and promote free and fair electoral processes. Upholding these principles into the 21st century will require America's enduring commitment and steady leadership.

From our first days as a Nation, Americans have felt a sense of urgency and determination to promote liberty and release the potential within each individual to contribute to the common good. On World Freedom Day, we celebrate the thriving democracies of Central and Eastern Europe, and we honor their citizens' right to choose their own destinies and contribute to their nations' future success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2009, as World Freedom Day. I call upon the people of the United States to observe this day in fellowship with other nations and people of the world with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8453 of November 13, 2009

America Recycles Day, 2009

By the President of the United States of America
A Proclamation

Every day, Americans who recycle conserve valuable resources while reducing our Nation's carbon footprint. The reprocessing of materials is fundamental to our future prosperity, as recycling helps preserve our natural environment and sustain our economy. Recycling in the United States is a $236 billion industry, employing 1.1 million workers nationwide in 56,000 businesses. On America Recycles Day, we celebrate the individuals, communities, local governments, and businesses that recycle their waste and continually think of innovative ways to use materials that might otherwise be discarded.

Recycling improves our daily lives and helps to protect our planet for the future. Through recycling, we conserve energy, consume less of our precious natural resources, decrease the amount of waste deposited in landfills, and reduce greenhouse gas emissions. Communities across America also benefit by avoiding the pollution associated with the extraction of raw materials and their processing into finished products.

If we are to manage materials and products on a life-cycle basis, we must responsibly use and reuse our resources. Curbside recycling, electronics collection drives, community composting programs, and other similar methods contribute to the success of our efforts. Our Nation's health and prosperity depends on the productive and sustainable use of our environment. By recommitting ourselves to recycling, we have the opportunity to secure our long-term success and ensure a bright future for the next generation of Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15, 2009, as America Recycles Day. I call upon the people of the United States to observe this day with appropriate programs and activities, and I encourage all Americans to continue their recycling efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8454 of November 19, 2009

National Entrepreneurship Week, 2009

By the President of the United States of America
A Proclamation

Throughout our history, American entrepreneurs have been an effective force for innovation at home and around the world. From the airplane to the Internet search engine to new tractors, they have pioneered technologies, products, and processes that have improved lives and shaped the course of our future. Today, they are fueling our economy with their creativity, tireless work ethic, and risk-taking spirit. During National Entrepreneurship Week, we renew our commitment to supporting American entrepreneurs, including social entrepreneurs, who are spreading opportunity and prosperity across our Nation.

Entrepreneurs are the engine of job creation in America, generating millions of good jobs. Many begin with nothing more than a good idea, and translate new products and services into vibrant businesses. To secure our Nation's future prosperity, we must ensure that our entrepreneurs have the tools they need to survive and thrive.

My Administration is working to provide opportunities and conditions for entrepreneurs to succeed. We are supporting the flow of credit by increasing loan guarantees and reducing borrowing fees to help more Americans start businesses. We also made the Research and Experimentation Tax Credit permanent to help burgeoning companies afford the high costs of developing new products and technologies. The recently formed Office of Innovation and Entrepreneurship at the Department of Commerce is building on these efforts with new policies and initiatives to unleash creativity and innovation, as well as turn inspired ideas into new employment-generating businesses.

Our Nation led the world's economies in the 20th century because we led the world in innovation. To strengthen our position in the 21st century, we must rededicate ourselves to harnessing the creative spirit that has made America great.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 16 through November 22, 2009, as National Entrepreneurship Week. I call upon all Americans to recognize the important contributions of entrepreneurs to our economy.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8455 of November 20, 2009

National Farm-City Week, 2009

By the President of the United States of America
A Proclamation

Our Nation's farm and ranch families supply many of the basic necessities of our daily life. They manage a large portion of our country's fertile land base, and they are caretakers of our valuable natural resources and diverse ecosystems. Their connections with urban and suburban communities are critical to our economy and to the nourishment of our people. During National Farm-City Week, we express gratitude for the contributions of our Nation's farmers and ranchers, and we rededicate ourselves to providing all Americans with access to healthy food, and thus, a healthy future.

Pioneered by Native Americans, agriculture was our Nation's first industry. For agriculture to thrive in the 21st century, we must continue to cultivate the relationships between farmers and rural businesses and their partners and customers in cities and towns. American farmers and ranchers are proud to grow the food, feed, fuel, and fiber that enhance our national security and prosperity, and remain steadfast stewards of the land they love. We must ensure that farming is maintained as an economically, socially, and environmentally sustainable way of life for future generations.

This Thanksgiving season, we celebrate farms of every size that produce fruits, vegetables, dairy, and livestock indispensable to the health of our families. We also recognize the vital ties between our urban and suburban communities and their local farmers through regional food systems, farmers markets, and community gardens. During National Farm-City Week, we celebrate the bounty of America, and we honor the commitment of those who grow, harvest, and deliver agricultural goods to feed our country and grow our economy.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week ending on Thanksgiving Day of each year as National Farm-City Week. I call on Americans as they gather with their families and friends to reflect on the accomplishments of all who dedicate their lives to promoting our Nation's agricultural abundance and environmental stewardship.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8456 of November 20, 2009

National Family Week, 2009

By the President of the United States of America
A Proclamation

American families are the foundation on which our Nation is built. Their expressions of unconditional love and dedication sustain family members and support our Nation's communities. During National Family Week, we celebrate the inclusive spirit of American families and applaud the commitment of those family members who encourage us to reach new heights.

My Administration is committed to helping American families meet the demands of modern life, increase their self-sufficiency, and achieve their full potential. Ten days after taking office, I established the White House Task Force on Middle Class Working Families, led by Vice President Biden. This Task Force is focused on raising the living standards of working families across the country. In addition, the American Recovery and Reinvestment Act provides a broad spectrum of support to families experiencing difficult times. It boosts child care and Head Start programs, essential not only to a child's future but also a parent's peace of mind in the workplace. Health care reform will provide security and stability for American families with insurance and affordable options for uninsured Americans.

As we continue to grow as a Nation, we must also be engaged members of our larger family, composed of our neighbors, our colleagues, and the community where we live. We must appreciate the diversity of other families' traditions; we must reach out to help families in need; and we must take more responsibility for the care and development of all children, not just our own.

In this season of Thanksgiving, we are grateful that, at our best, America is a collection of strong families, standing united to make our Nation a place of hope and opportunity for future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 22 through November 28, 2009, as National Family Week. I invite States, local communities, and individuals to join together in observing this week with appropriate ceremonies and activities to honor our Nation's families.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8457 of November 20, 2009

National Child's Day, 2009

By the President of the United States of America
A Proclamation

America's children deserve every opportunity to reach their fullest potential, and it is our responsibility to ensure they have the tools required to grow and flourish. This includes providing our young people with access to affordable, high-quality health care and an education that both informs and inspires. On National Child's Day, we celebrate the promise living within every child.

Ensuring the health and well-being of our Nation's children is one of our highest responsibilities. I was proud to sign the reauthorization of the Children's Health Insurance Program (CHIP), extending health care to millions of young Americans who were previously uninsured. When given proper nutrition and medical care, healthy children can become productive, healthy adults.

My Administration is also committed to giving our children the educational support necessary for their development and future success. That is why we announced our Race to the Top award program, which challenges States to compete for over $4 billion in grants designed to spur systemic reform and embrace innovative approaches to teaching and learning in America's schools. If we are willing to come together and embrace a spirit of common purpose, our schools will perform better and our students will reach farther.

Across America, countless individuals selflessly provide their time and energy in our homes, schools, and community organizations to ensure our sons and daughters may one day realize their dreams. Today, we recommit ourselves to the vision of our founders to give all our children a fair chance and an equal start in life.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 22, 2009, as National Child's Day. I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8458 of November 20, 2009

Thanksgiving Day, 2009

By the President of the United States of America
A Proclamation

What began as a harvest celebration between European settlers and indigenous communities nearly four centuries ago has become our cherished tradition of Thanksgiving. This day's roots are intertwined with those of our Nation, and its history traces the American narrative.

Today, we recall President George Washington, who proclaimed our first national day of public thanksgiving to be observed ''by acknowledging with grateful hearts the many and signal favors of Almighty God,'' and President Abraham Lincoln, who established our annual Thanksgiving Day to help mend a fractured Nation in the midst of civil war. We also recognize the contributions of Native Americans, who helped the early colonists survive their first harsh winter and continue to strengthen our Nation. From our earliest days of independence, and in times of tragedy and triumph, Americans have come together to celebrate Thanksgiving.

As Americans, we hail from every part of the world. While we observe traditions from every culture, Thanksgiving Day is a unique national tradition we all share. Its spirit binds us together as one people, each of us thankful for our common blessings.

As we gather once again among loved ones, let us also reach out to our neighbors and fellow citizens in need of a helping hand. This is a time for us to renew our bonds with one another, and we can fulfill that commitment by serving our communities and our Nation throughout the year. In doing so, we pay tribute to our country's men and women in uniform who set an example of service that inspires us all. Let us be guided by the legacy of those who have fought for the freedoms for which we give thanks, and be worthy heirs to the noble tradition of goodwill shown on this day.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 26, 2009, as a National Day of Thanksgiving. I encourage all the people of the United States to come together, whether in our homes, places of worship, community centers, or any place where family, friends and neighbors may gather, with gratitude for all we have received in the past year; to express appreciation to those whose lives enrich our own; and to share our bounty with others.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8459 of November 25, 2009

World AIDS Day, 2009

By the President of the United States of America
A Proclamation

Our Nation joins the world in celebrating the extraordinary advancements we have made in the battle against HIV and AIDS, and remembering those we have lost. Over the past three decades, brave men and women have fought devastating discrimination, stigma, doubt, and violence as they stood in the face of this deadly disease. Many of them would not be here today, but for the dedication of other persons living with HIV, their loved ones and families, community advocates, and members of the medical profession. On World AIDS Day, we rededicate ourselves to developing a national AIDS strategy that will establish the priorities necessary to combat this devastating epidemic at home, and to renewing our leadership role and commitments abroad.

Though we have been witness to incredible progress, our struggle against HIV/AIDS is far from over. With an infection occurring every nine-and-a-half minutes in America, there are more than one million individuals estimated to be living with the disease in our country. Of those currently infected, one in five does not know they have the condition, and the majority of new infections are spread by people who are unaware of their own status. HIV/AIDS does not discriminate as it infiltrates neighborhoods and communities. Americans of any gender, age, ethnicity, income, or sexual orientation can and are contracting the disease.

Globally, there are over 33 million people living with HIV. While millions have died from this disease, the death rate is slowly declining due, in part, to our Nation's global effort through the President's Emergency Plan for AIDS Relief (PEPFAR) program. However, HIV remains a leading cause of death worldwide. Women and children around the world are particularly vulnerable due to gender inequalities, gaps in access to services, and increases in sexual violence. While the statistics are distressing, new medications and scientific advancements give us reason for hope.

Tackling this disease will take an aggressive, steadfast approach. My Administration is developing a national HIV/AIDS strategy to bolster our response to the domestic epidemic, and a global health initiative that will build on PEPFAR's success. We will develop a strategy to reduce HIV incidence, improve access to care, and help eliminate HIV-related health disparities. We have already ensured that visitors to our shores living with HIV are not marginalized and discriminated against because of their HIV status. We have also secured the continuation of critical HIV/AIDS care and treatment services. Today, we recommit ourselves to building on the accomplishments of the past decades that have dramatically changed the domestic and global HIV/AIDS landscape.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2009, as World AIDS Day. I urge the Governors of the States and

the territories subject to the jurisdiction of the United States, and the American people to join in appropriate activities to remember those who have lost their lives to AIDS, and to provide support and comfort to those living with this disease.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8460 of December 2, 2009

Critical Infrastructure Protection Month, 2009

By the President of the United States of America
A Proclamation

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters. During Critical Infrastructure Protection Month, we pledge to work together to shelter our communities from the harm of uncertain threats.

My Administration is committed to ensuring our country's essential resources are safe and capable of recovering from disruptive incidents. The Department of Homeland Security is leading a coordinated national program to reduce risks and improve our national preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency. The Department, in collaboration with other Federal stakeholders, State, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing our resources and maintaining their resilience from all hazards during an event or emergency.

During Critical Infrastructure Protection Month, we rededicate ourselves to safeguarding and strengthening our Nation's infrastructure. Additionally, members of the public and private sectors should work with their appropriate State, regional, and local authorities to engage in critical infrastructure protection activities being coordinated across the country. Americans can learn more about the NIPP and its partnership framework by visiting: www.dhs.gov/criticalinfrastructure.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2009 as Critical Infrastructure Protection Month. I call upon the people of the United States to recognize the importance of partnering

to protect our Nation's resources and to observe this month with appropriate events and training to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8461 of December 2, 2009

National Impaired Driving Prevention Month, 2009

By the President of the United States of America
A Proclamation

Every day, people put themselves and their fellow Americans in danger on our Nation's roadways when they drive after consuming alcohol or after using legal and illegal drugs. During this holiday season, we must all be especially vigilant in protecting our families, friends, and neighbors from drivers who are under the influence of drugs or alcohol.

Although we have succeeded in decreasing the number of drunk drivers in recent years, we have seen a disturbing increase in Americans driving under the influence of drugs.

Operating a vehicle under the influence of drugs poses the same risks as drunk driving, and we must do more to stop this growing epidemic. Families, businesses, community organizations, and faith-based groups can promote substance abuse prevention as well as alternative sources of transportation for those under the influence of drugs or alcohol. Each of us can save lives in our own communities by encouraging our fellow citizens to drive responsibly.

My Administration is working hard to prevent impaired driving. The Department of Transportation's National Highway Traffic Safety Administration is again sponsoring the campaign known as ''Drunk Driving. Over the Limit. Under Arrest.'' This effort involves thousands of law enforcement agencies across America. Police will expand their efforts during the high-risk travel period between December 16, 2009, and January 3, 2010 to ensure that impaired drivers are stopped and arrested.

During National Impaired Driving Prevention Month, we are reminded of the importance of driving free from the influence of alcohol and drugs, and we renew our commitment to preventing the senseless loss of life that too often results from this irresponsible behavior. By working together, we can make our Nation's roadways safer for all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2009 as National Impaired Driving Prevention Month. I urge all

Americans to make responsible decisions and take appropriate measures to prevent impaired driving.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8462 of December 2, 2009

International Day of Persons With Disabilities, 2009

By the President of the United States of America
A Proclamation

This year, in an effort to renew our global commitment to human rights and fundamental freedoms for persons with disabilities, the United States became a proud signatory of the United Nations Convention on the Rights of Persons with Disabilities. This treaty represents a paradigm shift, urging equal protection and benefits for all citizens, and reaffirming the inherent dignity and independence of the 650 million people living with disabilities worldwide. Today, as we commemorate the International Day of Persons with Disabilities, we celebrate the skills, achievements, and contributions of persons with disabilities in America and around the world. We recognize the progress we have made toward equality for all, and we rededicate ourselves to ensuring individuals with disabilities can reach their greatest potential.

Despite our increased efforts, persons with disabilities continue to face barriers to their full participation in society. In the United States, Americans with disabilities still experience discrimination in the workplace and in their communities. In developing nations, 90 percent of children with disabilities do not attend school, and women and girls with disabilities are all too often subjected to deep discrimination. If we are to move forward as a people, both at home and abroad, all individuals must be fully integrated into our human family.

The International Day of Persons with Disabilities is a time to renew our commitment to the principles of empowerment, dignity, and equality. The United States has co-sponsored and joined consensus on the United Nations General Assembly Third Committee's resolution titled, ''Realizing the Millennium Development Goals for Persons with Disabilities.'' We must continue to embrace diversity and reject discrimination in all its forms, and insist on equality of opportunity and accessibility for all. Let our efforts remind us that when we work together, we can build a world free of unnecessary barriers and include every member of our international community.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 3, 2009, as International Day of Persons with Disabilities. I call on all Americans to observe this day with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8463 of December 4, 2009

National Pearl Harbor Remembrance Day, 2009

By the President of the United States of America
A Proclamation

President Franklin D. Roosevelt declared December 7, 1941, a ''date which will live in infamy.'' With over 3,500 Americans killed or wounded, the surprise attack by the Imperial Japanese on Pearl Harbor was an attempt to break the American will and destroy our Pacific Fleet. They succeeded in doing neither. On National Pearl Harbor Remembrance Day, we pay tribute to the brave men and women who made the ultimate sacrifice for our country, and we honor all those who selflessly served our Nation at home and abroad during World War II.

On a tranquil Sunday morning, as war raged around the globe, the attack on Pearl Harbor effectively ended American isolation—thrusting our Nation into action. Japanese airplanes had launched an unprovoked assault on our military with immense firepower, and our service members valiantly answered the call. They defended their positions, fought back against the attackers, and cared for the wounded. In that darkest hour, men and women who had considered themselves ordinary found within themselves the ability to do something extraordinary. And in the months and years that followed, Americans all across the country would respond to Pearl Harbor with firm resolve, many joining our Armed Forces to defend our shores and our freedom.

This courage is not uncommon in the story of America—a story of heroes whose sacrifice and valor speak to their love of comrades and country; and whose goodness guides our quest for lasting peace. Today, and every day, we draw strength from the moment when the best among us defended an island and a Nation from the onslaught of tyranny, and forever altered the course of our history.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as ''National Pearl Harbor Remembrance Day.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Monday, December 7, 2009, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff this December 7 in honor of those American patriots who died as a result of their service at Pearl Harbor.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand nine, and of the

Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8464 of December 9, 2009

Human Rights Day, Bill of Rights Day, And Human Rights Week, 2009

By the President of the United States of America
A Proclamation

More than 60 years ago, the United Nations General Assembly approved the Universal Declaration of Human Rights, declaring the ''inherent dignity'' and ''equal and inalienable rights'' of all human beings as the ''foundation of freedom, justice and peace in the world.'' This self-evident truth guides us today. Although every country and culture is unique, certain rights are universal: the freedom of people—including women and ethnic and religious minorities—to live as they choose, speak their minds, organize peacefully and have a say in how they are governed, with confidence in the rule of law. History shows that countries that protect these rights are ultimately more stable, secure, and successful.

In the United States, these fundamental rights are the core of our Declaration of Independence, our Constitution, and our Bill of Rights. They are the values that define us as a people, the ideals that challenge us to perfect our union, and the liberties that generations of Americans have fought to preserve at home and abroad. Indeed, fidelity to our fundamental values is one of America's greatest strengths and the reason we stand in solidarity with those who seek these rights, wherever they live.

Human Rights Day, Bill of Rights Day, and Human Rights Week must be our call to action. As Americans, we must keep striving to live up to our founding ideals. As a Nation, the United States will always side with the innocent whose rights are denied, the oppressed who yearn for equality, and all those around the world who strive for freedom. As members of what President Franklin Roosevelt called ''the human community,'' we will never waver in our pursuit of the rights, dignity, and security of every human being.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2009, as Human Rights Day; December 15, 2009, as Bill of Rights Day; and the week beginning December 10, 2009, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand nine, and of the

Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8465 of December 15, 2009

65th Anniversary of the Battle of the Bulge, 2009

By the President of the United States of America
A Proclamation

In December 1944, a brave band of American soldiers, stationed in the Ardennes Forest region on the Western Front of Europe, who were surrounded, poorly supplied and surviving in brutally cold conditions, took the brunt of a furious German assault. Their valor defined not just the beginning of the end of a World War, but also one of the greatest generations of Americans. Like patriots before them, they stood resolute, confident in their training, and determined to preserve those enduring American ideals of freedom and justice. On the 65th Anniversary of the Battle of the Bulge, a grateful Nation remembers the fallen who gave their lives in that critical battle, and we pay tribute to the heroes whose indomitable strength led to victory in World War II.

When asked about the Battle of the Bulge, British Prime Minister Sir Winston Churchill remarked, ''This is undoubtedly the greatest American battle of the war and will, I believe, be regarded as an ever-famous American victory.'' Confronting not just the advancing German Army, but the elements, American service members withstood the assault and eventually repelled the Nazi forces, but at tremendous cost in lives and wounded soldiers.

On this anniversary, we reflect on the enduring commitment of our Armed Forces in defending our liberty, as inspiring today as it was in 1944. The discipline and courage displayed in the Battle of the Bulge continues in Iraq, Afghanistan, and wherever our men and women in uniform are serving. They represent the best of our Nation and we are eternally grateful for their service and sacrifice.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Wednesday, December 16, 2009, as the 65th Anniversary of the Battle of the Bulge. I encourage all Americans to observe this solemn day of remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8466 of December 16, 2009

Wright Brothers Day, 2009

By the President of the United States of America
A Proclamation

For 12 seconds on December 17, 1903, a wooden aircraft took to the skies above Kitty Hawk, North Carolina, lifting two brothers from Dayton, Ohio, to their place in history. Their singular triumph triggered a revolution in transportation that would bridge the vast distances between continents and forever alter our world. Today, we honor the enduring American spirit of creativity and innovation that made the Wright Brothers' maiden flight possible.

Self-taught and financed by the proceeds of their bicycle shop, the Wright Brothers' success embodies our Nation's proud tradition of entrepreneurship. In pursuit of the ageless dream of controlled flight, they persevered through great challenges. Early design failures, a skeptical public, and the sheer danger of their endeavors often tempted the brothers to quit, but they forged ahead with firm resolve and bold experimentation to complete their ascent to greatness.

In these challenging times, the story of Orville and Wilbur Wright reminds us of what can be accomplished when imagination is joined with tenacity. Their spirit lives on in every garage and basement workshop where American innovators still tinker, invent, and discover. The next Wright Brothers are among us today, working tirelessly toward a breakthrough that will spark a new industry and improve countless lives.

We must do all we can to support our Nation's entrepreneurs. As we work toward a bright future powered by cutting-edge ideas and new technologies, we celebrate this day by looking back to the Wright Brothers, whose achievements affirm the limitless potential of American ingenuity.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as ''Wright Brothers Day'' and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim December 17, 2009, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8467 of December 23, 2009

To Modify Duty-Free Treatment Under the Generalized System of Preferences, and for Other Purposes

By the President of the United States of America
A Proclamation

1. Sections 501(1) and (4) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2461(1) and (4)), provide that, in affording duty-free treatment under the Generalized System of Preferences (GSP), the President shall have due regard for, among other factors, the effect such action will have on furthering the economic development of a beneficiary developing country and the extent of the beneficiary developing country's competitiveness with respect to eligible articles. Section 502(c)(2) of the 1974 Act (19 U.S.C. 2462(c)(2)) provides that, in determining whether to designate any country as a beneficiary developing country for purposes of the GSP, the President shall take into account various factors, including the country's level of economic development, the country's per capita gross national product, the living standards of its inhabitants, and any other economic factors he deems appropriate. Section 502(d) of the 1974 Act (19 U.S.C. 2462(d)) authorizes the President to withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any country after considering the factors set forth in sections 501 and 502(c) of the 1974 Act. Section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)) requires the President to notify the Congress and the affected country, at least 60 days before termination, of the President's intention to terminate the affected country's designation as a beneficiary developing country for purposes of the GSP.

2. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that the President shall terminate the designation of a country as a beneficiary developing country if the President determines that such country has become a ''high income'' country as defined by the official statistics of the International Bank for Reconstruction and Development. Termination is effective on January 1 of the second year following the year in which such determination is made.

3. Pursuant to section 502(e) of the 1974 Act, I have determined that Croatia has become a ''high income'' country, and I am terminating the designation of that country as a beneficiary developing country for purposes of the GSP, effective January 1, 2011.

4. Pursuant to section 502(e) of the 1974 Act, I have determined that Equatorial Guinea has become a ''high income'' country, and I am terminating the designation of that country as a beneficiary developing country for purposes of the GSP, effective January 1, 2011.

5. Section 502(a)(2) (19 U.S.C. 2462(a)(2)) of the 1974 Act provides that the President may designate any beneficiary developing country as a least-developed beneficiary developing country for purposes of the GSP, based on the considerations in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 19 U.S.C. 2462(c)).

6. Pursuant to section 502(d)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act, I have

determined that Cape Verde should be removed from the list of least-developed beneficiary countries.

7. In Proclamation 8272 of June 30, 2008, the President determined that Trinidad and Tobago had become a ''high income'' country, and the designation of Trinidad and Tobago as a beneficiary developing country for purposes of the GSP shall be terminated, effective January 1, 2010. I have determined that technical rectifications should be made to the Harmonized Tariff Schedule of the United States (HTS) to reflect that determination.

8. Pursuant to sections 501 and 502(a)(1) of the 1974 Act, the President is authorized to designate countries as beneficiary developing countries for purposes of the GSP and to provide duty-free treatment for eligible articles from beneficiary developing counties.

9. In Proclamation 6813 of July 28, 1995, the President suspended the designation of the Republic of Maldives (Maldives) as a beneficiary developing country under the GSP.

10. Pursuant to sections 501 and 502(a) of the 1974 Act, and taking into account the factors set forth in sections 501 and 502(c), I have determined that it is appropriate to terminate the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Maldives and to redesignate Maldives as a beneficiary developing country for purposes of the GSP.

11. On April 22, 1985, the United States and Israel entered into the Agreement on the Establishment of a Free Trade Area between the Government of the United States of America and the Government of Israel (the ''USIFTA''), which the Congress approved in the United States-Israel Free Trade Area Implementation Act of 1985 (the ''USIFTA Act'') (19 U.S.C. 2112 note).

12. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be required or appropriate to carry out the USIFTA.

13. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the ''2004 Agreement'').

14. In Presidential Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

15. On December 10, 2008, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2009, to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

16. In Presidential Proclamation 8334 of December 31, 2008, the President determined that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA to extend such duty-free treatment through December 31, 2009. In Proclamation 8334, the President modified the HTS to provide duty-free access into the United States through December 31, 2009, for specified quantities of certain agricultural products of Israel. In Proclamation 8405 of August 31, 2009, I further modified the HTS to provide the intended tariff treatment.

17. On December 6, 2009, the United States entered into a further agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2010, to allow for further negotiations on an agreement to replace the 2004 Agreement.

18. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2010, for specified quantities of certain agricultural products of Israel.

19. Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (NAFTA) with respect to the United States and, pursuant to the North American Free Trade Agreement Implementation Act (the ''NAFTA Implementation Act'') (Public Law 103–182), incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the NAFTA.

20. Section 202 of the NAFTA Implementation Act (19 U.S.C. 3332) provides rules for determining whether goods imported into the United States originate in the territory of a NAFTA party and thus are eligible for the tariff and other treatment contemplated under the NAFTA.

21. Presidential Proclamation 8405 of August 31, 2009, modified the HTS to provide for modifications to the rules of origin under the NAFTA. I have determined that technical corrections to the HTS are necessary to provide for the intended rules of origin.

22. Presidential Proclamation 7747 of December 30, 2003, implemented the United States-Singapore Free Trade Agreement (USSFTA) with respect to the United States, including certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USSFTA. I have determined that certain rules of origin under the USSFTA were inadvertently deleted in the HTS and that technical rectifications to the HTS are necessary to restore the intended rules of origin.

23. Presidential Proclamation 7746 of December 30, 2003, implemented the United States-Chile Free Trade Agreement (USCFTA) with respect to the United States, including certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USCFTA. I have determined that technical correc-

tions to the HTS are necessary to provide for the intended rules of origin.

24. Presidential Proclamations 7987 of February 28, 2006; 7991 of March 24, 2006; 7996 of March 31, 2006; 8034 of June 30, 2006; 8111 of February 28, 2007; and 8331 of December 23, 2008, implemented the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) with respect to the United States, including certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the CAFTA-DR. Section 203(f)(3)(A)(ii) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (the ''CAFTA-DR Act'') (19 U.S.C. 4033) provides rules of origin for certain yarns described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV)) (as in effect on the date of enactment of the CAFTA-DR Act).

25. Presidential Proclamations 8097 of December 29, 2006, and 8240 of April 17, 2008, modified the HTS pursuant to section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(a)) to conform it to amendments in the International Convention on the Harmonized Commodity Description and Coding System (the ''Convention''). They contained certain modifications that affected the rules of origin under the Andean Trade Preference Act. Modifications to the HTS are necessary to conform the rules of origin for certain yarns described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act to the Convention. I have determined that additional conforming changes to the HTS are necessary to provide for the intended rules of origin under the CAFTA-DR.

26. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act and section 4 of the USIFTA Act, do proclaim that:

(1) The designation of Croatia as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2011.

(2) In order to reflect this termination in the HTS, general note 4(a) of the HTS is modified by deleting ''Croatia'' from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2011.

(3) The designation of Equatorial Guinea as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2011.

(4) In order to reflect this termination in the HTS, general note 4(a) of the HTS is modified by deleting ''Equatorial Guinea'' from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2011. General note 4(b)(i) of the HTS is modified by deleting ''Equatorial Guinea'' from the list of least-developed beneficiary developing

countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2011.

(5) In order to reflect in the HTS the termination of the designation of Cape Verde as a least-developed beneficiary developing country for purposes of the GSP, general note 4(b)(i) of the HTS is modified by deleting ''Cape Verde'' from the list of least-developed beneficiary developing countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

(6) In order to reflect in the HTS the termination of the designation of Trinidad and Tobago as a beneficiary developing country for purposes of the GSP, general note 4(d) and general note 4(a) to the HTS, and the Rate of Duty 1-Special subcolumn for HTS subheading 7411.21.50, are modified as set forth in Annex I to this proclamation.

(7) In order to reflect in the HTS the redesignation of Maldives as a beneficiary developing country under the GSP, general note 4(a) is modified by adding in alphabetical order ''Maldives'' to the list of ''Independent Countries'' and by adding in alphabetical order ''Maldives'' to the list of ''Member Countries of the South Asian Association for Regional Cooperation (SAARC).''

(8) In order to make technical corrections and rectifications necessary to provide the intended rules of origin under the NAFTA, the USSFTA, and the USCFTA, the HTS is modified as set forth in Annex II to this proclamation.

(9) In order to reflect modifications to the HTS made to conform the rules of origin for certain yarns described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act to the Convention, general note 29 of the HTS is modified as set forth in Annex II to this proclamation.

(10) The modifications to the HTS set forth in Annexes I and II to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the respective annex.

(11) In order to implement U.S. tariff commitments under the 2004 Agreement through December 31, 2010, the HTS is modified as provided in Annex III to this proclamation.

(12)(a) The modifications to the HTS made by Annex III to this proclamation shall be effective with respect to goods that are the product of Israel and are entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

(b) The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex III to this proclamation, shall continue in effect through December 31, 2010.

(13) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A: Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010, General Note 4(d) to the Harmonized Tariff schedule of the United States (HTS) is modified as follows:

(1). Deleting the following subheading number and the country set out opposite such subheading number:

7411.21.50 Trinidad and Tobago

(2). Deleting the following country set out opposite the following subheading number:

2905.11.20 Trinidad and Tobago

Section B: Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010, the HTS is modified as follows:

(1). For the following subheading, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A*" and inserting an "A" in lieu therof:

7411.21.50

Section C: Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010, General Note 4(a) to the HTS is modified as follows:

Deleting from the section "Associations of Countries (treated as one country), Member Countries of the Caribbean Common Market (CARICOM), currently qualifying":

Trinidad and Tobago

ANNEX II

TECHNICAL CORRECTIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

In order to make technical corrections in the Harmonized Tariff Schedule of the United States (HTS), the following provisions of the HTS are hereby modified as follows:

1. Effective with respect to goods of Mexico or of Canada, under the terms of general note 12 to the HTS, that are entered, or withdrawn from warehouse for consumption, on or after October 2, 2009, subdivision (t) of such note is modified--

(a) by deleting from the subheading rule for chapter 7, chapter 8, chapter 9 (appearing immediately above tariff classification rule (TCR) 17), chapter 13 (appearing immediately above TCR 2) and chapter 20 (appearing immediately above TCR 2) the expression "(f)(I)" and by inserting in lieu thereof "(f)(i)";

(b) by deleting from TCR 44 for chapter 29 the number "2922.21" at each instance and by inserting in lieu thereof "2921.21"; and

(c) by deleting from TCR 44A for chapter 29 the number "2922.29" at each instance and by inserting in lieu thereof "2921.29".

2. Effective with respect to goods of Singapore, under the terms of general note 25 to the HTS, that are entered, or withdrawn from warehouse for consumption, on or after February 7, 2008, the following new TCRs for chapter 62 are inserted in subdivision (o) of such general note:

"72. A change to subheading 6212.10 from any other chapter, except from headings 5208 through 5212, 5407 through 5408, 5512 through 5516, 5803 through 5804, 5806 or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

72A. A change to subheading 6212.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, chapter 54 or headings 5508 through 5516, 5801 through 5802, or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

73. A change to subheading 6212.30 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802, or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

73A. A change to subheading 6212.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516, 5801 through 5802 or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both."

3. Effective with respect to goods of Chile, under the terms of general note 26 to the HTS, that are entered, or withdrawn from warehouse for consumption, on or after January 1, 2004, TCR 41 for chapter 85 as set forth in subdivision (n) of such general note is modified by deleting "8518.29 or" and by inserting in lieu thereof "8518.29 through" at each instance.

4. Effective with respect to goods of a Party to the Dominican Republic-Central America-United States Free Trade Agreement, as defined in subdivision (a) to general note 29 of the HTS, that are entered, or withdrawn from warehouse for consumption, on or after February 3, 2007, subdivision (d)(i)(B) of such general note 29 is modified by deleting "5402.10.30, 5402.10.60," and by inserting in lieu thereof "5402.11.30, 5402.11.60, 5402.19.30, 5402.19.60,"; and by deleting "5402.41.10, 5402.41.90," and by inserting in lieu thereof "5402.45.10, 5402.45.90,".

ANNEX III

TO EXTEND TEMPORARILY CERTAIN PROVISIONS OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered, or withdrawn from warehouse for consumption, on or after January 1, 2010 and before the close of December 31, 2010, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by deleting "December 31, 2009" and by inserting in lieu thereof "December 31, 2010."

2. U.S. note 3 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2010 466,000."

3. U.S. note 4 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2010 1,304,000."

4. U.S. note 5 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2010 1,534,000."

5. U.S. note 6 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2010 131,000."

6. U.S. note 7 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: "Calendar year 2010 707,000."

Proclamation 8468 of December 23, 2009

To Take Certain Actions Under the African Growth and Opportunity Act

By the President of the United States of America
A Proclamation

1. Section 506A(a)(1) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200) (AGOA), authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a ''beneficiary sub-Saharan African country'' if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the 1974 Act (19 U.S.C. 2462).

2. Section 104 of the AGOA authorizes the President to designate a country listed in section 107 of the AGOA as an ''eligible sub-Saharan African country'' if the President determines that the country meets certain eligibility requirements.

3. Section 112(c) of the AGOA, as added in section 6002 of the Africa Investment Incentive Act of 2006 (Division D, title VI of Public Law 109–432) (19 U.S.C. 3721(c)), provides special rules for certain apparel articles imported from ''lesser developed beneficiary sub-Saharan African countries.''

4. In Proclamation 7350 of October 2, 2000, President Clinton designated the Republic of Guinea (Guinea), the Republic of Madagascar (Madagascar), and the Republic of Niger (Niger) as beneficiary sub-Saharan African countries pursuant to section 506A(a) of the 1974 Act and provided that they would be considered lesser developed beneficiary sub-Saharan African countries for purposes of section 112(b)(3)(B) (subsequently redesignated as section 112(c)) of the AGOA.

5. Section 506A(a)(3) of the 1974 Act (19 U.S.C. 2466a(a)(3)) authorizes the President to terminate the designation of a country as a beneficiary sub-Saharan African country for purposes of section 506A if he determines that the country is not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act.

6. Pursuant to section 104 of the AGOA and section 506A(a)(1) of the 1974 Act, I have determined that the Islamic Republic of Mauritania (Mauritania) meets the eligibility requirements set forth or referenced therein, and I have decided to designate Mauritania as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

7. Mauritania satisfies the criterion for treatment as a ''lesser developed beneficiary sub-Saharan African country'' under section 112(c) of the AGOA.

8. Pursuant to section 506A(a)(3) of the 1974 Act, I have determined that Guinea, Madagascar, and Niger are not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act. Accordingly, I have decided to terminate the designations of

Guinea, Madagascar, and Niger as beneficiary sub-Saharan African countries for purposes of section 506A of the 1974 Act, effective on January 1, 2010.

9. Section 604 of the 1974 Act (19 U.S.C. 2483), as amended, authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of relevant provisions of that Act, or other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 104 of the AGOA (19 U.S.C. 3703), and title V and section 604 of the 1974 Act (19 U.S.C. 2461–67, 2483), do proclaim that:

(1) Mauritania is designated as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

(2) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries ''Islamic Republic of Mauritania.''

(3) For purposes of section 112(c) of the AGOA, Mauritania is a lesser developed beneficiary sub-Saharan African country.

(4) The designations of Guinea, Madagascar, and Niger as beneficiary sub-Saharan African countries for purposes of section 506A of the 1974 Act are terminated, effective on January 1, 2010.

(5) In order to reflect in the HTS that beginning on January 1, 2010, Guinea, Madagascar, and Niger shall no longer be designated as beneficiary sub-Saharan African countries, general note 16(a) to the HTS is modified by deleting ''Republic of Guinea,'' ''Republic of Madagascar,'' and ''Republic of Niger'' from the list of beneficiary sub-Saharan African countries.

Further, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by deleting ''Republic of Guinea,'' ''Republic of Madagascar,'' and ''Republic of Niger'' from the list of lesser developed beneficiary sub-Saharan African countries.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

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